

New Mexico
Volkswagen Environmental Mitigation Trust Program

2022 Funding Cycle
Guidelines and Application

NMED
New ———
Mexico ———
Environment
Department



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General Disclaimer

Applicants submitting proposals under this Program are required to understand and abide by the Terms of the Environmental Mitigation Trust Agreement. Applications that do not meet the requirements of the Trust Agreement will not be accepted.

Applicants submitting proposals under this Program are required to meet the requirements of the New Mexico Procurement Code Regulations found at www.generalservices.state.nm.us/statepurchasing/

New Mexico Volkswagen Environmental Mitigation Trust Program

The New Mexico Environment Department (NMED) is offering this round of funding for diesel emission reduction projects throughout New Mexico, specifically Class 8 local freight trucks and drayage trucks; Class 4 – 8 school buses, shuttle buses, or transit buses; freight switcher locomotives; and Class 4 – 7 local freight trucks. The primary goal of the New Mexico Volkswagen Environmental Mitigation Trust Program (Program) is to offset excess emissions of nitrogen oxides (NO_x) emitted by affected Volkswagen vehicles registered within New Mexico. NMED will consider applications for projects as listed in the Eligible Mitigation Actions found in [Appendix D-2](#) in the [State Mitigation Trust](#) agreement with a preference for hydrogen fuel cell engine and vehicle replacements, including the fueling infrastructure to support these vehicles. Applications for this funding period will be accepted from December 15, 2021, through March 15, 2022.

Available Funding

Under the Consent Decree, New Mexico was allocated approximately \$18,000,000 to mitigate NO_x emissions from affected Volkswagen (VW) vehicles. This application package shall be used to apply for the New Mexico Volkswagen Environmental Mitigation Trust Program funding for diesel NO_x emission reduction projects within New Mexico.

The submission of an application does not constitute an award. Projects *shall not* begin until a final project agreement has been approved by the Department, and the funding request has been approved by the Trustee. The NMED reserves the right to accept, reject, or negotiate any or all applications received, and the terms therein. The final decision to award funds will be determined by the NMED and the VW Trust Steering Committee.

Submittal Requirements

- Only complete applications submitted by the deadline will be considered.
- Project applications may be e-mailed, mailed or hand delivered.
- One original hard copy (which includes one electronic copy) or an electronic copy must be received by the NMED no later than 5:00 p.m. on the closing date, March 15, 2022. No applications received after this time will be accepted for any reason.
- Postmark dates will not be taken into consideration.
- Applications must be signed by a responsible official, as described in these guidelines.
- Incomplete proposals will not be considered. Incomplete proposals include applications submitted with limited or incomplete information.
- Hard copy submittals should be mailed, or hand delivered to:

Planning Section Chief
New Mexico Environment Department Air Quality Bureau
525 Camino de los Marquez, Suite 1
Santa Fe, NM 87505

- Electronic submittals should be sent to: neal.butt@state.nm.us.

General Eligibility Criteria

Eligible Applicants

Any organization that operates a diesel-powered fleet within New Mexico may apply for funding under this Program. Eligible applicants will include, but are not limited to:

- Businesses, corporations, partnerships, sole proprietorships, limited liability companies, business trusts or other legal business registered to do business in New Mexico.
- Nonprofit Corporations – incorporated nonprofit.
- Municipal Authorities, School Districts, and other State Agencies.
- Political Subdivisions, New Mexico municipalities or counties.

Eligible Mitigation Actions

Applicants must review the Eligible Mitigation Actions found in [Appendix D-2](#) of the [State Mitigation Trust](#) agreement. Appendix D-2 specifies the maximum funding allowed for eligible mitigation actions. The eligible mitigation actions for this application consist of the following:

- Class 8 local freight trucks and drayage trucks.
- Class 4-8 school/shuttle/transit buses.
- Freight switcher locomotives.
- Class 4-7 local freight trucks.

General Limitations and Conditions

The awarding of project funding is subject to the following limitations and conditions:

- Project area(s) must be physically located in New Mexico;
- Vehicle replacement or engine replacement projects must include scrapping old vehicle(s) or engine(s) (see definition for Scrappage);
- Vehicles that are being replaced or re-powered **must be operational with a valid state registration**;
- New vehicles must be of the same class and perform the same duties as the vehicles being replaced; and
- Funding recipients must comply with all requirements in the implementation of the project.

Other Pertinent Information for Applicants

The New Mexico VW Environmental Mitigation Trust Program's approved projects are public documents and subject to disclosure to the public upon request.

Application Review and Selection Process

The NMED will conduct a comprehensive review of the program applications and supporting documentation that shall include: the VW Vehicle Information Sheet, cost information (e.g., price quotes from vendors) and an EJ Screen Report. The NMED will not be responsible for an application that is rejected due to incomplete or inaccurate information. All complete applications will be evaluated and scored by a panel of air quality experts using the criteria defined below. Qualifying applications will be sent to the VW Trust Steering Committee for final selection.

Application Evaluation Criteria

Special consideration will be given to hydrogen fuel cell projects and all applications will be evaluated based on the following criteria:

- Alternate Fuel Type
- Quantity of NO_x reduced
- Environmental Justice
- Sensitive Populations
- National Ambient Air Quality Standards
- High Impact Areas
- Populations Impacted
- Cost Effectiveness
- Cost Share

General Program Award and Contract Conditions

1. Applicants for projects selected for funding will receive a Notice of Selection letter from the NMED Cabinet Secretary, or the Cabinet Secretary's designee, addressed to the responsible official specified in the application.
2. Awardees will be assigned an NMED project advisor that will be available to review contract requirements and answer questions upon request.
3. Projects selected by NMED and the Steering Committee will be forwarded to the Trustee (Wilmington Trust, N.A.). The Trustee shall approve any funding request that meets the requirements of the Trust.
4. Projects shall not begin until the project agreement has been fully executed and the funding request has been approved by the Trustee.
5. Projects will be reimbursed after the project has been completed, and only for costs expended by the awardee and approved by NMED and the Trustee. All invoices must be accompanied by documentation demonstrating that the invoices have been paid by the awardee.

The New Mexico Volkswagen Environmental Mitigation Trust Program is a competitive program. An application may fail to receive funding or may be deemed unacceptable due to application inadequacies or due to the receipt of more qualified applications. NMED will notify applicants in writing whether funding has been approved for the current application cycle. NMED is not obligated to provide detailed explanations why specific projects do not receive funding.

Completion of Project

The project must be completed as described in the application and contract to the extent practicable. Modifications that result in a substantive change (e.g., different mitigation action) to the project will not be considered. NMED encourages communication with the project advisor at all stages of the application, award, and reimbursement process.

Scrapping Vehicle(s)

Any vehicle and/or engine being replaced must be scrapped within ninety (90) days of the replacement. The applicant shall:

- Contact NMED to schedule the scrapping of any vehicle and/or engine so that an NMED representative may witness and photographically document the vehicle(s) and/or engines being scrapped.
- Follow the scrapping procedures outlined in the Definitions/Glossary of Terms section of this Application.
- Provide a certification of disabling listing the vehicle identification numbers that are being scrapped.
- Ensure that the vehicle ultimately scrapped meets the eligibility requirements as

Reimbursement

After project completion and vehicle and/or engine scrapping, the applicant shall submit a reimbursement request to NMED. Reimbursement requests shall be approved by NMED prior to forwarding the request to the Trustee authorizing disbursement of funds to the applicant. The applicant must provide NMED the following documents for funding reimbursement approval:

- Copies of invoices from vendors for equipment or vehicles as listed in the application;
- A copy of the check(s) issued solely for the project(s) listed in the application; and
- Any other supporting documentation requested by NMED.

Application Instructions

Part A – Organization Information	
For fleets with different project areas, a separate application shall be submitted for each project area. For projects of different types, a separate application shall be submitted for each project type.	
Project Title	Enter the name of the project (try to include both the Organization Name and Fleet(s)), e.g., Windy City Solid Waste Vehicle Replacement Project.
Number of Vehicles	Enter the number of vehicles per fleet location. If an applicant has fleets statewide, the Applicant shall only include the vehicles for the project area as described in this application.
Funding Requested	Enter the amount of VW Funding the Applicant is requesting.
Total Project Cost	Enter the total project cost. This can be the same amount as funding requested.
Organization Name	Enter the name of the entity overseeing the project.
Responsible Official	Enter the full name of the person responsible for the funding. This will be the person with signatory authority and oversight for the project.
Responsible Official Job Title	Provide the title of the Responsible Official.
Responsible Official Contact Information	Enter the mailing address, telephone and/or cell phone number, and email address for the organization or Responsible Official.
Contact Person	Enter the name of the person who will be the Department’s primary contact. The Contact Person may be the Responsible Official. If so, note “Same” as Responsible Official.
Contact Person Title	Enter the title of the Contact Person.
Contact Person Phone Number and Email	Enter the phone number and email address of the Contact Person.
Organization Type	Select the appropriate box indicating the organization type.

Fleet Address	<p>Enter the address where the fleet resides. This can be a location other than the organization/Responsible Official’s address or project area.</p> <p>Select the appropriate box indicating whether the vehicle(s) will permanently reside in the state and whether the vehicle(s) will permanently reside at the project address.</p> <p>If “No” is selected for either selection above, provide a detailed explanation why the vehicle(s) will not remain within the state or at the project address. Include the estimated time the vehicles will remain at the project address, where the vehicles will be relocated to, and why the vehicles may be relocated.</p>
Part B – Project Category	
Project Area	Provide a summary of the proposed project area.
Project Type	Select the project type for this application.
Number of years the vehicle(s) will remain in the fleet	Provide the number of years the vehicle(s) will remain in the fleet.
NO _x Reductions from Project	Provide the total lifetime NO _x emission reductions for the entire project in tons.
Cost Effectiveness	Provide the cost effectiveness for the entire project. See definition.
Cost Share	If the Applicant is planning to share part of the project cost, select the appropriate percentage. Otherwise, select 0%.
Summary	<p>The NMED requires that all applicants for on-road projects use the Argonne National Laboratory’s Heavy-Duty Vehicle Emissions Calculator found at: https://afleet-web.es.anl.gov/hdv-emissions-calculator/.</p> <p>Applicants for non-road projects shall use the U.S. EPA Diesel Emission Quantifier.</p>

Sensitive Populations	<p>Select the sensitive populations located within the project area.</p> <p>Provide the percent minority and percent poverty levels within the project area.</p> <p>The applicant is required to use the Environmental Protection Agency’s EJSCREEN: Environmental Justice Screening and Mapping Tool as the data source for this section. Provide a copy of the EJSCREEN ACS report.</p> <p>The applicant must provide a detailed description/summary of the project area as it relates to the sensitive populations, percent minority, and percent below poverty levels. The applicant must also indicate in the summary whether the data provided is tract, census, city, county, or state data.</p>
Air Quality Impacts	
Attainment Status for Ozone	<p>Select the appropriate box indicating whether the project is located in the same county as any non-attainment area for ozone (currently Doña Ana County) or is located in an area with an ozone design value is greater than or equal to 95% of the National Ambient Air Quality Standard for ozone (currently Lea, Eddy, Chaves, Doña Ana, San Juan, Rio Arriba, Sandoval, Bernalillo and Valencia).</p> <p>Provide a summary discussing the project area as it pertains to the ozone standards and the areas mentioned above.</p>
High Impact Areas	<p>The term “Project Area” as used in this application refers to the primary area where the affected vehicles/engines operate, or the primary area where the emissions benefits of the project will be realized.</p> <p>Is the project located in an area that is disproportionately affected by exposure to diesel-fueled vehicles?</p> <p>Check all boxes that apply to the project area. One or all boxes may be selected.</p> <p>Provide a detailed summary that describes what sources of diesel emissions are located within the project area and how they are impacting the project area, including the proximity of the sources in the project area. For example: <i>The project area is centrally located within Dry City, NM. There are two major interstate highways located within the center of the project area and one U.S. highway adjacent to</i></p>

	<i>the west of the project area. There are several distribution centers, a school bus fleet yard, and a major truck stop located within the project area.</i>
Population	Select the population range in the project area and select the appropriate area for the population. Provide a brief summary for the population as it relates to the project area. For example: <i>The project area is centrally located within the Town of Dusty. The Town has a population of 35,000, U.S. Census Bureau (2010) and is ruraly located in Dry County, NM. Using the U.S. EPA EJSCREEN software, the project is located within tract area STCNTR: 35001004501, with a population of 3,956.</i>
Alternate Fuel Type	Select all Alternate Fuel type(s) that apply to the proposal. Projects are not limited to using one fuel type; projects can use multiple fuel types such as CNG and EV. Hydrogen fuel cell projects will have preference for award funding this cycle.
Ability to be deployed in a timely manner	Provide a summary that outlines the project’s timeline, including estimated time of delivery for replacement vehicles, engine replacements, equipment and associated equipment installation time.
Are additional fueling infrastructure developments/ improvements needed for this project?	The VW Funding will only fund fueling infrastructure for the implementation of electric vehicle projects. If “Yes” is selected, provide a summary of the needed infrastructure or improvements needed for the project as proposed.
Summary of the applicant’s purchasing procedures- vendors must be selected in accordance with state laws.	The applicant must follow state purchasing procedures found at: www.generalservices.state.nm.us/statepurchasing/ Provide a detailed summary of the applicant’s purchasing procedures. This must include price agreements in place, bidding processes, or other purchasing procedures.
Signatures	The responsible official must provide their printed name, official title, signature and date.

DEFINITIONS/GLOSSARY OF TERMS

Definitions include those found in [Appendix D-2](#) of the Environmental Mitigation Trust Agreement for State Beneficiaries.

“Airport Ground Support Equipment” shall mean vehicles and equipment used at an airport to service aircraft between flights.

“All-Electric” shall mean powered exclusively by electricity provided by a battery, fuel cell, or the grid.

“Alternate Fueled” shall mean an engine, a vehicle, or piece of equipment that is powered by an engine which uses a fuel different from or in addition to gasoline fuel or diesel fuel (e.g., CNG, propane, diesel-electric Hybrid, hydrogen).

“Certified Remanufacture System or Verified Engine Upgrade” shall mean engine upgrades certified or verified by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB) to achieve a reduction in emissions.

“Class 4-7 Local Freight Trucks (Medium Trucks)” shall mean trucks, including commercial trucks, used to deliver cargo and freight (e.g., courier services, delivery trucks, box trucks moving freight, waste haulers, dump trucks, concrete mixers) with a Gross Vehicle Weight Rating (GVWR) between 14,001 and 33,000 lbs.

“Class 4-8 School Bus, Shuttle Bus, or Transit Bus (Buses)” shall mean vehicles with a Gross Vehicle Weight Rating (GVWR) greater than 14,001 lbs. used for transporting people. See definition for School Bus below.

“Class 8 Local Freight, and Port Drayage Trucks (Eligible Large Trucks)” shall mean trucks with a Gross Vehicle Weight Rating (GVWR) greater than 33,000 lbs. used for port drayage and/or freight/cargo delivery (including waste haulers, dump trucks, concrete mixers).

“CNG” shall mean Compressed Natural Gas.

“Cost Effectiveness” shall mean the dollars per ton of NO_x emissions reduced. This equals the total project cost divided by the total tons of NO_x emissions reduced.

“Drayage Trucks” shall mean trucks hauling cargo to and from ports and intermodal rail yards.

“EPA” shall mean the U.S. Environmental Protection Agency.

“Forklift” shall mean nonroad equipment used to lift and move materials short distances, and generally, includes tines to lift objects. Eligible types of forklifts include reach stackers, side loaders, and top loaders.

“Freight Switcher” shall mean a locomotive that moves rail cars around a rail yard as compared to a line-haul engine that moves freight long distances.

“Generator Set” shall mean a switcher locomotive equipped with multiple engines that can turn off one or more engines to reduce emissions and save fuel depending on the load it is moving.

“Government” shall mean a State or local government agency (including a school district, municipality, city, county, special district, transit district, joint powers authority, or port authority, owning fleets purchased with government funds), and a tribal government or native village.

“Gross Vehicle Weight Rating (GVWR)” shall mean the maximum weight of the vehicle, as specified by the manufacturer. GVWR includes total vehicle weight plus fluids, passengers, and cargo.

Class 1: < 6000 lb.

Class 2: 6001-10,000 lb.

Class 3: 10,001-14,000 lb.

Class 4: 14,001-16,000 lb.

Class 5: 16,001-19,500 lb.

Class 6: 19,501-26,000 lb.

Class 7: 26,001-33,000 lb.

Class 8: > 33,001 lb.

“High impact Area” shall mean an area that is disproportionately impacted from heavy-duty diesel-fueled on- and non-road sources of diesel emissions.

“Hybrid” shall mean a vehicle that combines an internal combustion engine with a battery and electric motor.

“Infrastructure” shall mean the equipment used to enable the use of electric powered vehicles (e.g., electric vehicle charging station).

“Intermodal Rail Yard” shall mean a rail facility in which cargo is transferred from drayage trucks to trains, or vice-versa.

“National Ambient Air Quality Standards (NAAQS)” refers to the ambient air quality standards set by the EPA for six principal air pollutants—carbon monoxide, lead, ground-level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide, to protect public health and welfare.

“Port Cargo Handling Equipment” shall mean rubber-tired gantry cranes, straddle carriers, shuttle carriers, and terminal tractors, including yard hostlers and yard tractors that operate within ports.

“Plug-in Hybrid Electric Vehicle (PHEV)” shall mean a vehicle that is similar to a Hybrid but is equipped with a larger, more advanced battery that allows the vehicle to be plugged in and recharged in addition to refueling with gasoline. This larger battery allows the car to be driven on a combination of electric and gasoline fuels.

“Repower” shall mean to replace an existing engine with a newer, cleaner engine or power source that is certified by EPA and, if applicable, the California Air Resources Board (CARB), to meet a more stringent set of engine emission standards. Repower includes, but is not limited to, diesel engine replacement with an engine certified for use with diesel or a clean Alternate Fuel; diesel engine replacement with an electric power source (e.g., grid, battery); diesel engine replacement with a fuel cell; diesel engine replacement with an electric generator(s) (genset); diesel engine upgrades in Ferries/Tugs with an EPA Certified Remanufacture System; and/or diesel engine upgrades in Ferries/Tugs with an EPA Verified Engine Upgrade. All-Electric and fuel cell Repowers do not require EPA or CARB certification.

“Responsible Official” shall mean one of the following:

1. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities;
2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or
3. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. A principal executive officer of a government agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

“School Bus” shall mean a Class 4-8 bus sold or introduced into interstate commerce for purposes that include carrying students to and from school or related events. A School Bus may be Type A-D.

“Scrapped” shall mean to render inoperable and available for recycle, and at a minimum, to specifically cut a 3-inch hole in the engine block for all engines. If any Eligible Vehicle will be replaced as part of an eligible project, ‘scrapped’ shall also include the disabling of the chassis by cutting the vehicle’s frame rails completely in half.

“Tier 0, 1, 2, 3, 4” shall refer to corresponding EPA engine emission classifications for nonroad, locomotive, and marine engines.

“Tugs” shall mean dedicated vessels that push or pull other vessels in ports, harbors, and inland waterways (e.g., tugboats and towboats).

“Zero Emission Vehicle (ZEV)” shall mean a vehicle that produces no emissions from the on-board source of power (e.g., all-electric or hydrogen fuel cell vehicles).

New Mexico Volkswagen Environmental Mitigation Trust

Program Application for the 2022 Funding Cycle

For each application, applicants must complete each of the following. By checking the following, the applicant is acknowledging that these requirements have been met:

<input type="checkbox"/> The Vehicle Information Sheet is accompanied with this application.				
<input type="checkbox"/> I have attended a pre-application meeting with the NMED Air Quality Bureau.				
<input type="checkbox"/> This application meets the requirements of the New Mexico Procurement Code of Regulations.				
<input type="checkbox"/> This application meets the requirements of the VW Environmental Mitigation Trust Agreement.				
PART A – ORGANIZATION INFORMATION				
Project Title				
Number of Vehicles				
Funding Amount Requested		Total Project Cost		
Organization Name				
Responsible Official				Title
Mailing Address				
City, State, Zip			Phone Number	
Cell Number			Email	
Contact Person				Title
Phone Number			Email	
Organization Type	<input type="checkbox"/> State <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> School District <input type="checkbox"/> Non-Government <input type="checkbox"/> Other If other, list:			
Fleet Address				
City		County		Zip Code
Will the vehicle(s) permanently reside within New Mexico? <input type="checkbox"/> Yes <input type="checkbox"/> No Will the vehicle(s) permanently reside at the project address? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No" to either of the questions above, provide a detailed explanation in accordance with the application instructions.				

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PART B – PROJECT CATEGORY

Project Area: Provide a summary of the project area below.

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Project Type	Select one: <input type="checkbox"/> Engine replacement <input type="checkbox"/> Vehicle replacement	
Number of years new vehicle(s) will remain in fleet		Years
Total lifetime NO _x reductions from the entire project		Tons
Cost Effectiveness		
Cost Share <input type="checkbox"/> 0% <input type="checkbox"/> 25% <input type="checkbox"/> 50% <input type="checkbox"/> 75%		
Provide a detailed summary detailing the source of the emission reduction data used, and the calculated cost effectiveness.		

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Sensitive Populations

Will the project be in or adjacent to an area identified as a priority area due to demographic and/or health factors that are impacted disproportionately, (e.g., elderly, young, low income, minority, evidence of morbidity or other health effects associated with diesel exhaust exposure)? Check all that apply.

Elderly Hospital/medical School(s), including daycare

_____ Percent Minority _____ Percent below poverty level

Provide a detailed description of the project area as it relates to the criteria above using the Environmental Protection Agency’s EJSCREEN: Environmental Justice Screening and Mapping Tool. Attach a copy of the EJSCREEN ACS Report.

Air Quality Impacts

Is the project located in a county that is in non-attainment of the current National Ambient Air Quality Standard for ozone (i.e., Doña Ana County)? Yes No

Is the project located in an area or county that is equal to or greater than 95% of the current National Ambient Air Quality Standard for ozone? (i.e., Lea, Eddy, Chaves, Rio Arriba, Sandoval, Bernalillo, Valencia and San Juan counties). Yes No

If yes, provide a summary on the project area as it applies to the ozone standard.

High Impact Areas

Is the project located in an area that is disproportionately affected by exposure to diesel-fueled vehicles? Select all that apply. The term “project area” as used in this Program Application refers to the primary area where the affected vehicles/engines operate, or the primary area where the emissions benefits of the project will be realized.

- Airport Distribution Center Fleet yard Interstate highway Multimodal center
 Port Bus terminal Rail terminal Truck stop US highway Other

Provide a description of the type of fleet(s) and the impacts on the project area. Include the proximity to any of the selections above. If “Other” was selected include a summary that describes the “other” source(s).

- Population: 0-49,999 50,000-99,999 100,000-149,999 150,000-199,999
 200,000-249,999 250,000-299,999 300,000-349,999 ≥350,000

Provide a summary of the population as it relates to the project area.

Alternate Fuel Type of Proposed Vehicles: CNG/LNG Propane Electric Hydrogen

Ability to be deployed in a timely manner: Provide a detailed description, including estimated time of delivery and the procurement process.

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Are additional fueling infrastructure developments or improvements needed for this project? If yes, describe below.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Provide a detailed summary of the applicant's purchasing procedures ensuring that all vendors will be selected in accordance with state public contracting and procurement regulations, as applicable.

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Signature	
I, _____, hereby certify that the information and data submitted in this application are true and as accurate as possible, to the best of my knowledge.	
_____	_____
Printed Name	Title
_____	_____
Responsible Official Signature	Date