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SENATE COMMITTEE ON NATURAL RESOURCES
AND ECONOMIC DEVELOPMENT

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AUG 23 2018

Texas Commission on Environmental Quality
Commissioners' Offices

August 21, 2018

Commissioner Jon Niermann
Texas Commission on Environmental Quality
P.O. Box 13087, MC 100
Austin, Texas 78711-3087

Dear Commissioner Niermann,

I would like to thank you and the staff at TCEQ for all the time and effort that has gone into developing the draft Beneficiary Mitigation Plan for Texas, and I appreciate that the plan is being made publicly available for review and comment. It is vital that all Texans have the opportunity to provide input on how best to utilize the Volkswagen (VW) Settlement money to reduce nitrogen oxides (NO_x) in the environment. I believe that the settlement funds should be utilized for projects that provide the greatest emissions reductions per dollar spent. While the VW settlement funds are intended to mitigate the excess NO_x emissions from the affected vehicles, we must spend the dollars with one overarching goal in mind - to ensure that Texas continues to control its own destiny in how we meet federally mandated ozone standards.

The replacement or repower of 2009 and earlier diesel engines with newer, lower-emitting models, as contemplated by the draft plan, plays a crucial role in demonstrating our state's efforts to meet these federal ozone standards. While I believe all replacement and repower options should be on the table for Texas to utilize in reducing NO_x emissions from diesel engines, I ask that TCEQ carefully evaluate the technological feasibility and cost-efficiency of the diesel replacement and repowers in all eligible mitigation action categories to ensure the State of Texas is a proper steward of the settlement funds.

Thank you for your consideration, and if you have any questions or would like to discuss further, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in blue ink that reads "Brian Birdwell".

Brian Birdwell, Chair
Senate Committee on Natural Resources and Economic Development

