

Estimate of Anticipated NOx Reductions (5.2.3): The projected 10-year vehicle lifetime NOx emission benefits from replacing an estimated 103 older diesel trucks with all-electric, diesel, CNG, and hybrid, is estimated to be 106 tons. In addition, greenhouse gases will be reduced from these truck replacement projects. The USEPA Diesel Emission Quantifier was used to estimate anticipated NOx reductions from this project. Final NOx emission reductions will be calculated based on projects completed under this mitigation action.

Please note: Anticipated NOx reductions are based on the Total Project Cost as detailed in Attachment B.

Identification of Governmental Entity Responsible for Reviewing and Auditing Expenditures of Eligible Mitigation Action Funds to Ensure Compliance with Applicable Law (5.2.7.1):

New York City Department of Transportation

Describe how the Beneficiary will make documentation publicly available (5.2.7.2).

New York State submitted an Appendix D-3, Certification for Beneficiary Status Under Environmental Trust Agreement, on November 1, 2017, in which the State of New York (NYS) agreed to maintain and make publicly available all documentation and records:

- (i) submitted by it in support of each funding request; and
- (ii) supporting all expenditures of the Trust Fund by the State of New York, each until the Termination Date of the Trust pursuant to Paragraph 6.8 of the Trust Agreement. These records will be made accessible to the public through the lead agency, New York State Department of Environmental Conservation (NYSDEC), website at: <http://www.dec.ny.gov/chemical/109784.html>

Documentation will be available to the public in an easy to access, publicly available webpage. Links to the documents will be contained in a table developed by the NYSDEC utilizing Appendix D-2 eligible mitigation action categories in chronological order based on DEC submission date to the Trustee. All expenditures made by the Trustee to designated NYS recipients will be formatted in a similar manner. DEC will update the webpage within 10 days of a funding request made to the Trustee, or receipt of a Trustee payment. All necessary or publicly available records associated with DEC funding requests and Trustee payments will be provided in Adobe PDF format or equivalent as determined by the DEC website administrator.

The DEC website will make these records available to the public through a link on the NYSDEC main webpage. The NYSDEC VW Settlement site can also be easily located through a search engine result of entering "NYSDEC VW Settlement."

Describe any cost share requirement to be placed on each NOx source proposed to be mitigated (5.2.8). VW funding, provided through the NYCDOT NYC CTP funds a portion of the cost of an eligible, new replacement truck. The level of VW funding depends on the NYS county of vehicle registration, vehicle type (e.g., fuel type, weight class), and/or availability of alternate funding sources.

An incentive schedule (e.g., table) was established prior to the program launch and is displayed on NYCDOT's public NYC CTP website in combination with the NYSERDA NYTVIP truck replacement program public website. The vehicle-specific (by make/model) incentive amount is based on, the lesser of either:

- i) a percentage of the new vehicle incremental cost, or
- ii) a weight class-based (i.e., Class 8) cap.

New vehicle incremental cost is defined as the cost difference between a new diesel truck and the equivalent eligible new, all-electric, alternative fueled, or diesel truck. The outstanding balance of the new replacement vehicle after the NYCDOT NYC CTP incentive is provided by the vehicle owner or lessee.

Describe how the Beneficiary complied with subparagraph 4.2.8, related to notice to U.S. Government Agencies (5.2.9).

NYSDEC (lead agency) notified the U.S. Government agencies as prescribed in 5.2.9 via email on February 9, 2018. See attached Notice of Availability of Mitigation Action Funds.

If applicable, describe how the mitigation action will mitigate the impacts of NOx emissions on communities that have historically borne a disproportionate share of the adverse impacts of such emissions (5.2.10).

New York State's Beneficiary Mitigation Plan, Clean Transportation NY, describes the overall goals of improving air quality and accelerating the transition to zero emission transportation through funding made available under the Volkswagen Trust. These air quality improvement goals include reducing nitrogen oxides (NOx), greenhouse gases, particulate matter, hydrocarbon, and mobile source air toxics emissions throughout the state. Funding those projects described in the Plan will result in significant NOx reductions while accelerating the transformation to a zero-tailpipe emission transportation system. Projects are located throughout New York State, with a particular focus on communities and neighborhoods subject to a disproportionate amount of air pollution from diesel-powered vehicles and equipment. The NYCDOT NYC CTP completed targeted outreach to fleets with trucks domiciled in, or operated near, NYSERDA defined Disadvantaged Communities and will report on the award of incentives for trucks in these areas.

This Class 8 truck replacement project will lower NOx emissions and improve local air quality by replacing older diesel powered, higher emitting trucks that frequent residential areas. These replacement trucks are certified to much lower emission standards and will improve local air quality in communities that that have historically borne a disproportioned share of the adverse impact of diesel exhaust emissions.

ATTACHMENTS
(CHECK BOX IF ATTACHED)

- Attachment A Funding Request and Direction.
- Attachment B Eligible Mitigation Action Management Plan Including Detailed Budget and Implementation and Expenditures Timeline (5.2.4).
- Attachment C Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11).
- Attachment D Detailed cost estimates from selected or potential vendors for each proposed expenditure exceeding \$25,000 (5.2.6). [Attach only if project involves vendor expenditures exceeding \$25,000.]
- Attachment E DERA Option (5.2.12). [Attach only if using DERA option.]
- Attachment F Attachment specifying amount of requested funding to be debited against each beneficiary's allocation (5.2.13). [Attach only if this is a joint application involving multiple beneficiaries.]

CERTIFICATIONS

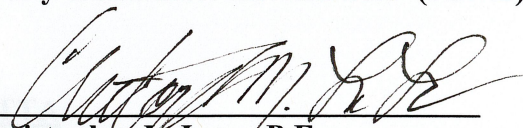
By submitting this application, the Lead Agency makes the following certifications:

1. This application is submitted on behalf of Beneficiary State of New York, and the person executing this certification has authority to make this certification on behalf of the Lead Agency and Beneficiary, pursuant to the Certification for Beneficiary Status filed with the Court.
2. Beneficiary requests and directs that the Trustee make the payments described in this application and Attachment A to this Form.
3. This application contains all information and certifications required by Paragraph 5.2 of the Trust Agreement, and the Trustee may rely on this application, Attachment A, and related certifications in making disbursements of trust funds for the aforementioned Project ID.
4. Any vendors were or will be selected in accordance with a jurisdiction's public contracting law as applicable. (5.2.5)
5. Beneficiary will maintain and make publicly available all documentation submitted in

support of this funding request and all records supporting all expenditures of eligible mitigation action funds subject to applicable laws governing the publication of confidential business information and personally identifiable information. (5.2.7.2)

DATED:

8/1/22



Christopher LaLone, P.E.
Division Director, Division of Air Resources

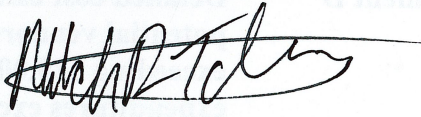
New York State Department of Environmental Conservation

[LEAD AGENCY]

for

State of New York

[BENEFICIARY]



ATTACHMENTS B, C, D TO APPENDIX D-4

ATTACHMENT B TO APPENDIX D-4

Action Title: NYCDOT 'NYC CLEAN TRUCK PROGRAM' – Class 8 Truck Replacements

Eligible Mitigation Action Management Plan including Detailed Budget and Implementation and Expenditures Timeline. (5.2.4)

Implementation and Expenditures Milestones and Timeline

Milestone	Date
DEC and NYCDOT sign Cooperative Agreement for VW Funding for truck replacement projects	02/26/2020 (actual)
DEC provides NYCDOT with "Notice to Proceed"	02/27/2020 (actual)
NYCDOT provides DEC with Project Budget Plan as required in Cooperative Agreement	02/10/2020 (actual)
DEC submits Project Certification and Funding Direction to Trustee for 33.3% of Advance Funding available under this Cooperative Agreement	03/02/2020 (actual)
Trustee acknowledges receipt of Project Certification and Funding Direction	03/02/2020 (actual)
Trustee allocates Advance Funding to NYCDOT	05/01/2020 (actual)
NYCDOT posts information and application material on NYCDOT 'NYC CLEAN TRUCK PROGRAM'; NYCDOT provides outreach efforts to notify stakeholders of availability of funds	06/03/2020 (actual)
Review of submitted applications begins	06/04/2020 (actual)
Initial notification of approved voucher applicants begins	06/08/2020 (actual)
Formal approval of approved voucher applicants begins	08/19/2020 (actual)
NYCDOT completes projects representing 25% of total funding available under this Cooperative Agreement and submits documentation to DEC	07/22/2022 (actual)
DEC submits Funding Direction to Trustee for additional 33.3% of Advance Funding available under this Cooperative Agreement	08/04/2022 (estimated)
NYCDOT completes projects representing 50% of total funding available under this Cooperative Agreement and submits documentation to DEC	CY 2023, Q2 (estimated)
DEC submits Funding Direction to Trustee for remaining balance of Advance Funding available under this Cooperative Agreement	CY 2023, Q2 (estimated)
End of incentive period	08/27/2023 (actual)
Deadline for completion of truck replacement projects	02/27/2028 (actual)

NYCDOT provides detailed invoices for all claimed project costs, documentation for emission reduction estimates, required certification documents to DEC to support final project accounting	04/27/2028 (estimated)
NYCDOT returns all unused funds to Trustee	04/27/2028 (estimated)
NYCDOT certifies project completion	04/27/2028 (estimated)
DEC reports project completion	05/27/2028 (estimated)

Date	Milestones
03/26/2028 (actual)	DEC and NYCDOT sign Cooperative Agreement for VW funding for truck replacement projects
02/22/2020 (actual)	DEC provides NYCDOT with "Notice to Proceed"
02/10/2020 (actual)	NYCDOT provides DEC with Project Budget Plan as required in Cooperative Agreement
03/02/2020 (actual)	DEC submits Project Certification and Funding Direction to Trustee for 33.3% of Advance funding available under the Cooperative Agreement
03/02/2020 (actual)	Trustee acknowledges receipt of Project Certification and Funding Direction
02/01/2020 (actual)	Trustee allocates Advance funding to NYCDOT
06/03/2020 (actual)	NYCDOT posts information and application material on NYCDOT 'NYC CLEAN TRUCK PROGRAM'; NYCDOT provides outreach efforts to notify stakeholders of availability of funds
06/04/2020 (actual)	Review of submitted applications begins
06/08/2020 (actual)	Initial notification of approved voucher applicants begins
08/19/2020 (actual)	Formal approval of approved voucher applicants begins
07/22/2022 (actual)	NYCDOT completes projects representing 25% of total funding available under the Cooperative Agreement and submits documentation to DEC
08/04/2022 (estimated)	DEC submits Funding Direction to Trustee for additional 33.3% of Advance funding available under the Cooperative Agreement
CY 2023-Q2 (estimated)	NYCDOT completes projects representing 50% of total funding available under the Cooperative Agreement and submits documentation to DEC
CY 2023-Q2 (estimated)	DEC submits Funding Direction to Trustee for remaining balance of Advance funding available under the Cooperative Agreement
08/27/2028 (actual)	End of incentive period
01/27/2028 (actual)	Deadline for completion of truck replacement projects

Project Budget

(Mitigation Action Item #1) – Class 8 Local Freight Trucks and Port Drayage (Large Trucks). Large trucks eligible to be replaced include 1992-2009 engine model year Class 8 Local Freight or Drayage trucks.

Item #1 Incentive Costs: \$5,250,000

Item #1 Administrative Costs (Capped at 10%): \$525,000

Funding Method: Advance

Procurement Method: Voucher Incentive

DEC will direct VW Settlement funding to the NYCDOT 'NYC CLEAN TRUCK PROGRAM' in three equal advance payments at 1/3 of the total amount payable as project completion milestones are met. 1/3 of the funding will be available at the start of the truck replacement project, the next 1/3 of funding becomes available when 25% of the truck replacement projects are complete, and the final 1/3 of funding becomes available when 50% of the truck replacement projects are complete.

Total Project Budget

Project	Truck Funding Amount	Administrative Costs	Total Project Cost
EMA 1: Class 8 Trucks	\$5,250,000	\$525,000	\$5,775,000

Funding Milestones

Initial Advance Funding Amount (DEC submission date 3/2/20)	\$1,925,000
Second round of funding when 25% of projects completed	\$1,925,000
Third round of funding when 50% of projects completed	\$1,925,000
Total Project Cost	\$5,775,000

ATTACHMENT C to APPENDIX D-4

Action Title: NYCDOT 'NYC CLEAN TRUCK PROGRAM' – Class 8 Truck Replacements

Detailed Plan for Reporting on Eligible Mitigation Action Implementation (5.2.11)

New York State Department of Environmental Conservation will meet the requirements of Appendix D to the Partial Consent Decree, section 5.3:

5.3 Beneficiary Reporting Obligations: *For each Eligible Mitigation Action, no later than six months after receiving its first disbursement of Trust Assets, and thereafter no later than January 1 and July 1 of each year, each Beneficiary shall serve upon the Trustee, a semiannual report describing the progress implementing each Eligible Mitigation Action during the six-month period leading up to the reporting date (including a summary of all costs expended on the Eligible Mitigation Action through the reporting date). Such reports shall include a complete description of the status (including actual or projected termination date), development, implementation, and any modification of each approved Eligible Mitigation Action.*

Beneficiaries may group multiple Eligible Mitigation Actions and multiple sub-beneficiaries into a single report. These reports shall be signed by an official with the authority to submit the report for the Beneficiary and must contain an attestation that the information is true and correct and that the submission is made under penalty of perjury. To the extent a Beneficiary avails itself of the DERA Option described in Appendix D-2, that Beneficiary may submit its DERA Quarterly Programmatic Reports in satisfaction of its obligations under this subparagraph as to those Eligible Mitigation Actions funded through the DERA Option. The Trustee shall post each semiannual report on the Trust's public-facing website upon receipt.

DEC will post its semiannual reports made to the Trustee on the public-facing website for New York's Volkswagen Settlement at <https://www.dec.ny.gov/chemical/109784.html>.

PROJECTED TRUST ALLOCATIONS: New York State

Project Name	Funding Request #	EMA #	Cooperative Agreement # *	Cumulative Approved Funding Requests	2022 Pending Funding Requests Undergoing WT Review	2022 Anticipated Additional Funding Requests	2023 Anticipated Funding Requests	2024 Anticipated Funding Requests	Total Project Allocations
NYSERDA Class 8 Trucks	1	1	CA11434	\$ 1,320,000.00		\$ 1,320,000.00	\$ 1,320,000.00		\$ 3,960,000.00
NYSERDA Class 4-7 Trucks	2	6	CA11434	\$ 1,760,000.00		\$ 1,760,000.00	\$ 1,760,000.00		\$ 5,280,000.00
NYSERDA Transit Buses	3	2	CA11725	\$ 6,116,000.00					Transit Bus CA11725 1st Advance \$
NYCDOT Clean Truck Class 4-7	4	6	CA11728	\$ 1,358,500.00		\$ 1,358,500.00	\$ 1,358,500.00		\$ 4,075,500.00
NYCDOT Clean Truck Class 8	5	1	CA11728	\$ 1,925,000.00		\$ 1,925,000.00	\$ 1,925,000.00		\$ 5,775,000.00
NYPA Transit Bus EVSE	6	2	CA11699	\$ 2,000,000.00					NYPA Transit Bus EVSE CA11699 1st Advance \$
NYSERDA DCFC EVSE	7	9	CA11943	\$ 6,050,000.00		\$ 6,050,000.00			\$ 12,100,000.00
NYSERDA Charge Ready NY- Light Duty EVSE	8	9	CA11863	\$ 5,500,000.00					\$ 5,500,000.00
NYSERDA School Bus	9	2	CA11813	\$ 4,400,000.00		\$ 4,400,000.00	\$ 4,400,000.00		\$ 13,200,000.00
NYSERDA Transit Buses	10	2	CA11725	\$ 25,000,000.00		\$ 5,232,000.00			\$ 36,348,000.00
NYSERDA Cargo Handling	11	8	CA11912	\$ 990,000.00					\$ 990,000.00
NYPA Transit Bus EVSE	12	2	CA11699	\$ 7,456,000.00			\$ 2,000,000.00		\$ 11,456,000.00
SI Ferry Engine Replacements	13	4	CA12061	\$ 1,100,000.00			\$ 220,000.00		\$ 1,320,000.00
PANYNJ Drayage Trucks	14	10	CA12751	\$ 485,000.00			\$ 970,000.00		\$ 1,445,000.00
NYPA Municipal Light Duty EVSE	15	9	CA12016	\$ 220,000.00		\$ 55,000.00			\$ 275,000.00
NYCDOT Clean Truck Class 4-7	16	6	CA11728		\$ 1,358,500.00		\$ 1,358,500.00		NYCDOT Clean Truck Class 4-7 CA11728 Second Advance \$
NYCDOT Clean Truck Class 8	17	1	CA11728		\$ 1,925,000.00		\$ 1,925,000.00		NYCDOT Clean Truck Class 8 CA11728 Second Advance \$
Totals				\$ 65,680,500.00	\$ 3,283,500.00	\$ 22,100,500.00	\$ 17,237,000.00	\$ -	\$ 101,724,500.00

Approved by WT (Date)	Received by Project Sponsor (Date)
12/9/2020	12/17/2020
12/12/2020	12/17/2020
2/18/2020	2/27/2020
5/1/2020	5/19/2020
5/1/2020	5/19/2020
8/10/2020	8/27/2020
9/21/2020	10/2/2020
9/21/2020	10/2/2020
10/1/2020	10/2/2020
5/3/2021	5/13/2021
5/4/2021	5/13/2021
7/6/2021	7/30/2021
11/3/2021	11/23/2021
5/6/2022	6/2/2022
7/26/2022	

Total Available New York VW Funding (with no accumulated interest added)	Remaining Balance of Available New York VW Trust after:					Total Remaining Balance not Allocated
	Balance After Approved Funding Requests	Balance After Pending Funding Requests	Balance After 2020 Anticipated Additional Funding Requests	Balance After 2021 Anticipated Funding Requests	Balance After 2022 Anticipated Funding Requests	
\$ 127,701,807.00	\$ 62,021,307.00	\$ 58,737,807.00	\$ 36,637,307.00	\$ 19,400,307.00	\$ 19,400,307.00	\$ 25,977,307.00

* Additional Cooperative Agreements for VW funded projects are under development

Check Sum	\$ 127,701,807.00
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Percent Obligated	79.7%
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ATTACHMENT D to APPENDIX D-4

Action Title: NYCDOT 'NYC CLEAN TRUCK PROGRAM' – Class 8 Truck Replacements

Detailed Costs Estimates from Selected Potential Vendors for Each Proposed Expenditure Exceeding \$25,000 (5.2.6)

DEC will direct VW Trust funding to the NYCDOT 'CLEAN TRUCK PROGRAM' in the form of advance payments for Class 8 truck replacement project incentives. Cost estimates from selected trucks vendors will be part of the 'CLEAN TRUCK PROGRAM'. Preliminary cost estimates for Class 8 trucks (all-electric, diesel, CNG, hybrid) are provided in the table below.

Preliminary Class 8 Truck Cost Estimates

Class 8 Truck Category	Number of Units	Cost per Unit	Total Cost
All-Electric	6	\$185,000	\$1,110,000
Diesel	54	\$30,000	\$1,620,000
CNG	31	\$60,000	\$1,860,000
Hybrid	12	\$55,000	\$660,000
		Total Budget	\$5,250,000