

**APPENDIX D-4**  
**Beneficiary Eligible Mitigation Action Certification**

State of New York  
New York State Department of Environmental Conservation –  
New York Power Authority  
Cooperative Agreement #CA12016  
Eligible Mitigation Action Item 9:  
NYPA Municipal Light Duty Electric Vehicle Supply  
Equipment Advance Funding Request 22

# BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

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Beneficiary: State of New York

Lead Agency Authorized to Act on Behalf of the Beneficiary: New York State Department of Environmental Conservation (NYSDEC)

*(Any authorized person with delegation of such authority to direct the Trustee delivered to the Trustee pursuant to a Delegation of Authority and Certificate of Incumbency)*

<b>Action Title:</b>	<b>NYPA: Municipal DCFC Light Duty EVSE</b>
<b>Beneficiary's Project ID:</b>	CA12016.MAI9
<b>Funding Request No.</b>	<i>(sequential)</i> 22
<b>Request Type: (select one or more)</b>	<input type="checkbox"/> Reimbursement <span style="float: right;"><input checked="" type="checkbox"/> Advance</span> <input type="checkbox"/> Other (specify): _____
<b>Payment to be made to: (select one or more)</b>	<input type="checkbox"/> Beneficiary <input checked="" type="checkbox"/> Other (specify): <u>New York Power Authority</u>
<b>Funding Request &amp; Direction (Attachment A)</b>	<input checked="" type="checkbox"/> Attached to this Certification <input type="checkbox"/> To be Provided Separately

## SUMMARY

**Eligible Mitigation Action Type** Appendix D-2, Mitigation Action 9. Municipal DCFC Light Duty Zero Emission Vehicle Supply Equipment (EVSE). This funding request directs VW Trust funding to NYPA to support municipal DCFC light duty EVSE.

**Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1):** VW funding directed to NYPA to support DCFC light duty EVSE projects with the Jamestown Board of Public Utilities. NY installed 4 DCFC chargers in Jamestown to support the usage and adoption of electric vehicles as stated in New York's Beneficiary Mitigation Plan (BMP). Up to \$19.2 million of New York's allocation from the VW Mitigation Trust has been proposed for EMA 9: Light Duty Zero Emission Vehicle Supply Equipment. See: [https://www.dec.ny.gov/docs/air\\_pdf/vwcleantransportplan19.pdf](https://www.dec.ny.gov/docs/air_pdf/vwcleantransportplan19.pdf) (pp. 1 & 23.)

**Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2):** DCFC EVSE funding will support the usage and adoption of light duty zero emission vehicles in the Jamestown, New York area, including in disadvantaged communities (DAC). Increased light duty zero emission vehicle usage will displace light duty conventional gasoline vehicle usage and associated exhaust emissions. Light duty zero emission vehicles will decrease nitrogen oxides (NOx) emissions and improve local air quality.

**Estimate of Anticipated NOx Reductions (5.2.3):** The projected NOx emission reductions over 10 years through this funding of EVSE is estimated to be 0.12 tons. The NOx reductions will be made possible by enabling an increase usage of light duty zero emission vehicles to displace an equal amount of light duty conventional gasoline and diesel vehicle miles traveled.

In addition, greenhouse gases, carbon monoxide (CO), particulate matter (PM), and volatile organic carbons (VOCs) will be reduced from this EVSE project. Final NOx emissions reductions will be calculated based on projects completed under this mitigation action.

**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 Power Authority

**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 NYPA's DCFC EVSE program with Jamestown BPU, will fund an eligible portion of DCFC light duty EVSE equipment and installation costs, consistent with Appendix D-2 Mitigation Action Item #9 "up to" funding percentages. DCFC EVSE documented costs will be reviewed to ensure compliance with Appendix D-2. Jamestown BPU located all DCFC sites within a DEC identified disadvantaged community.

**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. The project is located in Jamestown, New York and is located in disadvantaged communities subject to a disproportionate amount of air pollution from diesel-powered vehicles and equipment. NYPA and Jamestown BPU conducted public outreach to notify residents and electric vehicle owners of the funded DCFC EVSE located within the identified DEC disadvantaged community area.

This light duty EVSE charging infrastructure project will lower NOx emissions and improve local air quality by supporting the adoption and expansion of light duty electric vehicles that operate throughout New York and often operate in communities that that have historically borne a disproportionate 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: 3/19/2024



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

New York State Department of Environmental Conservation

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**[LEAD AGENCY]**

**for**

**State of New York**

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**[BENEFICIARY]**



**ATTACHMENTS B, C, D TO APPENDIX D-4**

**ATTACHMENT B TO APPENDIX D-4**

**Action Title: PANYNJ Drayage Truck Replacement Program – Item 10 DERA Option**

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

**Implementation and Expenditures Milestones and Timeline**

<b>EVSE Location Milestone</b>	<b>Date</b>
DEC and NYPA sign Cooperative Agreement for VW Funding for municipal DCFC light duty EVSE	2/1/22 (actual)
DEC provides NYPA with “Notice to Proceed”	2/1/22 (actual)
NYPA provides DEC with Project Budget Plan and Program Guides as required in Cooperative Agreement	3/1/22
NYPA provides DEC with Community Outreach Plan as required in Cooperative Agreement	3/1/22
DEC submits Project Certification and Funding Direction to Trustee for 80% (\$220,000) of Advance Funding available under this Cooperative Agreement	5/19/22 (actual)
Trustee Acknowledges Receipt of Project Certification and Funding Direction	CY 2022, Q2 (est)
Trustee allocates Initial Advance Funding to NYPA	8/4/22 (actual)
NYPA completes projects representing 60% of total funding available under this Cooperative Agreement and submits documentation to DEC	4/22/22 (actual)
DEC submits Funding Direction to Trustee for remaining balance (up to \$55,000) of Advance Funding available under this Cooperative Agreement	3/19/24
Trustee Acknowledges Receipt of Project Certification and Funding Direction	CY 2024, Q1 (est)
Trustee allocates Advance Funding to NYPA	CY 2024, Q2 (est)
End of 36-month Incentive Period for Municipal DCFC EVSE (from Notice to Proceed)	CY 2025 Q1 (est)
NYPA provides detailed invoices for all claimed project costs, documentation for emission reduction estimates, required certification documents to DEC to support final project accounting	3/5/24 (actual)
NYPA returns any unused funds to Trustee	CY 2025, Q2 (est)
NYPA certifies project completion	CY 2030, Q1 (est)
DEC reports project completion	CY 2030, Q1 (est)

**Project Budget**

**(Mitigation Action Item #9)** – Light Duty Zero Emission Vehicle Supply Equipment.

Item #1 Incentive Costs: \$250,000

Item #1 Administrative Costs (Capped at 10%): \$25,000

Funding Method: Advance

Procurement Method: Rebate Program

DEC will direct VW Settlement funding to the NYPA Municipal Light Duty DCFC Electric Vehicle Supply Equipment Program in two advance payments.

**Total Project Budget**

<b>Project</b>	<b>EVSE Funding Amount</b>	<b>Administrative Costs</b>	<b>Total Project Cost</b>
EMA 9: Light Duty DCFC EVSE	\$250,000	\$25,000	\$275,000

**Funding Milestones**

Initial Advance Funding Amount	\$220,000
Second round of funding when 60% of projects completed	\$21,991.20
<b>Total Project Cost</b>	<b>\$241,991.20</b>



**ATTACHMENT C to APPENDIX D-4**

**Action Title: NYPA Municipal DCFC Light Duty EVSE – Item 9 Light Duty Zero Emission Vehicle Supply Equipment**

**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>.

**ATTACHMENT D to APPENDIX D-4**

**Action Title: NYPA Municipal DCFC Light Duty EVSE – Item 9 Light Duty Zero Emission Vehicle Supply Equipment**

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

DEC will direct VW Trust funding to the NYPA Municipal DCFC Light duty EVSE Program in the form of advance payments for DCFC light duty EVSE charging infrastructure project incentives. Actual costs from selected EVSE vendors will be part of the NYPA Municipal DCFC Light duty EVSE Program. Final costs for DCFC light duty EVSE are provided in the table below.

**Final DCFC light duty EVSE Costs**

<i>Light Duty EVSE</i>	<i>Number of Units</i>	<i>Max Cost per Unit</i>	<i>Total Cost</i>
<i>DCFC</i>	<i>4</i>	<i>\$54,998</i>	<i>\$219,992</i>