

APPENDIX D-4
Beneficiary Eligible Mitigation Action Certification

State of New York
New York State Department of Environmental Conservation – Port Authority of New
York and New Jersey Cooperative Agreement #CA12430
Eligible Mitigation Action Item 7:
Airport Ground Support Equipment and Associated Charging Equipment Reimbursement
Funding Request 26

BENEFICIARY ELIGIBLE MITIGATION ACTION CERTIFICATION

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)

Action Title:	PANYNJ: EMA7: Airport Ground Support Equipment & Associated Charging Equipment
Beneficiary's Project ID:	CA12430.MAI7
Funding Request No.	(sequential) 26
Request Type: (select one or more)	☒ Reimbursement ☐ Advance ☐ Other (specify): _____
Payment to be made to: (select one or more)	☐ Beneficiary ☒ Other (specify): <u>Port Authority of New York and New Jersey</u>
Funding Request & Direction (Attachment A)	☒ Attached to this Certification ☐ To be Provided Separately

SUMMARY

Eligible Mitigation Action Type Appendix D-2, Mitigation Action 7. Airport Ground Support Equipment and Associated Charging Equipment.

Explanation of how funding request fits into Beneficiary's Mitigation Plan (5.2.1): VW funding will provide incentives to replace older diesel- and gasoline-powered airport ground support equipment with new, all-electric airport ground support equipment as stated in New York's Beneficiary Mitigation Plan (BMP). Up to \$3.2 million in New York's allocation from the VW Mitigation Trust has been proposed for EMA 7: Airport Ground Support Equipment and Associated Charging Equipment. See: https://extapps.dec.ny.gov/docs/air_pdf/vwcleantransportplan.pdf (pp. 1, 16, and 21.)

Detailed Description of Mitigation Action Item Including Community and Air Quality Benefits (5.2.2): Incentive funding will replace older ground support equipment at John F. Kennedy International Airport, which is located in Disadvantaged Communities. The new replacement ground support equipment will be equipped with electric engines resulting in significantly decreased NOx emissions and improved local air quality. New electric vehicle charging equipment will also be installed to charge the new electric ground support equipment. Existing, older diesel- and gasoline-powered ground support equipment will be scrapped.

Estimate of Anticipated NOx Reductions (5.2.3): The projected NOx emission benefits from replacing 16 older diesel- or gasoline-powered ground support equipment with all-electric ground support equipment is estimated to be 277 tons over 10 years. In addition, greenhouse gases will be reduced from this project. Final NOx emission reductions will be calculated based on projects completed under this mitigation action.

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):

Port Authority of New York and New Jersey

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 PANYNJ's eGSE & EVSE program with JFK International Airport and Delta Airlines, will fund eligible portions of new eGSE, as well as EVSE equipment and installation costs, consistent with Appendix D-2 Mitigation Action Item #7 "up to" funding percentages. eGSE and EVSE documented costs will be reviewed to ensure compliance with Appendix D-2. JFK International Airport is located 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 at JFK International Airport, which is near communities and neighborhoods subject to a disproportionate amount of air pollution from diesel-powered vehicles and equipment. PANYNJ conducted outreach to the public to provide notification of the project.

This airport ground support equipment replacement project will lower NOx emissions and improve local air quality by replacing older diesel- and gasoline-powered, higher emitting ground support equipment operating at JFK. These replacement electric ground support equipment have no tailpipe emissions and will improve local air quality in communities 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: 8/5/2025

Margaret LaFarr

Margaret LaFarr

Division Director, Division of Air Resources

New York State Department of Environmental Conservation

[LEAD AGENCY]

for

State of New York

[BENEFICIARY]

Jeff Marshall

ATTACHMENTS B, C, D TO APPENDIX D-4

ATTACHMENT B TO APPENDIX D-4

Action Title: PANYNJ Airport sGSE and EVSE – Item 7

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 provides Notice to Proceed (NTP)	4/11/23
Port Authority provides DEC with the Project Budget Plan within 30 days of the NTP.	5/10/23
Port Authority provides s a template for eGSE Inventory (Schedule 4) and EVSE Inventory (Schedule 5) within 45 days of the NTP.	5/25/23
End of initial 36-month period for Airport eGSE and EVSE (from Notice to Proceed)	4/11/26
Port Authority provides detailed invoices for final, documented Project costs and prepares single reimbursement payment request (Schedules 2 and 3) no later than 90 days after the 36-month incentive period	7/14/25
DEC completes single reimbursement payment request to VW Trustee	8/X/25
Port Authority receives payment from VW Trustee	Q3 2025
Port Authority returns any funds to Trustee, if applicable	2025
Port Authority submits Final Report	2029
DEC reports Project completion	2029

Project Budget

(Mitigation Action Item #7) – Airport Ground Support Equipment and Associated Charging Equipment.

Item #7 Incentive Costs: \$3,200,000

Item #7 Administrative Costs (Capped at 10%): \$320,000

Funding Method: Reimbursement

DEC will direct VW Settlement funding to the PANYNJ following project completion, defined as scrappage and replacement of 16 diesel- or gasoline-powered ground support equipment, and the installation and operational start-up of 8 dual-port electric vehicle chargers.

Total Project Budget

Project	Incentive Amount	Administrative Costs	Cost Share	Total Project Cost
eGSE	\$1,031,331.83	\$0.00	\$2,565,787.09	\$3,597,118.92
EVSE	\$2,155,861.24	\$332,806.93	\$0.00	\$2,488,668.17
Total	\$3,187,193.07	\$332,806.93	\$2,565,787.09	\$6,085,787.09

Funding Milestones

Reimbursement following EVSE operational start-up	\$3,520,000
Total Project Cost	\$6,085,787.09

ATTACHMENT C to APPENDIX D-4

Action Title: PANYNJ Airport Ground Support Equipment and Associated Charging Equipment – Item 7

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: PANYNJ Airport Ground Support Equipment and Associated Charging Equipment – Item 7****Detailed Costs from Selected Vendors for Each Expenditure Exceeding \$25,000 (5.2.6)**

DEC will direct VW Trust funding to the PANYNJ airport ground support equipment and associated charging equipment program in the form of a reimbursement payment for electric ground support equipment and associated EVSE charging infrastructure project incentives. Final costs for DCFC light duty EVSE and electric ground support equipment are provided in the tables below.

Final DCFC EVSE Costs			
Type	Number of Units	Cost per Unit	Total Cost
Dual Port EVSE	8	\$269,482.66	\$2,155,861.24
Administrative Fees	N/A	N/A	\$269,482.66
Short Term Financing	N/A	N/A	\$63,324.27
Total			\$2,488,668.17

Final eGSE Costs			
Type	Number of Units	Cost per Unit	Total Cost
Trepel Challenger 150E Aircraft Tow Tractor	3	\$190,653.07	\$571,959.21
Trepel Challenger 280E Aircraft Tow Tractor	3	\$264,897.36	\$794,692.08
PowerStow Rollertrack 440E Extendable Belt Loader	6	\$305,523.94	\$1,833,143.64
Mallaghan EBL24 Belt Loader	4	\$99,331.00	\$397,324.00
Total	16		\$3,597,118.93