



## DALLAS COUNTY JUDGE CLAY LEWIS JENKINS

October 3, 2018

Texas Commission on Environmental Quality  
Air Quality Division  
Implementation Grants Section, MC-204  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Dallas County Comments Regarding Draft Beneficiary Mitigation Plan for Texas

Chairman Niermann:

On behalf of Dallas County, I would like to thank you for the opportunity to provide comments on the Draft Beneficiary Plan (Plan) for Texas's portion of the Volkswagen Settlement. I agree that a significant portion of the funds should be dedicated to "priority areas" of the state, and believe that 81% is a fair percentage for that designation; however, I have concerns about the current proposal for how those funds will be distributed across the state.

The proposed Plan classifies priority areas as those identified as nonattainment for the National Ambient Air Quality Standard (NAAQS) for ground-level ozone as well as two other areas that have monitored levels close to the those limits. Additionally, these priority areas represent 62.5% of the state's population. Of the five priority areas, only the Dallas-Fort Worth (DFW) and Houston-Galveston-Brazoria regions were designated nonattainment for both the 2008 and 2015 ozone standards, yet together, those regions account for only 27% of the allocated total funding

For the DFW area, a mere \$29 million has been allocated, or 13.91% of the total available funding, even though the technical data shows the registered violating vehicles in the area account for 41% of the state's total, we have 41% of the state's population, 44% of the vehicles miles traveled and 43% of the total NO<sub>x</sub> emissions.<sup>[1]</sup> The North Central Texas Council of Governments originally suggested an allocation of \$63 million for the DFW area. This estimate is based on technical data and reflects an equitable distribution of the funds. Unfortunately, the current proposed amount in the Plan is less than half of that recommendation and does not represent a proportionate distribution.

Since a primary purpose of the Trust Agreement, according to the Plan, is to mitigate NO<sub>x</sub> emissions in impacted communities (i.e. nonattainment areas) and the first listed goal of the Plan

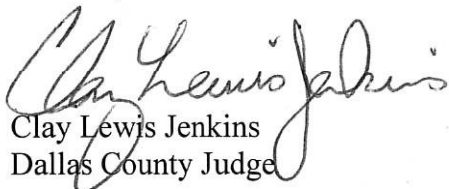
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<sup>[1]</sup> According to Exhibit 1: Potential Fair Share Allocations to DFW Area Based on Various Metrics provided by the North Central Texas Council of Governments, Sept. 13, 2018

is to "Reduce NOx Emissions," I ask that you reconsider the proposed allocations and provide a fair-share distribution to the DFW area based on these stated goals and the technical data that supports a significantly larger allocation. The documentation provided by the North Central Texas Council of Governments on September 13, 2018 supports this request. I additionally ask that the final Plan outline the process and methodology used in determining priority area allocations.

Thank you again for your consideration and the opportunity to provide comments. Please do not hesitate to reach out if I can provide any additional information. I can be reached at

Sincerely,



Clay Lewis Jenkins  
Dallas County Judge