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STATE REPRESENTATIVE  
ED THOMPSON

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DISTRICT 29  
BRAZORIA COUNTY (PART)

October 4, 2018

Jon Niermann, Chairman  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

RE: Volkswagen Settlement - Draft Beneficiary Mitigation Plan for Texas

Dear Chairman Niermann:

As members of the greater Houston and Dallas delegations, we respectfully urge you to disperse the state Volkswagen settlement allocation based on the percent of affected vehicles found within the priority regions. The Houston and Dallas regions are the most populous and therefore polluted areas in the state, and yet combined they are set to receive less funds than the San Antonio region. The stated goals of the Texas Commission on Environmental Quality (TCEQ) are to reduce nitrogen oxides emissions in the areas most impacted by emissions and reduce the potential for exposure of the public to pollutants. As the Houston and Dallas priority areas were designated nonattainment for both the 2008 and 2015 ozone standards, a higher allocation of funding to these regions is critical to meeting the goals of TCEQ.

The draft plan is highly unfavorable to both the Houston and Dallas priority areas. Although 24 percent and 25 percent of vehicles with Volkswagen's illegal defeat devices were registered in the Houston and Dallas regions, respectively, under the draft plan Houston would only receive 13 percent of the funds while Dallas would receive 14 percent. Meanwhile, San Antonio is set to receive 35 percent of the funds even though they only had 11 percent of these vehicles registered. Both Houston and Dallas have more people and higher levels of pollution than San Antonio, yet will both receive less than half the funding than is allocated for San Antonio. For a more fair and equitable distribution, we urge you to reconsider the allocation based on the percent of affected vehicles within each region.

The Houston and Dallas regions' non-attainment statuses are a severe challenge to our continued economic competitiveness. Therefore, there is an urgent need for significant emissions reductions which could result from the projects deployed with the settlement funds. Additionally, other areas of the state impacted by the transport of emissions from our areas will see air quality improvements as well.

For governmental recipients, we would recommend an increase in the proposed maximum funding percentage from 60 percent to at least 80 percent. In the Houston region, many local governments have delayed routine capital budget items due to urgent Hurricane Harvey-related costs. Increasing the settlement share to 80 percent will accelerate and expand local government participation in settlement-funded activities and assist in local government recovery from Harvey.

We would also recommend that settlement funds be dispersed in our regions through the Councils of Governments (COGs). Regional agencies add value by being more closely attuned to regional priorities and opportunities, and the Houston-Galveston Area Council (H-GAC) and North Central Texas Council of Governments (NCTCOG) have staff with significant experience in similar programs. By allowing COGs to disperse the funds, we can ensure that local priorities for effective emissions reductions are achieved without significant start up time or an undue increase in administrative costs by TCEQ or local governments. H-GAC and NCTCOG will seek to leverage settlement projects with clean air funding from other sources to increase program effectiveness and accelerate deployment of available funds.

It is our sincere belief that the above recommendations, along with TCEQ's leadership, will enhance the Houston and Dallas regions' ability to mitigate the damage caused by Volkswagen's fraudulent activities and leverage ongoing efforts to improve air quality and public health. Thank you for your consideration.

Sincerely,



Senator Sylvia Garcia  
District 6



Senator Boris Miles  
District 13



Senator Larry Taylor  
District 11



Representative Alma Allen  
District 131



Representative Roberto Alonzo  
District 104



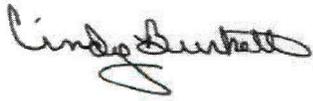
Representative Rafael Anchia  
District 103



Representative Dennis Bonnen  
District 25



Representative Greg Bonnen  
District 24



Representative Cindy Burkett  
District 113



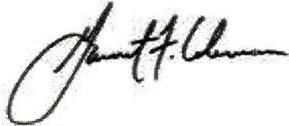
Representative Jeff Leach  
District 67



Representative Angie Chen Button  
District 112



Representative Dennis Paul  
District 129



Representative Garnet Coleman  
District 147



Representative Mary Ann Perez  
District 144



Representative Nicole Collier  
District 95



Representative Ron Reynolds  
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Representative Jessica Farrar  
District 148



Representative Matt Rinaldi  
District 115



Representative Craig Goldman  
District 97



Representative Toni Rose  
District 110



Representative Jarvis Johnson  
District 139



Representative Ron Simmons  
District 65



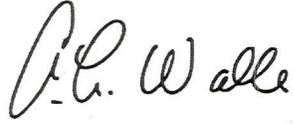
Representative Linda Koop  
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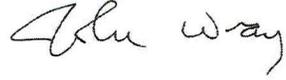
Representative Ed Thompson  
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Representative Senfronia Thompson  
District 141



Representative Armando Walle  
District 140



Representative John Wray  
District 10



Representative Gene Wu  
District 137