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October 5, 2018

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Mr. Stephen Dayton
Texas Commission on Environmental Quality
12100 Park 35 Circle, Bldg. F
Austin, TX 78753

RE: Volkswagen Mitigation Trust – TCEQ Draft Beneficiary Mitigation Plan

Dear Mr. Dayton:

We are writing on behalf of Ryan LLC, a consulting firm who represents multiple clients across various industries who are interested in applying for the proposed grants provided by the Volkswagen (VW) Environmental Mitigation Trust Settlement.

Allocating funds to the mitigation actions will help to positively reduce NO_x emissions locally/regionally, as these types of vehicles operate on regular daily routes within the community, especially as it relates to **Class 4-8 School Buses** and children's health. Research published in the Journal of the Air & Waste Management Association has concluded that, "A high percentage of school buses are powered by diesel engines and commuting children may be exposed to high concentrations of exhaust particles and gases during their commutes, at school bus stops, or at loading/unloading zones."

Additionally, allocating funds to the **Airport Ground Support Equipment, Forklifts, and Port Cargo Handling Equipment** category, will certainly have a beneficial effect on air quality for communities adjacent to airports and other facilities, and employees, due to the high concentration of vehicles operating in a limited space.

The plan currently restricts the grant funding allocation to the following metropolitan areas: San Antonio, Dallas-Fort Worth, Houston-Galveston Brazoria, El Paso County, Beaumont-Port Arthur. While we agree that reducing emissions in these areas is definitely a worthwhile pursuit (a number of our clients operate vehicles within the designated Priority Areas), many of our clients also operate vehicles in counties that are adjacent to Priority Areas and these counties report poverty rates substantially higher than those in the Priority Areas. In fact, a review by [the National Institute of Environmental Health Sciences](#) (a division of the National Institutes of Health) found that poorer communities tend to be exposed to higher concentrations of air pollution, compared to more affluent communities. Due to their location and economically disadvantaged position, we respectfully request TCEQ expand the Priority Areas, or to at least include a second tier of Priority Areas, if the funding for the first tier Priority Areas is not fully utilized.

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Please also revisit how the maximum funding amount is allocated between the Priority Areas. San Antonio is receiving a disproportionate amount given their size. We'd suggest allocating San Antonio a similar amount as Dallas and Houston and using any remaining allocation to add additional Priority Areas within Texas.

Additionally, several of our clients also have large fleets of vehicles in other areas of the state, including but not limited to: Austin, Waco, and Plainview. We believe that opening the funding allocation to these metropolitan areas would allow for the removal of even more older diesel vehicles from the road and provide improved air quality in the areas where these vehicles operate. Furthermore, the TCEQ should strive to keep the application process simple, with clear instructions, precise deadlines, a well-defined scoring system (or release the application ahead of time if awarding on a "first come, first served" basis), and provide a quick payout within 30-60 days of receiving an award notification.

Making these changes would incentivize our clients to effectively modernize their fleet and help the TCEQ remove older and NOx emitting diesel vehicles from service, which is the primary goal of the TCEQ's beneficiary mitigation plan. We thank the Texas Commission on Environmental Quality (TCEQ) for accepting comments to your draft plan, holding the public meetings, and we would welcome the opportunity to discuss our comments further.

Please feel free to contact Allea Newbold at

Sincerely,

A handwritten signature in black ink that reads "Allea Newbold". The signature is written in a cursive, flowing style.

Allea Newbold
Ryan LLC