



DON HUFFINES
STATE SENATOR • DISTRICT 16

October 8, 2018

Jon Niermann, Chairman
Texas Commission on Environmental Quality
PO Box 13087
Austin, Texas 78711-3087
Via Email: VWsettle@tceq.texas.gov

RE: Volkswagen Settlement - Draft Beneficiary Mitigation Plan for Texas

Dear Chairman Niermann:

I would first like to welcome you to your new role as Chairman of the Texas Commission on Environmental Quality. As a representative of my constituents, I am writing to encourage the TCEQ to redraft the mitigation plan and provide Dallas with a more equitable portion of the Trust funds. I also encourage your agency to keep in mind that the free market will be better served without directives on specific uses of the funds. Doing so serves to encourage others to participate while ensuring their participation meets the overall goal of emissions reduction.

While the draft plan meets the spirit of the Environmental Mitigation Trust – to reduce NOx emissions, the current funding structure fails to address the largest areas with the most pollution. The DFW region encompasses more counties than three other designated priority areas combined, therefore having the largest population with the greatest need for improvement. A prudent use of the funds would focus on air quality issues present in Texas' most populous regions.

It is my hope that Texas will see beyond the obvious to deliver a cleaner environment and respect that equitable distribution will lead the free market to deliver the best results for our state. However, the current plan to only allocate 14% of the funds to the Dallas region falls short of equitable distribution. Compared to San Antonio, Dallas has more than twice as many vehicles registered with Volkswagen's illegal defeat devices, yet the former is set to receive 35% of the allocated funds. Furthermore, Dallas priority areas are designated for nonattainment, and as such, have the greatest air quality concerns. This status poses a challenge to the Dallas regions' progress and economic competitiveness.

On behalf of my constituents in Dallas County, I urge you to reconsider the proposed allocation structure to reflect a proportionate distribution based on population and number of affected vehicles. Thank you for your consideration, and if you have any questions or would like to discuss further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Huffines". The signature is written in a cursive style with a large, sweeping initial "D".

Don Huffines
State Senator, District 16

CC: Toby Baker, Executive Director, TCEQ
Mayor Mike Rawlings, City of Dallas
Michael Morris, P.E., Director of Transportation, NCTCOG