



**Brigid Shea**

Travis County Commissioner, Pct 2

ATTN: VW Settlement  
Texas Commission on Environmental Quality (TCEQ)  
Air Quality Division Implementation Grants Section, MC-204  
P.O. Box 13087  
Austin, TX 78711-3087

Subject: Comments on TCEQ Draft VW Environmental Mitigation Trust Beneficiary Mitigation Plan for Texas

I am commenting both in my official position as a member of the Travis County Commissioners Court and as someone who lives and breathes in our capitol city. It is hard to understand why the Governor has denied funding for the Capitol of Texas from the VW settlement, especially since we had more affected vehicles per capita than any other metro area of the state.

A TCEQ press statement on August 9, 2018, suggests that the proximity of the Austin-Round Rock MSA's O<sub>3</sub> to the 2015 O<sub>3</sub> NAAQS would tend to mean that the region would **benefit more than any other area of the state from these funds**: "in deciding to allocate funds, those areas measuring ozone levels closest to the National Ambient Air Quality Standards are most likely to see the greatest benefit by an initial and significant effort to either attain the NAAQS or remain in attainment of the NAAQS."

Of the 40,444 affected vehicles in Texas, 5,052 (12.49%) were located within the Austin-Round Rock MSA. The Austin-Round Rock MSA has the highest number of affected vehicles per capita (2.39 vehicles per 1,000 residents) of any metro area in the state. This ratio is substantially higher than the total for the 28 counties that TCEQ has proposed as priority areas for this funding (1.38 vehicles per 1,000 residents), and every county in the Austin-Round Rock MSA has a ratio that exceeds the total for those 28 counties. This disproportionate impact of the affected vehicles on ambient air pollution levels within the region dating back to 2009 has not been accounted for in the proposed allocation of funding, and we strongly encourage you to do so.

In considering how to proceed with this mitigation plan, we urge the TCEQ to keep in mind that the purpose of this mitigation funding is to mitigate harm to public health that has already been done as a result of VW's actions, not simply to "address air quality issues in the state." We note that there are other sources of funding available to TCEQ to do that, including the \$1.7 billion fund balance in the Texas Emission Reduction Plan (TERP) account and the \$200 million fund balance in the Clean Air Account. We also note that Texas's own \$209 million allocation from the settlement is 7% of the total, corresponds to 7% of the affected vehicles were located in Texas. We believe that it would be much more consistent with the intent of this mitigation trust to include the Austin-Round Rock MSA among the eligible areas than to exclude it. Thank you for your consideration.

Sincerely,

  
Brigid Shea  
Travis County Commissioner

CC: Governor Greg Abbott

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