

Request for Public Comment Regarding The Volkswagen and Audi Environmental Mitigation Plan

The Delaware Department of Natural Resources and Environmental Control (DNREC) requests public comment on all aspects of the proposed Volkswagen and Audi Environmental Mitigation Plan. Among other things, the settlement would establish an Environmental Mitigation Plan that allocates about \$9 million to Delaware for emission reduction projects. Public, private businesses and individuals may receive funding for eligible projects. DNREC is the state's lead agency to implement the Environmental Mitigation Plan. Depending on when the court approves the settlement and the trust is finalized, DNREC anticipates that Delaware could begin soliciting project applications in mid-2017 and funds would be available by the end of 2017. More information about the settlement can be found at <http://www.dnrec.delaware.gov/air/Pages/VWMitigationPlan.aspx>.

Please submit any comments and information by COB Monday, April 3, 2017 to by VW_Mitigation_Plan@state.de.us, or in person at the March 23, 2017 public meeting. DNREC particularly seeks comment on the following issues regarding the Environmental Mitigation Trust:

1. How the settlement money should be distributed, spent, and accounted for.
2. How to maximize the air quality benefits resulting from the trust.
3. Whether projects should be fully funded or partially funded (the trust allows reimbursement of 25%-100% of eligible costs, depending on the project category).
4. What process should Delaware use to solicit, review, and approve or disapprove applications for funds?
5. Whether to set aside funds for particular categories of projects or applicants?
6. Whether to give preferences to certain fuels, such as diesel, compressed natural gas, propane, hydrogen fuel cell or battery electric?
7. The emission reductions achievable from each eligible mitigation measure.
8. The costs and benefits of replacing or repowering vehicles with "Alternate Fueled" or "All-Electric" engine technologies, as defined by Appendix D-2 of the Consent Decree.
9. The percentage of trust funds, if any, that Delaware should devote to Light Duty Zero Emission Vehicle Supply Equipment
10. Whether to expend trust funds on the "DERA Option"
11. How to determine whether a proposed project will benefit areas that have been disproportionately impacted by emissions of nitrogen oxides (NO_x) or other pollutants, and information about such impacts in particular areas of Delaware
 12. The criteria for evaluating applications for funds. How should Delaware consider the following factors, and what other factors should it consider?
 - a. Reductions in emissions of NO_x and other pollutants

- b. Ozone, particulate matter, visibility, climate change, public health and other environmental values
- c. Project costs and benefits
- d. The economic impacts of proposed projects
- e. The geographic distribution of funds
- f. The division of funds between the categories of eligible projects
- g. An applicant's status as a government agency, large business, small business, individual person, or other category
- h. Whether a project applicant is low income, minority, or disadvantaged or operates vehicles in these communities
- i. Benefits to areas that have been disproportionately impacted by NOx and other pollutants
- j. The number of affected vehicles registered in the county where the project is proposed or predominantly operated in those counties
- k. The project's potential to accelerate a broader transition to Alternate Fueled or All-Electric vehicles

13. DNREC will conduct public outreach through in-person public meetings, presentations to stakeholder groups, Facebook posts, tweets, written comments and traditional media. What additional factors, if any, should DNREC consider in its public outreach?