

## **New York Truck Voucher Incentive Program (NYTVIP) Vehicle Dismantler Participation Agreement**

The **New York Truck Voucher Incentive Program (NYTVIP)**, administered by the New York State Energy Research and Development Authority (NYSERDA), helps make it easier for fleets to acquire clean technology vehicles while removing the oldest, dirtiest diesel engines from New York roads through point-of-sale vouchers for new vehicles. To learn more about NYTVIP, visit: [nyserda.ny.gov/truck-voucher-program](http://nyserda.ny.gov/truck-voucher-program).

Scrapage facilities play a large role in ensuring the Program's success and mission to cut vehicle emissions statewide. Program applicants seeking vouchers for new vehicles are required to scrap a qualifying (old) vehicle. Scrapage of the qualifying vehicles can only be completed at a program-approved scrapage facility, which must occur before NYSERDA makes payments for vouchers. This Participation Agreement ("Agreement") establishes the terms and conditions for Vehicle Dismantlers to be eligible for Program participation, and necessary requirements and forms found in Appendix A and B to this Agreement.

### **1. Participation in NYTVIP**

Upon execution of this Agreement, the NYSERDA Approved Vehicle Dismantler ("Dismantler") is authorized to provide vehicle scrapage services as part of the NYTVIP in accordance with the requirements specified in this Agreement including Appendix A and the NYTVIP Implementation Manual (Implementation Manual) found at the website listed above.

The Dismantler agrees that its participation in the Program is at all times bound by and subject to the current terms of the Implementation Manual, which may be amended from time to time with prior notice, at NYSERDA's sole discretion.

### **2. Documentation, Certification, and Contractor Payments**

The Dismantler acknowledges and agrees that it is responsible for providing all documentation required for Scrapage, which can be found in Appendix A to this Agreement. If the Dismantler cannot provide the documentation required in Appendix A and answer the certification questions for the Scrapage Certification found at Appendix B to this Agreement, NYSERDA will not issue voucher payment to the vehicle seller.

### **3. Indemnification**

The Dismantler shall protect, indemnify, and hold harmless NYSERDA and the State of New York from and against all liabilities, losses, claims, damages, judgments, penalties, causes of action, costs and expenses (including, without limitation, attorneys' fees and expenses) imposed upon or incurred by or asserted against NYSERDA, the State of New York, or entities acting on behalf of NYSERDA resulting from, arising out of or relating to the Dismantler's participation in the Program. The obligations of the Dismantler under this section shall survive any expiration or termination of this Agreement, and shall not be limited by any enumeration herein of required insurance coverage.

### **4. Termination of Agreement**

This Agreement is completely voluntary and may be terminated with written notice at any time or for any reason by either NYSERDA or the Dismantler. Paragraphs 3, 6, and 7 shall survive termination of this Agreement.

### **5. Dismantler Participation**

NYSERDA has the right to prohibit the Dismantler from participating in the Program or to ban the Dismantler from future participation in the Program for failure to meet the requirements of this Agreement, the NYTVIP Implementation Manual, or other applicable requirements of the Program, including compliance with state and federal law and relevant codes, rules, ordinances, and regulations. NYSERDA may pursue any legal remedies available under law.

## **6. Audit**

The Dismantler shall keep, maintain, and preserve written records of any and all vehicle scrappages under this Program for a period of five years after performance of such scrappages and provide NYSERDA or its designee with the records within ten days of its request. These records include but are not limited to the required vehicle photographs (outlined in Attachment A) and the VW Settlement Vehicle Scrappage Certification document (Appendix B).

## **7. Publicity**

- a) The Dismantler shall collaborate with NYSERDA's Communications Department to prepare any press release and to plan for any news conference concerning work related to the Program. In addition, the Dismantler shall notify NYSERDA regarding any media interview in which work related to this Program is referred to or discussed.
- b) The Dismantler shall not use NYSERDA's, the New York State Department of Environmental Conservation's (NYSDEC), or the New York State Department of Transportation (NYSDOT) corporate name, logo, identity, any affiliation, or any related logo, without NYSERDA's, NYSDEC's, or NYSDOT's prior written consent.

## **8. Conflicting Terms**

This Agreement may not include all the terms and conditions as set forth in the Implementation Manual. The Dismantler acknowledges in the event of a conflict between the terms of this Agreement and the terms of the Implementation Manual, the terms of the Implementation Manual shall control.

## **9. Scrappage Requirements**

Vehicle sellers and purchasers will coordinate with the Dismantler for old diesel vehicle pickup and transfer to the Dismantler for retirement. Vehicles must arrive at the scrappage facility with the chassis intact, the engine intact, and in drivable condition.

Vehicles will be rendered inoperable and available for recycling by:

- Cutting or drilling a minimum 3-inch diameter hole through the engine block; and
- Cutting or searing both the chassis rails between the two axles.

The Dismantler shall demonstrate compliance by documenting the scrapped vehicles in a series of required "Before" and "After" photographs. A list of required photographs can be found in Appendix A: NYSDEC Scrappage Guidance. Upon completion of scrappage, the Dismantler shall complete and sign Section C of the VW Settlement Vehicle Scrappage Certification form (Appendix B) and return the signed form to NYSERDA. Scrappages may be subject to verification/audit such as randomized on-site visits with prior consent provided by the Dismantler.

## **10. Termination from the Program**

A Dismantler may be terminated from the Program for reasons including, but not limited to, if they:

- Submit falsified documents or unauthorized signatures to the Program.
- Are in violation of Program rules or the Vehicle Dismantler Participation Agreement.
- Commit illegal actions, or has principal who commits illegal actions, while participating in the Program.

Dismantler in terminated status are prohibited from participation in this or other NYSERDA programs. NYSERDA may, if appropriate, notify the New York State Attorney General, the New York State Department of Labor, the Better Business Bureau, or others, of the decision to terminate the Dismantler from the program. Nothing in this process relieves the Dismantler of the responsibility to fulfill any remaining obligation to the Program or its customers.

The Dismantler hereby indicates its acceptance of and agreement to the foregoing by causing its duly authorized representatives to execute this Agreement in the space provided below.

**VEHICLE DISMANTLER NAME:**

\_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**PHONE:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

	VEHICLE DISMANTLER
<b>BY:</b>	
<b>SIGNATURE:</b>	
<b>TITLE:</b>	
<b>DATE:</b>	

## **NYSDEC Truck Scrappage Guidance**

This document describes vehicle scrappage requirements required to meet the VW Settlement funded vehicle scrappage eligibility.

### **Truck Destruction Requirements**

Vehicle scrappage is required to fulfill the requirements under the VW Settlement vehicle replacement criteria<sup>1</sup>. Failure to follow this guidance may impact your ability to receive funding under this program. Please contact NYSDEC staff listed at the end of this document for any questions.

“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.

#### **To destroy the engine:**

- Cut or drill a minimum 3-inch diameter hole through the engine block.

#### **To destroy the chassis:**

- Cut or shear both the chassis rails between the two axles.

The vehicle must arrive at the scrappage location with the chassis attached, the engine intact, and in drivable condition. Do not remove anything from the truck except for personal items. The program cannot process grant funding reimbursements until the scrappage is satisfactorily completed and photographed.

### **Failure to comply with scrappage instructions may result in the denial of your grant funds.**

There are 3 pieces of information required by DEC for the VW Settlement funded scrappage process:

1. The completed NYSDEC Vehicle Scrappage Certification.
2. Before photos (minimum image size of 1200 x 1800 pixels or 4 x 6 inches).
3. After photos (minimum image size of 1200 x 1800 pixels or 4 x 6 inches).

<sup>1</sup> <https://www.vwcourtsettlement.com/wp-content/uploads/documents/DOJ/Approved%20Appendix%20D-2.pdf>

## Step-by-Step Instructions

### Before Photos

Take a series of “before” photos of the truck.

1. Vehicle (side view)
2. Vehicle engine (allow some of the truck color to show in this shot)
3. Intact chassis (allow some of the truck color to show in this shot)
4. Engine Vehicle Identification Number (VIN #) plate
5. Engine plate showing the engine serial number

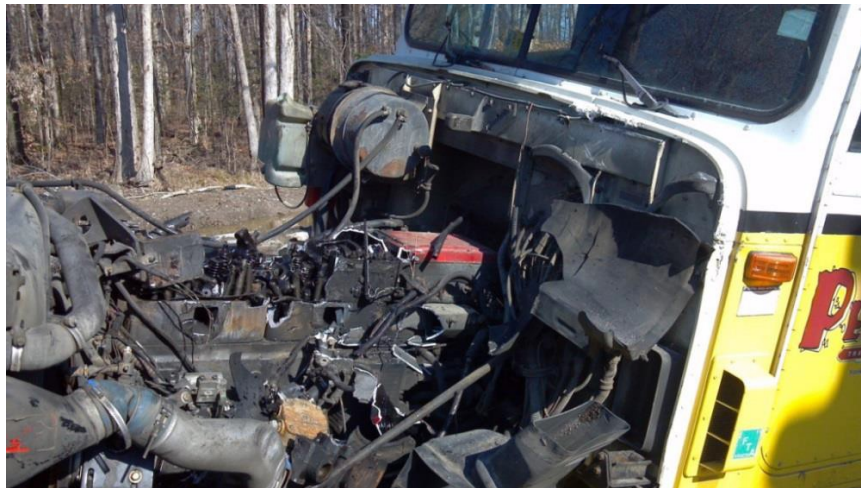
### After Photos

After the engine and chassis have been permanently disabled, you will need to take “after” photos of the scrapped truck showing the following:

- Engine destruction – at least two shots that are close-up from different angles, and another photo back a few feet showing that a 3 inch hole has been cut or drilled into the engine block (with a little of the truck color showing in the photos).
- Area of the cut chassis – a close up of the cut (show a little of the color of the truck), and another photo a little further back from the truck.

### Photo Examples

See scrappage photos below for examples of good engine destruction and chassis cut.



Example of visible destruction of the engine block

Appendix A: NYSDEC Scrappage Guidance



Example of complete engine hole

Appendix A: NYSDEC Scrappage Guidance



Example of chassis cut in half



Example of chassis completely cut



Appendix B: VW Settlement Vehicle Scrappage Certification

**VW Settlement Vehicle Scrappage Certification  
NYSDEC (Lead Agency), NYSERDA (Project Sponsor)**

**Complete the vehicle scrappage form below. Submit one form for each paired existing vehicle (to be scrapped)/new replacement vehicle.**

**ALL fields must be completed.**

**Section A: To Be Completed by NYSERDA or NYSERDA Contractor**

**Fleet Information**

<b>Fleet Name</b>			
<b>Address</b>			
<b>City, State</b>		<b>Zip Code</b>	
<b>Contact Name</b>			
<b>Email</b>		<b>Phone No.</b>	

**Qualifying Vehicle (to be Scrapped) Information**

<b>Make:</b>	<b>Model:</b>	<b>Model Year:</b>	<b>Current Odometer Reading:</b>
<b>Engine Make:</b>	<b>Engine Model:</b>	<b>Engine Year:</b>	<b>GVWR:</b>
<b>Vehicle Identification No. (VIN):</b>	<b>Engine Serial No. (ESN):</b>		<b>Engine Family Name (EFN):</b>

Appendix B: VW Settlement Vehicle Scrappage Certification

**Section B: To Be Completed by the Owner of the Existing Vehicle to be Scrapped**

1. Was the VW Settlement Qualifying Old Truck listed above fully operational and in drivable condition when delivered to the vehicle dismantler for scrappage?  Yes  No

2. Date of delivery of the VW Settlement Qualifying Old Truck to the vehicle dismantler for scrappage.

\_\_\_\_/\_\_\_\_/\_\_\_\_

**Vehicle Owner Statement:** I certify under penalty of perjury that the information provided herein is accurate. The VW Settlement Qualifying Old Truck engine and chassis listed above have been delivered to an approved vehicle dismantler for scrappage. The above information is correct to the best of my knowledge.

**Vehicle Owner Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date of Delivery:** \_\_\_\_\_

Appendix B: VW Settlement Vehicle Scrappage Certification

**Section C: To Be Completed by the NYSERDA Approved Vehicle Dismantler**

1. Was the VW Settlement Qualifying Old Truck listed above permanently disabled and rendered no longer usable?     Yes  No

2. Date of VW Settlement Qualifying Old Truck scrappage.    \_\_\_\_/\_\_\_\_/\_\_\_\_

**Vehicle Dismantler Statement:** I certify under penalty of perjury that the information provided herein is accurate. The VW Settlement Qualifying Old Truck engine and chassis listed above was permanently disabled and rendered no longer usable. No engine or chassis parts from the vehicle above were salvaged for reuse. The above information is correct to the best of my knowledge.

**Fleet Manager or Vehicle Dismantler Name:** \_\_\_\_\_

**NYS DMV Vehicle Dismantler Registration # (if applicable)** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Authorized Name:** \_\_\_\_\_

**Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

Appendix B: VW Settlement Vehicle Scrappage Certification

**Section D: To Be Completed by NYSDERDA or NYSDERDA Contractor**

**Qualifying New (Replacement) Truck Information**

<b>Make:</b>	<b>Model:</b>	<b>Model Year:</b>	<b>Current Odometer Reading:</b>
<b>Engine Make:</b>	<b>Engine Model:</b>	<b>Engine Year:</b>	<b>GVWR:</b>
<b>Vehicle Identification No. (VIN):</b>	<b>Engine Serial No. (ESN):</b>		<b>Engine Family Name (EFN):</b>

**Section E: To Be Completed by the NYSDERDA Cooperative Agreement Coordinator**

1. Vehicle Information related to the VW Settlement Qualifying Vehicle (Section A.) and VW Settlement Qualifying New Vehicle (Section D.) above have been reviewed and are correct.
2. Information related to operational status (Section B.) and scrappage (Section C.) of the VW Settlement Qualifying Vehicle have been reviewed and complies with VW Cooperative Agreement requirements.
3. The required before and after scrappage photos have been reviewed and have been sent electronically to James Symon, [james.symon@dec.ny.gov](mailto:james.symon@dec.ny.gov) for review.

NYSDERDA Cooperative Agreement Coordinator:

I have reviewed the information provided herein, and as a representative of New York State I attest that to the best of my knowledge the information under Sections A. through E. is accurate.

**Authorized Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**New York State Department of Environmental Conservation Contact**

Any questions relating to the destruction or scrappage requirements should be directed to: James Symon at [james.symon@dec.ny.gov](mailto:james.symon@dec.ny.gov) or 518-402-8292.