TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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VOLKSWAGEN ENVIRONMENTAL MITIGATION TRUST
DRAFT
BENEFICIARY MITIGATION PLAN FOR TEXAS
SEPTEMBER 17, 2018
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A public meeting in the above matter was taken on the 17th of September, 2018, from 2:00 p.m. to 3:02 p.m. before Janalyn Elkins, CSR in and for the State of Texas, reported by machine shorthand, at the offices of Alamo Area Council of Governments, 8700 Tesoro Drive, Suite 100, San Antonio, Texas.
APPEARANCES

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ALSO PRESENT FOR TCEQ:
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SANDRA HERNANDEZ
SAM GAMMAGE
WALKER WILLIAMSON
ANDREA MORROW
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MR. DAYTON: What I would like to do now is start the official public comment process. What we'll do is we'll go down the list and folks that have identified that they would like to speak, I'll call your name to come up.

We have a court reporter. I've asked her to make sure she break's in if there's any questions about what you have to say. When you come up, give your name and who you're representing. And then try to speak clearly enough -- not that I'm speaking very clearly -- but try and speak clearly enough that she can understand what you're saying.

After we get through those, if anybody else wants to speak, I'll offer and if y'all want to come up. And then after that, we'll stop the recording, or the court reporter will stop, and then we'll have a -- however long y'all want -- to ask any informal questions and answer. Let me make sure I have everyone.

Diane, let me ask you if you would like to come up first and give you the opportunity to -- whether you have public comments or just would like to say some things.

We appreciate, again, the opportunity to work with the Council of Governments. We appreciate all the work and support you're giving to this program and, of
Thank you. I am Diane Rath, executive director to Alamo Area Council of Governments. And first of all, I want to thank TCEQ for holding this public hearing here today and giving everyone the opportunity to hear firsthand and ask questions. I also especially want to thank TCEQ for recognizing the Alamo area's needs and for prioritizing us in the funding allocation. So we're very grateful for that.

Our board will be considering comments next weekend. And the AACOG board will be submitting comments before the deadline to TCEQ directly, so I'm not speaking on behalf of AACOG today, but personally. And I really, again, want to emphasize how important it is that you did prioritize San Antonio. We're so very close to being in attainment, that this funding can make a difference. And we really do recognize that having this invested -- invested very quickly and taking advantage of the funds as quickly as possible is much to our advantage with our quick timeline.

We have groups that are working together in
order to generate interest, spread the word, and ensure
that when the applications are being accepted, we will
be there and have applications ready and submitted very
timely.

We also very much would urge TCEQ to consider,
under the federal agreement, you can reimburse
governments 100 percent. The budget for, you know,
fiscal year ’19 are already adopted. So those entities
have not provided for the additional 40 percent in their
current budgets. Most of our entities, be it school
districts, be it smaller communities or all four
counties, really have not provided for funding and do
not have available funding. So that difference of
100 percent for governmental entities, we think is very,
very important.

We also would ask you to consider the freight
switchers. We do recognize there’s another program, but
we have got eight yards in San Antonio -- or in Bexar
County -- that we think that can make a big difference
with, also.

We also would urge you to consider prioritizing
San Antonio, Bexar County, since Bexar County is in
non-attainment, totally recognizing the risk of our
other three counties. And in most of our pass-through
programs that flow directly through "the COG," we
prioritize the City of San Antonio for 60 percent and
Bexar County for an additional 20, and then 20 go to the
outlying areas. So we either have those dollars flow
through the cogs, for additional priorities could have
been placed that were consistent with that, or consider
some form of allocation at TCEQ to make sure that the
one county that's in non-attainment really has access to
the funds.

Otherwise, again, we appreciate it. We look
forward to the board considering many of your comments.
And, as always, if there's anything we can do to
facilitate it or be responsive, we welcome that
opportunity. So thank you very much.

MR. DAYTON: Diane, thank you. And again, we
look forward to continuing the work with the COG on
these important issues, and we appreciate the support
and the hard work that y'all have been doing and will
continue to do.

I will just go down the list. I apologize, some
of these may not be in order. I -- we have about nine
additional people that would like to speak. So I don't
think we need to set a time limit. But I still would
appreciate y'all keeping it five minutes or less, if you
can.

Again, if you have written comments, you can
submit those. You don't necessarily need to put
everything into the record orally, also. But feel free
to say whatever you'd like. But if it starts going too
long, I may need to slow people down or cut people off.
But otherwise, I think we have enough time for folks to
say what they would like to say.

Let me go down, if I get your name wrong,
please, just -- I apologize. Make sure you say it
correctly in the record.

MR. DAYTON: Hannah Zunker from Valero.
HANNAH ZUNKER: Hello. I'm Hannah Zunker with
Valero. And I just want to make a statement that we
recommend that the majority of the funds are used
towards the replacement of older diesel engines with
new, high efficiency, clean burning diesel engines which
can reduce emissions in a very cost-competitive manner.
Research shows that if you compare a 2000 model
year diesel engine to a 2010 model year diesel engine,
that particulate matter reduction is done by a factor of
10, and knocks reduction is a factor of 20 improvement.
And in addition to that report, other studies show that
a one-pound reduction in knocks costs you only $86, with
a new diesel engine; costs you $107, with compressed
natural gas; costs you $165 for a battery electric
vehicle.
And in addition to this, if you were going to try to achieve a 600-ton reduction in knocks, this can be done immediately by replacing old diesel engines with only 936 new diesel trucks in comparison to a need for over 900,000 electric vehicles to achieve the same goal. We believe this is the most efficient and economic use of the funds in order to achieve the knocks reduction goals of this program. Thank you.

MR. DAYTON: Next, we have David Schatz from ChargePoint.

DAVID SCHATZ: Thanks, Steve. My name is Dave Schatz, I'm director for public policy for ChargePoint. ChargePoint is the largest network of electrical vehicle charging stations in the nation. We have over 54,000 stations nationwide. We strongly support TCEQ's intention to allocate the maximum 15 percent for light-duty electric vehicle charging duty infrastructure.

There are many reasons to keep this 15 percent commitment in the plan -- in the final plan. First of all, it's one of the most cost-effective categories. Level 2 stations are anywhere from $5 to $10,000 per. It's quick to market. Deployed in a couple of weeks or months across the state. It's a statewide program. It will achieve those kinds of benefits. It will result in
thousands of charging stations across the state. It's powered by the local grid, regardless of energy resource.

So if it is created here in Texas, if the electrons are flowing here in Texas, which they are, it is powering vehicles on the roads today. We support the goal of this program to be truly statewide, not allocated in any particular area, because there are many gaps throughout the market, and we think this will go a low way towards addressing those gaps.

We also really support the grant structure; competitive grants do a lot to stimulate the competitive market that's currently here today, operating in Texas. So we certainly think there will be a lot of interest in this program.

One additional recommendation, though. On the DC fast charging side, it's currently supported at about 50 percent. We think that because of the specific economics of DC fast, we might want to look into -- or it would be best served by an 80 percent coverage, as stipulated in the trust, as the maximum for a private site public deployment.

We also think that there should be a priority for smart charging infrastructure, data capable, collecting data on charging stations. It will help the
02:35  1  State to recognize the emissions reductions that it has.
02:35  2  So once again, we strongly support many, many
02:35  3  parts of the plan, and we look forward to being a
02:35  4  resource to you.
02:36  5  MR. DAYTON: Thank you.
02:36  6  Terry Burns with the Sierra Club.
02:36  7  TERRY BURNS: Thank you and good afternoon. My
02:36  8  name is Dr. Terry Burns, retired pathologist and chair
02:36  9  of the Alamo Group of the Sierra Club.
02:36 10  The Sierra Club accepts the signs describing
02:36 11  deleterious effects of ozone in plants and human health.
02:36 12  And we support the new non-attainment designation of
02:36 13  Bexar County. We also accept the science indicating
02:36 14  global climate change is occurring as a result of
02:36 15  massive fossil fuel emissions into our atmosphere.
02:36 16  We thank the State of California and the Obama
02:36 17  EPA for discovering and convicting Volkswagen of its
02:36 18  corporate malfeasance in producing diesel vehicles with
02:36 19  higher than allowed amounts of emissions and covering up
02:36 20  that fact.
02:37 21  Volkswagen settlement funds will help Texas
02:37 22  improve air quality, and we are in strong support of
02:37 23  general TCEQ plans for the handling of this, quote,
02:37 24  "windfall."
02:37 25  Number one, we agree with the proposed general
goals of the plan, distribution, and TCEQ plans to administer the funds directly, rather than using COG or MPO intermediaries. We agree this would create another level of bureaucracy and delay. We strongly support spending a maximum 15 percent on EV infrastructure. As we agree, this needs to be done statewide.

EV adoption is one of the most important steps we need to take to address climate change. We're doubtful of the readiness of hydrogen fuel cell technology in the state at this time for -- except for very specific circumstances. We urge TCEQ to make a specific minimum commitment to electric school buses and transit buses by setting aside at least $30 million of the total for all electric buses so that those most impacted by air pollution will receive a greater benefit. In addition, TCEQ should consider raising to 60 percent reimbursement for these vehicles to 80 percent, at least.

We do not support use of these funds for so-called alternative fuels, like we heard a bit earlier, such as, quote, "advanced diesel" and other sources, such as propane. These are fossil fuels which -- it emits substantial amounts of carbon and will not address our carbon emission problem and climate change problem. And any consideration of such
alternatives should, at the least, include complete life cycle analysis of their effects. We support the separate category inclusions of refuse vehicles, freight trucks and airport equipment.

We point out, however, that there is no mention of environmental justice in the draft mitigation plan. We urge TCEQ to commit 25 percent of the settlement charging funds for support of multi-family and public facilities and low-income communities.

TCEQ, for our area, prioritizes comments from AACOG. But we suggest, also, that AAMPO, at Bexar County, and most especially, City of San Antonio comments be prioritized, as well. Only San Antonio is in the midst of developing a climate action plan for which EV infrastructure in current planning with CPS will be a critical component. San Antonio already is moving address—aggressively to address our air quality problems. Working with CPS to renew submissions, limit vehicle idling, improve government vehicle fleets, et cetera.

We agree with CP—TCEQ funding, that these funds should not be used for business economic development, but rather to, quote, "to implement the grant projects quickly and efficiently to hasten the air quality benefits," unquote.
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<td>02:40</td>
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<td>We look forward to rapid and substantial air quality improvements in Texas, thanks to this EPA agreement resulting from the culpability of a large international corporation. Our system works best when people, corporations, and governments all work honestly in a level playing field. And when they don't, prosecution and maximum penalties are assessed to send a clear message that malfeasance will not be tolerated.</td>
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<td>Thank you.</td>
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<td>MR. DAYTON: Thank you. Doug Melnik.</td>
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<td>DOUG MELNIK: Good afternoon. Doug Melnik, chief sustainability officer for the City of San Antonio. First, we would like the express our support from the City of San Antonio for TCEQ's proposed plan. We're very grateful for the current proposed allocation structure.</td>
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<td>As Diane has mentioned, we're currently making sure we're coordinating with key partners, including AACOG, Bexar County, VS, CPS Energy, and others, to ensure that we're all on the same page and are working together, leveraging our opportunities.</td>
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<td>We have a great opportunity to reach attainment and avoid being bumped up to moderate, and that's our big priority. And the City and our partners, as well as the business community, have multiple projects that are</td>
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basically cued up and will benefit greatly from this funding opportunity.

In order to expend the funds as quickly as possible, to ensure that we make progress to get back into attainment, we would respectfully request that TCEQ consider funding governmental replacements and repowers with alternative fuels and electric models, as well as an electric charging infrastructure at 100 percent as allowed in the Nationwide Volkswagen Diesel Emissions and Environmental Mitigation Trust proposal. Thank you very much.

MR. DAYTON: Thank you. Stephanie Reyes with the Chamber of Commerce.

STEPHANIE REYES: Good afternoon. My name is Stephanie Reyes. I'm vice president of public policy at the San Antonio Chamber of Commerce.

As mentioned, on July 18, 2018, the EPA designated Bexar County as a non-attainment area under the new federal air quality standards, passed in 2015. This was an especially devastating blow to a low-income community like San Antonio where the designation is expected to result in an economic loss of 3.2 billion and 27.5 billion, according to the 2017 study conducted by AACOG.

What made the designation feel particularly
unjust, as well, was that San Antonio has a better track
record than any other major metropolitan area of
voluntarily complying with new air quality standards.

Twice before, Bexar County has been in danger of
running afoul of the max, when such standards were first
lowered to 80, and then 75 parts per billion. Each
time, Bexar County brought ozone levels into compliance
despite the fact, as well as that only 20 percent of
ozone emissions in Bexar County are from local sources.

In fact, Bexar County has reduced ozone levels
over the last 20 years from 93 parts per billion in 2003
to 73 parts per billion in 2016. The silver lining,
however, is that Bexar County, because of its track
record and because of the marginal nature of its
non-attainment, has a real chance of getting out of
non-attainment by 2021.

The proposed allocation of 73.5 million to Bexar
County to reduce the nitrogen oxide in the environment
in Bexar County might just be the measure that tips the
scales. A $73.5 million measure that averts 3.2 to
27.5 billion in economic losses to one of the fastest
growing metropolitan areas in the state ought to be a
financial and political no-brainer. We, at least, have
not heard of a more compelling way to invest the
Volkswagen funds anywhere in the state that would
achieve a higher return on investment.

All of the above, taken in combination with Bexar County's unique track record of working as a community to improve its air quality, makes our community a most impactful place to invest the Volkswagen funds. Additionally, we support AACOG's recommendation, dated March 28, 2018, for the use of these funds.

Given Bexar County's diverse and successful emissions reductions programs over the years, we support flexibility and local discretion in how such funds are allocated, as well as the ability to share funds, if needed, over and unsubscribed programs. As technology advances, such flexibility in an important way -- is an important way to ensure that funding continues to go where it can be most impactful. Thank you.

MR. DAYTON: Okay, the next name -- I apologize, I can't read the first name -- is Gutierrez with the same -- Chamber of Commerce, also. No? Okay. Is it Martin?

MARTIN GUTIERREZ: Yes.

MR. DAYTON: Okay. Stacey Abel. Abel?

STACEY ABEL: Good afternoon. Can you hear me?

Okay, good afternoon. I am with a new group that formed this spring called the Texas Electric
Transportation Resources Alliance. And we are a collection of electric car manufacturers, public interest groups, a broad variety of utilities. And we're -- our point is to -- and our goal and Mission -- is to make sure that infrastructure is there when we need it for the coming electric transportation revolution. So we are here today -- I'll try not -- we're a statewide organization, I'll try not to repeat too much.

We do support the 15 percent set aside across the state. We have been monitoring Electrifying America, as most of you know. Electrifying America is the organization that came from Volkswagen, and they have committed to putting $2 billion into charging infrastructure along interstates across the United States. So we are looking at this 31 million to match that, to complement those locations.

We're -- we have a charging infrastructure committee right now that is taking the transmission lines, the highways, state and federal highways, and main rural arteries and making recommendations of how to fill in those spots. The -- so we do have some recommendations, which I just wanted to lay out.

Our frequency is about 50 to 75 miles by 2020 in interstates, but also on state highways and the triangle
between Dallas-Fort Worth, Austin, San Antonio, and also looking at the Valley. And we'll have that final recommendation to share in the next month. Obviously, we -- we would like those where power line capacity is accurate -- I'm sorry -- adequate. Locations accessible and attractive to a wide variety of consumers. A big part of what we're -- our priority is to assure charging equity. I think someone else, maybe the Sierra Club, talked about environmental justice -- wasn't really mentioned. But we are focusing on the fact that 37 percent of Texans are poor. EVs can lower the cost of transportation, and we want to make sure that infrastructure, pardon me, is -- is there. A whopping 40.2 percent of a low-income family's money goes to transportation every month, as opposed to 13 percent for average families. Studies have shown that fuel and maintenance cost of owning an EV are about one-third of a conventional gasoline-fueled vehicle. We feel that there -- part of this money should be earmarked to promote the availability of used EVs that are just now coming on the market. A new consumer report study found that, currently, it is significantly cheaper to buy a used EV than a similar quality gasoline-fueled car.
We really think it's important to focus the infrastructure and these used EVs in low-income communities which have been exposed to far higher levels, historically, of diesel particulates than other communities.

And more than 50 percent of low-income families rent. So we recommend a mix of charging facilities at homes, apartments, and streetside to mitigate this need.

So bottom line is, we recommend that 25 percent of the VW settlement charging fund be set aside for low-income communities, focusing on multi-family and public facilities. Thank you.

MR. DAYTON: Thank you very much. Okay.

Russell with the Sierra Club. I can't read the last name. So make sure you say your name for the transcript.

RUSSELL SEAL: Russell Seal. And I'm a member of the Alamo Group of the Sierra Club. And I'm speaking, myself. Terry Burns gave our official comments. I have a -- talk more of a personal note in why we need community members being involved in the planning process.

I have two electric vehicles. Volkswagen Volts of 2011 and 2013. I live right outside the city limits and commute into San Antonio downtown every day. And we
have level 2 chargers at our house, and we have the level 2 charger at the office. That workplace charging is very important. Also very -- placement of chargers. The public library has one electric vehicle charging station in it -- a free parking spot near downtown. You can walk all around to City Hall to other places from this. But we -- it's always occupied. We have -- we need many, many more elec- -- public electric charging stations in places such as the downtown library.

Having community input on how this works, on where charging stations are located, will help alleviate the anxiety people have about buying electric vehicles. I frequent Corpus Christi on a regular basis. There's a Tesla charging station near Three Rivers. Can't plug in. Don't have a charge point facility there. Don't have a ChargePoint facility down in Corpus.

The network throughout the state is the new organization of Tesla -- that's Eddie Smith, who many of y'all know is a director of -- is critical in making my decision to change out my 2011 with 100,000 miles, my 2013 with 108,000 miles to a new Volt -- instead of the Volt. That would help, locally, making that buy-decision to change to full electric volt, or to full electric.
Right now, I'm pursuing changing to a 2018 electric vehicle, which are very -- are competitively priced, even without the rebates. Not going to go there unless we get the range anxiety -- so I can drive outside of the city limits, so I do not have to maintain a separate vehicle while travelling. And it's not just the triangle. We need to be able to get down to Corpus. We need to get down to the Valley, we need to get to El Paso, any other points within the state. That will help our area. And also, not just in Bexar County. As Ms. Rath pointed out, we are a community together. The designation was just for Bexar County, but I commute in and utilize those resources in Bexar County every day, and I sit in the border, in Medina County. So the surrounding counties that are part of our community, that people are working and driving here on our roads locally every day, such as I do, needs to be taken into consideration. These funding areas need to, in our full -- what -- the non-attainment area should be the entire MSA, it should not just be Bexar County. I disagree with that decision. And -- but if we all work together and promote and work with the dealerships -- we have -- the Chevrolet dealerships are putting the -- many vehicles
in stock. Castroville Chevrolet has six electric vehicles in stock right now, ready to sell. The work force, the salespeople that I talk to on a regular basis, they're not knowledgeable. We have to talk with all of our -- all of the car dealerships, let them get to have training and put some of this money aside -- not taking away from the charging stations, but we have to have training with our dealers. I don't think there's any dealership person in the room.

Also, as we work on grant applications, involving CPS Energy and the City of San Antonio, we're in the process of talking about an EV rating and solar-ready ordinances right now. CPS Energy, with our climate action and adaptation plant, are currently in the process, according -- as Mr. Melnik said in April. CPS energy is ready to go on developing proposals.

All of these separate pieces need to come together and develop, bring us all together in the room, along with public citizens, how to make it work -- and have a brainstorming session on how can we develop this together with all the separate entities to optimize the grant. Thank you very much.

MR. DAYTON: Thank you. Thank you, sir.

Bryan Martin with Bronko Bikes. Excuse me if I got your name wrong.
BRYAN MARTIN: You got it, on the spot.

Good afternoon, everybody. Hi, I'm Bryan Martin, founder of Bronko Bikes. We're an electric bicycle start-up here in San Antonio, Texas. We build electric bikes, so you don't have to.

What is an electric bike, you might ask.

Electric bikes have a battery and a motor, and they allow the rider to go anywhere from to 20 to 30 miles or more per charge and per hour.

What does this mean to people who can't attain a car? Well, it allows them to get to work. Most people in San Antonio, the reason they don't have gainful employment is they don't have reliable transportation.

I personally have found electric bikes have transformed my life since 2012 when I sold my first motorcycle and built my first electric bikes. One for my wife and one for myself.

Why am I here? I'm here because -- just to -- completed reading through this agenda; I don't see any talk about electric bicycles. And we have ZEVs. What is a "ZEV"? It's a "Zero Emission Vehicle." Light duty.

What's "light duty"? It means that it's under a certain tonnage. Excuse me. Electric bikes usually weigh, like, 50 to 35 pounds, depending on the batteries
and motors, and they are extremely fuel efficient.

We're talking about maybe 10 to 20 cents to charge this vehicle. And guess what? The infrastructure is already there. There's over a billion 110 outlets in the US.

So we don't need to spend the money on infrastructure.

Why is this important? Well, China built all these electric bikes. Where none of this happened here in the state -- in the state of Texas. And I think that's a crying shame because one of the original founders of the lithium ion technology is a UT professor in the United States, Mr. Goodnuf (phonetic).

We should be building these here in Texas, and we should be spurring an electric bike revolution to help kids get on bikes. You see all these scooters going around? Well, those things are dangerous, in my opinion. And they're being put on sidewalks that aren't AVA compliant. What we should be telling kids, that they should be learning the rules of the road on two wheels like we did in the 60s and 70s.

What was the slogan? "You met the nicest people on a Honda." Well, Honda's not building electric bikes and motorcycles, for some reason. So I think we should start right here in Central Texas and put people to work.

So that's our goal, is to put people on bikes,
to become an employer and help empower people to get to
work on 10 or 20 cents a day. I mean, you really can't
beat that.

So once again, I'm an advocate more than
anything. If you don't buy an electric bike from me,
you can buy one from Small Planet eBikes down in South
Alamo. You can go to Bike World and try one out. I'm
pushing that we have an electric bike share program
through -- funded through CPS and VIA, but that's just
my 2 cents.

Because everybody deserves to get to work
safely. And unfortunately, we can't wait for the City
to decide when they want to put bike lanes in. So the
bikes need to be able to keep up with cars or, at least,
not be at the mercy of people's own physicality. That's
the number -- number one reason people don't ride bikes,
is because they don't feel safe.

Anyway. Thank you so much for your time. Thank
you much -- so much for having this hearing, AACOG. And
I would like to learn more about the grant process and
how to apply for said funding. Thank you so much.

MR. DAYTON: Thank you, Bryan.

Kara Hill with CPS.

KARA HILL: Good afternoon. My name is Kara
Hill with CPS Energy. CPS Energy wants to thank the
TCEQ for recognizing that the VW settlement funds can make a tremendous impact on helping Bexar County get back into attainment and would appreciate that TCEQ increasing the percentage cost limits, the highest allowance for each category of grants. Bexar County is so close to being in attainment and CPS Energy looks forward to being a strong partner and helping Bexar County achieve its goal.

MR. DAYTON: Thank you very much. That's all the folks that have listed that they would like to speak. Is there anybody else that would like to come up and speak on the record?

Yes, sir. Make sure and give your name and who you represent.

ELOY LAQUE: Good afternoon. My name is Eloy Laque, governor -- government relations coordinator for the VIA Metropolitan Transit. First of all, I would like to thank you for having this community event so we can all speak and let everybody know how we feel about this grant, this proposal.

VIA has been proactive by reducing emissions by replacing 270 buses with new CNG buses. We have the largest CNG facility in North America. Currently, we have 200 buses that qualify and fit the requirements in this proposal. We are ready to start working with TCEQ
and begin the process. We have projects ready to go right out the gate when the program is called. Thank you.

MR. DAYTON: Is there anybody else that would like to get their comments on the record?

Okay. What we can do now is end the public comment process. And I can -- we don't have to be on the record, and I'll take any questions and try and give answers to anything you want to talk about regarding this program.

And thank you very much for letting the valuable comments and votes you provide, by the way. I thought everybody was very -- provided some very good comments.

/Public comments concluded./
I, Janalyn Elkins, certified shorthand reporter, certify that the foregoing is a correct transcription from of the proceedings in the above-entitled matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of $________ was paid/will be paid in full by TCEQ.

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