

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

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PUBLIC MEETING

VOLKSWAGEN SETTLEMENT BENEFICIARY MITIGATION PLAN

MAY 8, 2018

1ST FLOOR MULTIPURPOSE ROOM

1:00 P.M. TO 4:00 P.M.

DEQ BUILDING, 7TH FLOOR

707 N. ROBINSON

OKLAHOMA CITY, OKLAHOMA

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REPORTED BY: Jennifer Payne Kaelin, CSR

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 DEQ STAFF:</p> <p>3 Heather Lerch, CEM Environmental Programs Specialist, DEQ</p> <p>4</p> <p>5 Eddie Terrill, Air Quality Division, DEQ</p> <p>6</p> <p>7 Nancy O'Brien, Environmental Programs Specialist, DEQ</p> <p>8</p> <p>9 PUBLIC COMMENTS:</p> <p>10 Mark Nestlen, Oklahoma Transit Association</p> <p>11 Ted Rieck, Tulsa Transit</p> <p>12 Bob Ford, IC Bus of Oklahoma</p> <p>13 Eric Pollard, ACOG</p> <p>14 Michael Ballard, OG&E</p> <p>15 Larry Hopper, COTPA/EMBARK Transit</p> <p>16 Kerry Rowland, AEP/PSO</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 going to do the presentation this afternoon.</p> <p>2 Oh, I might mention we do have a little bit of</p> <p>3 problem possibly with a bulb in this projector. So if</p> <p>4 it goes out, you'll just need to move over. Hopefully</p> <p>5 now that I've said that, nothing will happen. If I</p> <p>6 hadn't mentioned it, it probably would have gone out</p> <p>7 immediately. But it will probably work just fine now.</p> <p>8 But if it does, that's what's going on.</p> <p>9 Heather.</p> <p>10 MS. LERCH: Hi. My name is Heather Lerch. I</p> <p>11 am the project manager here at DEQ for the Volkswagen</p> <p>12 settlement funds, and I'm going to be giving you a brief</p> <p>13 overview of our proposed Beneficiary Mitigation Plan.</p> <p>14 But before I do that, I'd like to go over a little bit</p> <p>15 of what the plan is and is not.</p> <p>16 So the BMP is intended to be a broad overarching</p> <p>17 plan that is meant to be used as a program framework.</p> <p>18 It is understood that it contains not exact numbers but</p> <p>19 only our best estimates and projections for the future.</p> <p>20 We do have to submit this plan to the</p> <p>21 Volkswagen Trust, Wilmington Trust in order to receive</p> <p>22 funds. And this plan is intended to be flexible enough</p> <p>23 to hold up for the entire ten-year duration of the</p> <p>24 trust.</p> <p>25 This plan is meant to be inclusive enough to</p>
<p style="text-align: right;">Page 3</p> <p>1 MEETING BEGAN AT 1:04 P.M.</p> <p>2 MR. EDDIE TERRILL: Okay. I am not</p> <p>3 Secretary Teague. He was unavailable this afternoon.</p> <p>4 He had a conflict and he sends his regrets. He wishes</p> <p>5 he could have been here.</p> <p>6 I want to just take a brief moment to thank our</p> <p>7 staff here at DEQ and the Secretary of Environment and</p> <p>8 Energy's office staff that worked on this plan and did</p> <p>9 all the upfront work to put this Beneficial Mitigation</p> <p>10 Plan together. And now we get to hear your comments and</p> <p>11 start doing the real fun work, which is, for us</p> <p>12 something that we don't get to do a lot of, and that's</p> <p>13 be involved in reducing mobile source emissions on-road,</p> <p>14 off-road, school buses, ZEVs, all those fun things that</p> <p>15 generally is reserved for the federal government. We do</p> <p>16 a little bit of DERA work, but this will be the most</p> <p>17 ambitious project that we've been involved in since I've</p> <p>18 been here. And so we're really looking forward to</p> <p>19 making a difference statewide and reducing the NOx</p> <p>20 emissions that impact ozone and getting the PM</p> <p>21 reductions and other emission reductions that are going</p> <p>22 to come along with this program.</p> <p>23 So this is for your benefit. Make comments. Tell</p> <p>24 us what you like or don't like about the plan. And with</p> <p>25 that, I'm going to turn it over to Heather Lerch who is</p>	<p style="text-align: right;">Page 5</p> <p>1 give all eligible projects a fighting chance at</p> <p>2 receiving awarded funds.</p> <p>3 What the BMP is not -- the BMP is not intended</p> <p>4 to contain any planning elements that are likely to</p> <p>5 change. This is because the plan does have to last for</p> <p>6 ten years. The BMP is intended to detail specific -- is</p> <p>7 not intended to detail specific funding programs, and it</p> <p>8 is not meant to lay out a selection or ranking process</p> <p>9 by which we will choose from a list of potential</p> <p>10 projects.</p> <p>11 According to the Volkswagen Settlement</p> <p>12 Agreement, the essential elements of any beneficiary</p> <p>13 mitigation plan, submitted by a state, is the goal or</p> <p>14 goals for the state's plan. Chosen eligible mitigation</p> <p>15 action categories, from Appendix D-2, of the trust</p> <p>16 agreement, the allocations of the funding that the state</p> <p>17 intends to spend on each of these categories, as well as</p> <p>18 the estimated emission benefits that this state expects</p> <p>19 to see from those categories' projects.</p> <p>20 One more item is that the state is supposed to</p> <p>21 describe how we will consider the impact of mitigation</p> <p>22 actions on air quality and areas that bear a</p> <p>23 disproportionate share of air pollution burden within</p> <p>24 the state.</p> <p>25 So, now that the background is out of the way,</p>

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1 the goal of the Oklahoma Beneficiary Mitigation Plan,
2 the proposed plan as you're here to comment on it today,
3 is to cost-effectively reduce mobile nitrogen oxide
4 emissions throughout the state.

5 This pie chart represents the programs that we
6 have proposed from the eligible mitigation action
7 categories in Appendix D-2 along with the percentage of
8 funding that we suggest for each category.

9 So here you see we have the full, maximum
10 allotted -- maximum allowed 15 percent for Zero Emission
11 Vehicle Infrastructure, 20 percent for an Alternative
12 Fuel School Bus program, 10 percent to add to our
13 existing DERA program, 20 percent for a more
14 broadly-named On-Road program, 20 percent for an
15 Off-Road program, and 15 percent is suggested to be
16 saved for what we would call a Reserve Flex Fund.

17 So a little bit more detail. The Alternative
18 Fuel School Bus program is pretty self-explanatory. The
19 DERA grants would include diesel school bus projects as
20 well as categories that are not allowable under other
21 Volkswagen projects, such as retrofits. And those
22 retrofits and things of that type, those are not just
23 specifically for school buses. Those can be for other
24 vehicle types, as well. Might even change from year to
25 year based upon the federal DERA program.

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1 So it is also important to note here that this
2 10 percent from the Volkswagen Trust funds does not
3 represent the total funding for the DERA program. DERA
4 also receives funding from other sources, and so this
5 10 percent from Volkswagen is simply bolstering what we
6 would already see from that funding.

7 Under the On-Road program, this number here,
8 this number one, that represents the category in
9 Appendix D-2. So Appendix D-2, Category one, Class 8
10 local freight trucks and drayage trucks. Appendix D-2,
11 Category 2, Class 4 to 8 shuttle bus or transit buses.
12 Category 6 from Appendix D-2, Class 4 to 7, local
13 freight trucks. All of these together will share this
14 allotted 20 percent for the On-Road program.

15 Similarly for the Off-Road program, that would
16 include freight switchers, ferries and tugs, airport
17 ground support equipment, forklifts and port cargo
18 handling equipment. Here again, we have our maximum
19 allowable, 15 percent in zero emissions vehicle supply
20 equipment as well as a 15 percent for reserve flex
21 funding.

22 So we tried to take everybody's comments into
23 consideration when we were drafting this plan and
24 allocating these funds. You'll notice that there is one
25 category that's not on this list, and that is

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1 Category 5, which was ocean going vessels shore power.
2 We received no comments in support of any of
3 those projects. We didn't see any potential projects,
4 so that is why that was left out. That might be
5 obvious.

6 But we also have represented your comments in
7 other ways here. We had unanimous support for the
8 15 percent for zero emission vehicle supply equipment.
9 We also had broad support for money going towards school
10 buses, which we have in two different categories. And
11 we also received approximately a two-to-one ratio for
12 comments showing on-road versus off-road programs.

13 So here I've colored the pie chart just so you
14 can see that a little bit more easily. These
15 alternative fuel school buses, that's an On-Road
16 program. DERA will be all on-road projects. And then
17 this more broadly-named On-Road project.

18 So On-Road comprises about 50 percent of the
19 projects, which is a little bit more than twice as much
20 as the Off-Road. So, again, indicative of the comments
21 that we received in the first comment period.

22 So the bus program is a little bit tricky, so
23 I'm just going to go over that briefly. The way that we
24 have proposed this plan, school buses are split into two
25 different programs. If you have an original vehicle

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1 diesel school bus and you'd like a new diesel bus or
2 you'd like that bus retrofit, that bus has to apply
3 under our existing DERA programs. If you have a diesel
4 school bus and you would like to convert that into an
5 alternative fuel school bus, then that must apply under
6 the Alternative Fuels School Bus program.

7 Neither school buses types are eligible under
8 the more broadly-named On-Road program. However, the
9 On-Road program does encompass transit and shuttle
10 buses. Likewise, transit and shuttle buses are
11 ineligible under the DERA, the diesel-to-diesel, except
12 for retrofits.

13 So the Reserve Flex Fund, as we have proposed
14 it, is to be distributed only after all of the other
15 programs have been launched. And we expect this to take
16 approximately three years, maybe a little bit longer or
17 shorter depending on how things go. The allocation of
18 this flex fund will be based upon demonstrated interest
19 and need and changes to any conditions in the market or
20 technology. Some of these flex funds may be used for
21 administrative costs, but it's important to note that
22 these funds cannot go towards your Emission Vehicle
23 Infrastructure, just because we've already maxed out our
24 allocation there.

25 Before I get into funding priorities, I would

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1 like to stress to you that all the project applications
2 that meet minimum guidelines, as laid out in announced
3 RFPs, will be considered regardless of location or cost
4 effectiveness.

5 Projects that more closely fit the BMP's goal
6 and priorities are more likely to receive funding. But
7 it is possible for any submitted project to receive
8 funds.

9 So basically, what I'm saying here is that we
10 do not want you guys to self-select and edit yourself
11 out of this process. We have made an effort to design
12 this plan so that it's flexible enough that any good
13 project has a fighting chance against any of the others.

14 So that being said, our two funding
15 priorities, that correspond with the goals that we've
16 selected, are Cost-Effectiveness and Mobile NOx
17 Emissions Reductions. Those three bullets under Mobile
18 NOx Emissions Reductions are the metrics that we used in
19 order to determine whether or not a project will receive
20 priority based upon emissions reductions. So
21 cost-effectiveness will be based upon the cost-per-ton
22 of NOx reduced as well as a percentage of matching funds
23 offered.

24 The first metric that we pulled, when
25 determining whether or not a project would have

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1 considerable impact on NOx emissions is our
2 historically-high ozone areas. This is based upon past
3 air quality monitoring data. And as you can see, it's
4 primarily the Oklahoma City and Tulsa Metropolitan
5 statistical areas.

6 Now, pulling ozone data, when our goal is NOx
7 emissions might actually be counter-intuitive if you
8 don't know much about air quality chemistry. But there
9 are two reasons that we did this.

10 The first reason is that Oklahoma has no
11 challenge in maintaining healthy levels of the National
12 Ambient Air Quality Standards when it comes to NOx.
13 However, we do have a challenge in maintaining healthy
14 levels of ozone. Nitrogen oxide is spent in the
15 chemical reaction that creates ozone. Therefore, our
16 main impact for NOx is not the NOx itself, it's the
17 ozone that follows. So that is why we've selected these
18 counties.

19 The next thing we did is we pulled up
20 registrations of affected Volkswagen vehicles for the
21 models and years. Now, it's presumed that these
22 vehicles will probably be driving around for several
23 years emitting more than their fair share of emissions.
24 And so each of these counties, that are colored in, have
25 more than one percent of Oklahoma's registered affected

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1 vehicles.

2 The third geographical consideration that we
3 looked at was the National Emissions Inventory for
4 Mobile Source Nitrogen Oxide Emissions. These are both
5 on-road and off-road sources. Basically, anything that
6 is not nailed to the ground. And these are our top ten
7 categories for those -- and or top ten counties.

8 So when you add all of these priority counties
9 together, this is what the map looks like. So
10 geographical priorities aside, the next thing we looked
11 at was our technological priorities, again, using the
12 National Emissions Inventory. This is also for mobile
13 nitrogen oxide emissions.

14 This 37 percent here is On-Road Diesel Heavy
15 Duty Vehicles, the 28 percent is On-Road Non-Diesel
16 Light Duty Vehicles. This is followed by 14 percent for
17 Locomotives, and 13 percent for Non-Road Diesel
18 Equipment. So as you can see, the rest just kind of
19 falls into tiny little slices after that.

20 Because those don't exactly correlate with the
21 Appendix D-2 categories, I've kind of done that here as
22 a cheat sheet for you. So the On-Road Diesel Heavy Duty
23 Vehicles are Categories 1, 2, and 6 in Appendix D-2.
24 This is basically your trucks and buses, gross vehicle
25 weights 4 through 8. And this comprises our more

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1 broadly-named On-Road Diesel program as well as the
2 school bus programs.

3 The second category, the Light Duty Vehicles
4 is Category 9. The only way that we're allowed to
5 target that is through the zero emission vehicle
6 infrastructure.

7 Locomotives come -- that corresponds to --
8 oops. Accidental click. That corresponded to the
9 freight switchers, which is Category 3.

10 Non-Road Diesel Equipment would be diesel from
11 Category 7 and 8. That's port cargo handling and
12 airport equipment.

13 The only category -- we decided to prioritize
14 the top four sectors. The only category not prioritized
15 is down here, Category Number 4, Commercial Marine
16 Vessels. That would be your ferries and tugs.

17 There's one more set of priority
18 considerations that we have, and these are in effect
19 regardless of what county you're in, regardless of your
20 cost-effectiveness. This satisfies that essential
21 element of the BMP, the long-winded one on how we're
22 going to show that we're considering projects that bear
23 a disproportionate share of air pollution burden from
24 diesel fleets.

25 The way we've laid it out here is consistent

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1 with the way it's done in other federal grant programs,
2 such as the DERA program; and that is, projects which
3 will be within local proximity to the I-40, I-35 and
4 I-44 traffic corridors, truck stops, ports, rail yards,
5 terminals of freight or passenger lines, construction
6 sites, bus depots, distribution centers, basically
7 anything within the local area around that project that
8 causes an increase in traffic.

9 So that's just a very quick wrap-up of what we
10 have proposed, and I'm looking forward to hearing what
11 you-all have to say about that. This may not answer a
12 lot of questions that you have. But a lot of the
13 necessary program details and the more refined details
14 will be released when we put the request for proposals
15 online.

16 Here shortly, we'll be taking your public
17 comments. And then after that, I'll give a brief
18 overview, an outlook of what we hope to see in the
19 future from these Volkswagen projects, what will be our
20 next steps, a very, very tentative timeline, as well as
21 any additional programmatic information that we can give
22 you right now.

23 So I'm going to hand the forum over to
24 Nancy O'Brien and she's going to give you directions for
25 our comment process.

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1 MS. O'BRIEN: I won't be here long enough to
2 walk around. (Laughter.)

3 Good afternoon. I'm Nancy O'Brien with the
4 Air Quality Division here at DEQ. I will be calling
5 audience members to the podium who wish to comment, as
6 Heather noted. If you've not already done so, please
7 complete a comment form. It looks like this
8 (Indicating.) at the sign-in table, and they'll bring it
9 up to me.

10 When your name is called, please come to the
11 podium and state your name for the record prior to your
12 comments. You will be allowed up to ten minutes for
13 your comments. I'll alert you when your time is almost
14 up with a sign like this. (Indicating.) And if you go
15 over, (Ringing bell.) I'll ring the bell.

16 We only have, at this time, six or seven
17 comments but we do have the other presentation
18 afterwards, so that's why we want to still limit the
19 comments. But we'll be a little easy on it.

20 So the first commenter is Mark Nestlen with
21 Oklahoma Transit Association.

22 MR. NESTLEN: That's great. We were planing
23 on five minutes, so we're in good shape.

24 (Laughter.)

25 MR. NESTLEN: Good afternoon. I'm

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1 Mark Nestlen, Executive Director of the Oklahoma Transit
2 Association. With me today is Ted Rieck. He's the
3 general manager of Tulsa Transit, and he is the Chair of
4 the Advocacy Committee for Oklahoma Transit Association,
5 and you're going to hear from Ted a little bit later on
6 after I'm through.

7 The Oklahoma Transit Association represents the
8 urban, small urban, suburban, rural and tribal public
9 transit agencies in the state. Those agencies provide
10 more than ten and a half million rides per year across
11 Oklahoma. Thinking about public transit, it's essential
12 to remember that communities are important to the fabric
13 of our state and the nation. They're not just spots on
14 a map. They're not collections of random people.

15 Instead, the communities are places where people share
16 common connections with each other.

17 Choices on where to live, work, learn, meet and
18 play grow with the connections created and with that
19 growth, the strong connections come economic
20 opportunities, vibrant communities.

21 It's an undeniable fact that public transit drives
22 growth, attracts development, and builds greater value
23 along its corridors, so restaurants find diners,
24 landlords find renters, individuals find medical care,
25 families find local pharmacies and shopping, employers

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1 attract employees and those employees find good jobs and
2 valuable places to live.

3 Public transportation powers community growth
4 through driving its economic development and
5 revitalizing neighborhoods. Let's look at four very
6 important facts when it comes to public transportation.

7 For every dollar communities invest in public
8 transportation, approximately \$4 is generated economic
9 returns.

10 Second, every \$10 million in capital investment in
11 public transportation yields \$30 million in increased
12 business sales.

13 Third, in recent years, residential property values
14 performed 42 percent better on average if they were
15 located near public transportation with high frequency
16 in service. And nationwide public transportation is a
17 four billion -- is a -- is a billion-dollar industry
18 that puts people to work, directly employing nearly
19 400,000 people and creating hundreds of thousands of
20 private sector jobs.

21 For a state and nation that has always sought out
22 ever-smarter ways to connect and thrive, what has been
23 true for a century is true today. Where public
24 transportation goes, communities grow.

25 America's public transportation systems play a

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1 vital role in creating a healthier nation. In Oklahoma,
2 public transit not only provides needed transportation
3 options for all Oklahomans, whether urban or rural, but
4 the system also reduces traffic congestion and emissions
5 providing significant environmental benefits by reducing
6 smog-producing pollutants and greenhouse gases. Public
7 transportation is helping to meet state and national air
8 quality standards as it produces about half as much
9 carbon dioxide and nitrogen oxide per passenger miles as
10 private vehicles.

11 That brings us to why we're here today, to review
12 the proposed Oklahoma Volkswagen Beneficiary Mitigation
13 Plan, or the BMP, or more importantly, to discuss ways
14 to reduce nitrogen oxide, or NOx emissions, in Oklahoma
15 through effective use of funds from the Environmental
16 Mitigation Trust that was created under the
17 Volkswagen Settlement.

18 The proposed Oklahoma BMP expresses the intent of
19 the State of Oklahoma to accept the nearly \$21 million
20 from the Volkswagen State Mitigation Trust for this
21 purpose.

22 In fact, the heading of Page 1, of the proposed
23 BMP, states that the goal of the BMP is to
24 cost-effectively reduce mobile NOx emissions throughout
25 the state. There are two ways to evaluate the proposed

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1 BMP and to determine whether those results meet the
2 goals depends on the approach taken.

3 If the goal of the proposed BMP is to provide a way
4 to accept \$21 million from the VW settlement and divvy
5 it up between some players in the state to curb some NOx
6 emissions, then the BMP hits the mark and achieves the
7 goal, meeting adjourned, let's all go home.

8 On the other hand, if the goal of the BMP follows
9 the spirit and purpose of the Mitigation Trust Fund,
10 actions to fully mitigate excess NOx emissions, then the
11 proposed BMP misses the mark and fails to achieve the
12 goal.

13 Now, I've spent a couple of minutes determining
14 what the problem is, but I'm going to leave it up to
15 Ted, from Tulsa, to tell you what the solutions to those
16 problems are. And he's going to explain some of the
17 changes that we see are absolutely necessary to the BMP
18 in order to meet the goals and to provide the
19 opportunities to evaluate and see the reduction in the
20 NOx emissions. He's going to give very -- three very
21 specific changes that need to be made. Without such, we
22 do not believe that it can meet the standards. With
23 such, we will be able to achieve that.

24 Thank you.

25 MS. O'BRIEN: Next commenter is Ted Rieck with

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1 Tulsa Transit.

2 MR. RIECK: Good afternoon. Can you hear me
3 all right?

4 Good afternoon. I'm Ted Rieck from Tulsa Transit
5 and Chair of the OTA Advocacy Committee. I appreciate
6 the opportunity to pick up where Mark left off on this
7 important matter.

8 As a draft, the proposed plan provides that 20
9 percent of the dollars will be used for On-Road program.
10 This portion includes Class 8, local freight trucks and
11 drayage trucks; Class 4 through 7, local freight trucks;
12 and Class 4 through 8, shuttle or transit buses. School
13 buses are not included in this portion as diesel school
14 bus projects are included in the 10 percent of funding
15 allocated for DERA portion and a separate 20 percent has
16 been set aside solely for Alternative Fuels, School Bus
17 program.

18 Let's be clear as to the size of this small pool of
19 money. The eligible recipients of the On-Road program
20 will be competing for about \$4.1 million. Compounding
21 the problem created by this small amount of dollars
22 available in this category is the fact that Appendix D-2
23 of the settlement allows for 100 percent of the cost of
24 new purchases and repowering options to be paid by trust
25 funds.

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1 Take a look at this example. Four transit -- major
2 transit agencies in Oklahoma look to the BMP for funding
3 to replace diesel engine buses with electric buses.
4 Those four agencies are Tulsa Transit, EMBARK here in
5 Oklahoma City, Lawton Area Transit System and CART in
6 Norman.

7 Criteria-wise, these are all prime targets. The
8 number one county for NOx emissions is Oklahoma, number
9 two is Tulsa, number three county is Cleveland, and
10 number eight is Comanche. All are in the number one
11 mobile source NOx emissions category, On-Road Diesel
12 Heavy Duty Vehicles.

13 If these four agencies apply through the BMP,
14 clearly they would win funding over the other applicants
15 as they will provide the most effective NOx emissions
16 reduction in the targeted areas. And if they use the
17 ability provided in Appendix D-2 of the settlement to
18 achieve 100 percent funding, that means the available
19 20 percent of the funds will only provide for buses, as
20 little as one bus per agency and that's if they receive
21 all 20 percent of the On-Road category.

22 Since none of them currently use electric buses,
23 the charging infrastructure does not exist. DEQ would
24 be challenged to approve the cost effecting this on
25 expenditure of funds for such an infrastructure for one

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1 bus per agency.
2 Due to the current percentage allocated to the
3 On-Road program and cost of transit vehicles, the
4 conclusion must be drawn that the proposed BMP fails to
5 achieve the goal of mitigating excess NOx emission in a
6 cost-effective manner.
7 There are, however, ways to achieve this goal by
8 using the BMP and the VM -- VW settlements as leverage
9 for other available dollars.
10 An example is the Federal Transit Administration's
11 low or no emissions program. This Low-No program is
12 funded at \$84 million, at one time level higher than
13 what has been authorized under the FAST Act and some
14 \$27 million more than last year. This increased funding
15 was a result of a recent congressional budget deal and
16 is not expected to remain this high in the out years.
17 These app grant applications are due in mid June.
18 The time is right to take advantage of this potential
19 windfall. The Low-No program requires a 15 percent
20 local match, though grants that can receive that level
21 are more likely to be funded.
22 If \$5 million from the Oklahoma BMP were used as a
23 25 percent match toward the FTA Low-No program, those
24 four agencies, in their earlier example, could see as
25 many as 20 new buses, electric buses, and a reason to

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1 invest in charging infrastructure, and that would result
2 in meaningful, cost-effective NOx emission reduction in
3 the state of Oklahoma.
4 This is just one example of how to leverage funds,
5 using BMP, to provide a cost-effective way of mitigating
6 NOx emissions in Oklahoma. There are others that could
7 be investigated, as well. It is important to quickly
8 modify the BMP in order to provide opportunity to
9 leverage the Low-No program and other funding
10 mechanisms.
11 With an unusually large sum of money available in
12 the very short term, public agencies, or in a collective
13 effort, need to be able to submit grant applications
14 knowing the BMP funds are available and secure, as they
15 need to be able to do that by early June.
16 The Oklahoma Transit Association recommends the
17 following three changes to the proposed BMP: One,
18 revise the BMP to set aside \$5 million for public
19 transit agency providers. This is a similar approach
20 taken for school buses. We're still at levels less than
21 a total school bus portion of the BMP.
22 It must be noted that diesel transit buses spend
23 more time on the road and a more equitable earmarking of
24 funds between school and transit buses will achieve
25 greater NOx emission reduction.

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1 Two, work with the Oklahoma Transit
2 Association, its agencies, and where beneficial, other
3 state agencies, like ODOT, to develop a statewide plan
4 and grant approach to leverage the BMP dollars to cause
5 the most cost-effective NOx emissions reductions
6 statewide.
7 This should not be constrained to only the
8 large bus systems, as provided in our example, since
9 rural transportation can also achieve BMP goals for
10 projects that occur outside of the target counties that
11 bear a disproportionate share of the air pollution
12 burden as detailed in the BMP.
13 Number three, revise the BMP to set aside the
14 largest portion of Category 9 for public transit,
15 electric charging infrastructure.
16 By revising the proposed BMP with these three
17 actions, DEQ will have developed a plan that will cause
18 meaningful reduction in NOx emissions and will have done
19 it in a cost-effective manner that utilizes all
20 available funding sources. Failing to move quickly to
21 implement these three actions will mean the lost
22 opportunity of additional dollars to help fight to
23 reduce NOx emissions in Oklahoma.
24 The Oklahoma Transit Association looks forward
25 to working with DEQ, starting now in an expedited

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1 fashion, to revise the BMP to ensure that the
2 VW settlement trust funds are used in a cost-effective,
3 meaningful manner that provides real reduction of NOx
4 emissions throughout the state.
5 Thank you.
6 MS. O'BRIEN: Bob Ford.
7 MR. FORD: Good afternoon. I'm Bob Ford with
8 IC Bus of Oklahoma. IC Bus of Oklahoma is a Tulsa-based
9 manufacturing facility. We've produced about 160,000
10 school and commercial buses over -- since 2003. We have
11 a -- annual wages in the area of 50 million a year, and
12 that does not include the Tier I and Tier II suppliers
13 that are in the Tulsa and the surrounding areas that
14 support our manufacturing facility.
15 We also have five dealer locations throughout the
16 state that are selling dealer and partner, Summit Truck
17 and Bus, sells the IC buses, and then also supports the
18 school districts with service and parts.
19 We applaud the DEQ for the recognition of school
20 buses as a key priority. Number-wise, IHS-Polk
21 registration, there are over 900 pre-1998 school buses
22 and just under 4,200 pre-2010 school buses in the state.
23 So accelerating the retirement of the older, high
24 NOx-producing units in the vicinity of the most at-risk
25 population, which is our school children that are still

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1 developing respiratory capability, will have long-term
2 benefits and a healthier future and reduce long-term
3 healthcare costs for the state.

4 The replacement of school buses will help reduce
5 continuing district and state budget concerns reducing
6 short-term transportation budget needs allowing them to
7 use some of those funds for facilities and teacher pay
8 and others.

9 We do discourage the use of funds for repower of
10 school buses. The cost-effectiveness or the return on
11 investment of replacing or repowering an older bus with
12 new technology is -- is a challenge because of the new
13 technology going into an older -- older vehicle.

14 We do encourage the mitigation plan to fund a
15 percentage of the replacement cost requiring the schools
16 to participate in the budget or in the purchase,
17 ultimately extending the funds to a larger portion of
18 the districts in the state. It has a bigger impact if
19 we can reduce NOx throughout the state, even though we
20 want to target the major areas. At the same time, we
21 stress that a low percentage of funding from the fund
22 for the district may be an issue.

23 So in the past, districts have applied for
24 different grants and have received 25 percent of the
25 purchase price. But in reality, the districts had to

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1 return the grant money because they didn't have the
2 dollars to fund the 75 percent. So it's a good
3 indication of what's going on with the school district
4 budgets.

5 So something to consider in the -- and I understand
6 in the "what is not in the BMP" was -- and I understand
7 that's, you know, why you don't have that detail in
8 there.

9 Lastly, we encourage priority for funds, approval
10 in the grant process to focus on product that is
11 produced within the state. So that's something else to
12 consider in the grant approval process.

13 Thank you.

14 MS. O'BRIEN: Next up, Eric Pollard with ACOG.
15 MR. POLLARD: Good afternoon. I'm
16 Eric Pollard. I'm representing the Association of
17 Central Oklahoma Governments. I do want to mention that
18 this -- these comments recommend just staff
19 recommendations or a comment at this time, but we may
20 look at moving some of our comments through our -- our
21 various boards within ACOG.

22 We want to thank DEQ staff, and Heather in
23 particular, for all the work that has gone into this.
24 It's been a very difficult task, a lot of things to
25 think through. And it's clear in the BMP that this was

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1 a very deliberate plan, so I appreciate that. Also,
2 Secretary -- Secretary Teague's staff for their
3 leadership on this, as well.

4 We want to acknowledge the prioritization of ACOG
5 central Oklahoma counties for consideration within the
6 BMP as we do face more of the burden of ozone pollution
7 within the state.

8 I want to say it's clear in the BMP that the
9 prioritization is the mitigation of NOx, which is one of
10 our big comments that -- at our last meeting here, so I
11 want to acknowledge that, as well. And it seems like a
12 strong focus on NOx mitigation in the plan.

13 I want to say that regardless of where projects are
14 selected and what projects are selected, that ACOG and
15 ODEQ will continue a strong partnership in protecting
16 public health and improving air quality through
17 individual and institutional mitigation actions.

18 So my advocacy hat would be to sign up for DEQ's
19 health advisories for ozone and other pollutants and our
20 ACOG Ozone Alert program, as well.

21 I want to apologize in advance if any of my
22 comments are with -- out of the scope of BMP, and we'll
23 definitely change that. We're not providing our written
24 comment today. We'll do that at a soon -- soon-to-be
25 date, and then a lot depends on if we move through our

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1 ACOG committees. So a lot of my brief overview today
2 will be a reflection of things I've mentioned at our --
3 at the first meeting here.

4 As the last speaker mentioned, we've got a lot of
5 questions coming into ACOG about cost-reimbursement
6 percentages, which types of projects will be funded at
7 different levels, public versus private reimbursement
8 levels. And this is critical, especially with these
9 funds, when the scragpage considerations come into play
10 and as we look to the fleet outreach portion of the
11 timeline here. So we'll continue to look to DEQ and the
12 timeline and what Heather outlines here later today.

13 We want to acknowledge the preference in
14 alternative fuels that are reflected in the plan,
15 particularly for school buses and across other -- other
16 categories, as well, ZEV funding.

17 Focus on alternative fuels with the BMP we think
18 reflects other State goals around alternative fuels,
19 namely our designation by the Federal Highway
20 Administration as signage-ready CNG corridors. We have
21 the most CNG stations per capita in the country, and
22 this state has -- through tax credits and other
23 incentives, has invested a lot and leveraged private
24 dollars and private businesses here in Oklahoma to build
25 out that infrastructure.

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1 It also meets energy resiliency goals that the
 2 State outlines in our Energy Assurance programs and, of
 3 course, outlines our state air quality goals, as well.
 4 On the zero emission vehicle supply equipment, we
 5 want to acknowledge that the BMP does address our
 6 interstate corridors. We would have -- if there are --
 7 we, as a -- members of the Oklahoma Electric Vehicle
 8 Coalition and the Clean Cities Coalitions and others
 9 want to have electric vehicles available across the
 10 state and that the citizens across the state can benefit
 11 from electrification of transportation.
 12 So when possible, if there are other highways
 13 within the state that are highly traveled, we feel that
 14 drivers, that drive from rural areas to metro areas in
 15 an electric vehicle, is a particular driver that we want
 16 to highlight for EV growth.
 17 As I mentioned, with the focus on alternative fuel
 18 vehicle replacements for schools, we do want to
 19 acknowledge the diesel availability under the DERA match
 20 funding. But again, when we look from an ACOG staff
 21 perspective, we look to the encouragement of alternative
 22 fuel projects over diesel projects and encourage
 23 expansion of projects under the DERA match in addition
 24 to the diesel school buses.
 25 Again, I think this probably is out of the -- out

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1 of the scope for today, so I apologize. But when
 2 looking at scoring criteria and project selection, we'll
 3 just look forward to working with DEQ and other partners
 4 to determine what are the best emissions reduction
 5 projects out there. For example, replacing older school
 6 buses rather than newer school buses and how their
 7 emission scores are reflected.
 8 Between now and when we submit our written comment,
 9 ACOG will evaluate the settlement and make sure we
 10 understand what's outlined in the settlement regarding
 11 reimbursement of projects. We have had some -- some
 12 feedback and concerns of the timeliness of reimbursement
 13 and that certain public entities or school districts
 14 require a faster timeline for reimbursement and can't
 15 afford that upfront cost in some cases. And we -- and
 16 maybe don't know -- another side of that is -- you know,
 17 something that we deal with at ACOG is if a project
 18 comes in at a certain cost and then comes up or down,
 19 how the -- how the -- how VW funds will address that.
 20 So with that, I thank staff again and look forward
 21 to hearing other comments from ACOG members in the room
 22 and Clean Cities' take on it, as well.
 23 Thank you.
 24 MS. O'BRIEN: Next is Michael Ballard with
 25 OG&E.

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1 MR. BALLARD: I'm Michael Ballard with
 2 Oklahoma Gas & Electric Company. I'm the Director of
 3 Strategy at Oklahoma Gas & Electric.
 4 First, we would like to thank the ODEQ staff for
 5 the excellent work that you put into putting together
 6 this proposal. We know there's a lot of hard work and
 7 effort that went into this and we want to recognize you
 8 for that and -- and make some specific comments.
 9 Generally, with regard to the plan, supportive of
 10 the plan. We do think that with regard to recognizing
 11 the primary intent of the Beneficiary Mitigation Plan to
 12 implement the most cost-effective NOx emission reduction
 13 solutions, in those geographical areas of focus in the
 14 state, that we do have some comments that we won't be
 15 submitting specifically today, but we think there are
 16 some ways to maybe further optimize the plan to achieve
 17 that end goal. And so we'll be submitting those
 18 comments by the May 24th deadline.
 19 Primarily in the area of focus that we'll be
 20 looking at will be providing some analyses, comments and
 21 thoughts around the optimization of the funding
 22 allocations between the eligible mitigation action
 23 categories and the funding percentages within those
 24 categories. Looking into how to direct the largest
 25 funding percentages to the highest emitting mobile

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1 source vehicle types within the geographic areas of
 2 concern, such as was mentioned in the high ozone areas
 3 or the high NOx -- mobile NOx emission areas.
 4 So going on with comments, we support and recognize
 5 that electric vehicles are an effective source of moving
 6 forward and an important tool in Oklahoma's toolbox for
 7 mitigating NOx emissions and can be applied effectively
 8 to many of the solutions.
 9 We support the conversion of fleet vehicles,
 10 including the urban transit buses, the school buses, and
 11 the local freight trucks to electric solutions and in
 12 the context of the optimization comments that I just
 13 made. So there may be a very cost-effective or a more
 14 cost-effective way to apply those percentages to achieve
 15 the optimal goal.
 16 We agree that the allocation of the entire
 17 15 percent of the funding be directed to the light-duty
 18 zero emission vehicle supply equipment and/or charging
 19 stations. But with that regard, we recommend that the
 20 DEQ coordinate the planning process of that charging
 21 station infrastructure and create a dedicated group,
 22 stakeholder group, to do, as we believe, a coordinated
 23 roll-out of that EV charging network and would maximize
 24 the efficiency of its impact on reducing NOx and ozone
 25 in the state in those most beneficial areas.

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1 So in conclusion, we'd just like to say that
 2 we look forward, as we work through this process with
 3 DEQ and the stakeholders, and engaging with you and
 4 working towards these optimization efforts.
 5 Thank you.
 6 MS. O'BRIEN: Larry Hopper, COTPA.
 7 MR. HOPPER: Good afternoon. The Central
 8 Oklahoma Transportation and Parking Authority, which
 9 does business as EMBARK in Oklahoma City and some other
 10 communities, is pleased to submit these comments to the
 11 Department of Environmental Quality regarding the
 12 Beneficiary Mitigation Plan. We may have some
 13 additional comments beyond what's -- what we've
 14 submitted today and we'll get those in by the time of
 15 the deadline.
 16 You know, we want to -- we want to also acknowledge
 17 that the Oklahoma Transit Authority and Tulsa Transit
 18 have submitted some great comments. Ours are actually
 19 aligned well with those comments. We go a little bit
 20 further in some categories because COPTA, because of the
 21 "P", is involved in parking. So we have a real interest
 22 in public charging for garages and some other purposes,
 23 as well, so that's kind of why we go a little bit
 24 further.
 25 You know, we're grateful for how the plan has come

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1 together and how so many of the comments, that we
 2 provided back in -- you know, back in December,
 3 basically, are in the plan. But, obviously, we still
 4 have a few. We believe that 20.9 million would be very,
 5 very impactful around the state.
 6 We have five areas of comments. Okay. One is
 7 about transit vehicles. Another one is about transit
 8 vehicles, but really it's -- it's about a set-aside --
 9 some type of set-aside for transit vehicles. A third is
 10 about the public charging infrastructure. A fourth is
 11 about repowering. And then we have a -- kind of a final
 12 comment about a couple of administrative matters,
 13 especially this idea of -- of the matching funds that
 14 could be used to leverage the -- the mitigation plan
 15 funds.
 16 So first the comment for transit vehicles. You
 17 know, it should be noted that transit bus replacements,
 18 with CNG buses or all-electric buses, can have positive
 19 multiplier effects just beyond those buses' effects.
 20 That multiplier is on the NOx and -- and ozone and other
 21 emissions level and in reducing vehicle miles traveled
 22 because of how transit facilitates fewer cars and other
 23 vehicles on the road.
 24 You know, a lot of people would be taking the bus
 25 who would normally be driving their car for that short

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1 polluting trip or otherwise driving their car, and that
 2 pollution is taken off the road by people who ride the
 3 buses and so, you know, we're seeing these -- this high
 4 ridership on transit. The trends here support the idea
 5 that transit ridership is growing. And so the effect on
 6 air quality is not just what the bus does, but what
 7 other people, who would have taken another vehicle,
 8 would have done on their deal.
 9 So really, the -- the Department of Environmental
 10 Quality deserves to add some score points or to the
 11 percentage of NOx reductions that are due to projects
 12 that involve -- that involve this inherent ability of
 13 transit buses.
 14 Also, about charging for electric buses, you know,
 15 we were successful in getting an electric bus grant last
 16 year. And, you know, that charging equipment issue
 17 is -- is significant. They can range pretty widely in
 18 price. And, you know, whether the charges are eligible
 19 under Category 9, they at least ought to be made
 20 eligible under this category, as well. Because you
 21 could easily spend 50 to \$75,000 on up to \$300,000 on a
 22 piece of charging equipment for these buses. So we just
 23 want to make sure it can be put in there.
 24 Secondary is the comment on the set-asides for CNG
 25 and electric buses. You know, a minimum amount -- a

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1 minimum set-aside, reserved or earmarked for transit
 2 surge, such as perhaps a majority of the On-Road heavy
 3 duty vehicle sector funds from that On-Road Class 4 to 8
 4 category. Okay. And this is especially in light of
 5 transit's multiplier effects that -- you know, that
 6 seems to add to it.
 7 Transit's potential benefits may suggest the need
 8 to increase the On-Road sector beyond 20 percent to
 9 maybe 25 or 30 percent. And, of course, that would mean
 10 reducing the amount allocated out of categories, which,
 11 you know, be really, to the DEQ and -- and an analyses,
 12 to figure out what that might be. But perhaps that's
 13 reducing slightly the category such as Off-Road, the
 14 Off-Road category, and even potentially maybe even like
 15 a five percent reduction, say, in the reserve flex
 16 sectors, depending on how that's done. But, you know,
 17 some way to try to increase that amount so that buses
 18 don't consume the entire 20 percent of the On-Road
 19 category.
 20 The third area we had was a comment on repowering,
 21 and it kind of goes back to what we said back in
 22 December. Our understanding is that the addition -- the
 23 addition of retrofit diesel particulate filter, you
 24 know, DPF equipment, on, say, a post-2008 vehicle is a
 25 type of repowering or -- what would the word be?

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1 Repowering or retrofitting of a bus. And so in some
2 cases that might be worth trying to add to some of our
3 older buses, you know, to -- to basically help them
4 reduce -- reduce that.

5 And similarly, there may be -- you know, in our
6 case, the repowering of our three transit ferry boats
7 might very well be something that fits on that. So
8 we're glad that repowering is a category or a sector in
9 here.

10 The fourth area is -- is a comment on public
11 charging infrastructure. You know, it's not clear to us
12 whether these funds can only be used for the charging
13 equip -- equipment itself, just the charging -- just the
14 charger, or whether the cost of supply line upgrades is
15 actually included, as well.

16 You know, the -- could the plan specifically allow
17 that all or part of the cost of supply line upgrades of
18 on-site infrastructure, that feeds the chargers, could
19 it be eligible and made a priority?

20 Parking garages, for example -- and COTPA manages
21 several thousand spaces downtown, and there are other
22 private operators of garages, as well. You know, these
23 could be quite costly to up -- to retrofit for chargers
24 because, you know, you have to have that need for
25 additional conduit, boring through the concrete or a

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1 steel structure that you're dealing with, panel boxes,
2 the upgraded electrical systems and so forth. Parking
3 lots are kind of in the same category but probably a lot
4 easier and less expensive to try to retrofit to add
5 these chargers.

6 And then in Tulsa and Oklahoma City and elsewhere,
7 there's probably going to be increasing pressure to have
8 on-street chargers. We have an example in
9 Oklahoma City. We only charge our public vehicles with
10 it right now. But some people may want to pull up to a
11 parking space, plug the meter and also charge their car
12 on the street, and the supply line feed to that type of
13 charger could be kind of complicated, as well. You
14 know, it would seem like that -- that this category
15 would fit well in that -- on that sector for those ZEVs.

16 Okay. And finally, the fifth area is about the
17 comment on the timelines. You know, it was great to
18 hear that a lot of the information going forward would
19 be issued in an RFP. It would be -- it would be great
20 to know if we think that there might be a round -- a
21 receiving call for projects is six months away, a year
22 away. You know, something about the timeline would be,
23 I think, helpful to everybody in here.

24 And then the second part of this administrative
25 type comment is about basically trying to give more

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1 priority to those sectors in the program that can
2 leverage federal match funds. You know, you heard
3 what -- what Mr. Rieck had said about -- about, I think,
4 the electric bus programs.

5 There are other federal grants, too, that can be
6 leveraged, as well. Examples are what they call a
7 5339(b) program for buses. Those of us who receive FTA
8 5307 funds, it would be great to be able to leverage
9 some of those, perhaps as matched towards a grant like
10 this. And there may be other federal grant programs, as
11 well. So that ability to leverage funds to make that
12 20.9 million go further, great for everybody.

13 So with that, we really do appreciate the chance to
14 make these comments. And thank you, DEQ, for making it
15 possible.

16 MS. O'BRIEN: Kerry Rowland with AEP.

17 MS. ROWLAND: Well, good afternoon. I want to
18 thank DEQ for allowing us to make public comment, and
19 we'd like to thank Secretary Teague's office, also, for
20 your hard work in putting together this BMP plan.

21 We, at PSO, are really excited about this
22 opportunity for our customers. We are looking forward
23 to working with our customers to help them leverage
24 these dollars to implement NOx reduction measures. And
25 we fully support ODEQ's draft BMP plan, specifically

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1 Table 1, as it has listed the variety of action
2 categories. And we would hope that you would continue
3 down that path to keep those action categories intact,
4 because I see it as an opportunity for a market
5 transformation for the State of Oklahoma to introduce
6 new technologies to the state that we don't have.

7 So with that, we also like the idea of being
8 cost-effective, looking at the dollar-per-ton of NOx
9 reduced. I would also suggest that in order to make the
10 dollars stretch a little further, introducing some sort
11 of cap as to not exceed a certain percentage of total
12 project cost.

13 So with that, I want to thank DEQ for allowing us
14 to speak here today, and we plan to submit to you our
15 formal comments within the next few weeks.

16 Thank you.

17 MS. O'BRIEN: That's all the comments I have
18 received sheets for so far. Does anyone else wish to
19 comment at this time?

20 (No response.)

21 MS. O'BRIEN: If not, I guess Heather will go
22 on with her presentation.

23 MS. LERCH: All right. Before I go into the
24 future outlook portion of our presentation, just so you
25 guys know what is going on, this is not the end of the

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1 public comment period. I'll be doing a little -- I'll
2 be doing the presentation. And then if anybody else
3 comes in while I'm speaking or before 4:00, then we'll
4 take those comments, as well.

5 So now that our meeting is almost over, what's
6 next? Now, as mentioned, our comment period lasts
7 another couple of weeks. After that closes, we will be
8 reviewing all of the comments that come in and DEQ staff
9 and Secretary Teague's staff will convene, and based
10 upon those comments, will decide whether or not we're
11 going to finalize the BMP, as we proposed it, or whether
12 it needs further edits.

13 Once the BMP is in final form and we are happy with
14 it, feel confident with what we have, we'll be
15 submitting that to the Trust. After it's submitted to
16 the Trust, we can begin requesting funds as soon as 30
17 days after we've sent it in. But there are some other
18 things that we have to do before then.

19 Immediately upon submittal, we will begin working
20 on the programmatic pieces. These include the request
21 for proposal, the application, the scoring process, the
22 memorandum of agreement, and all of those other pieces
23 that go into making an effective program. We will do
24 the best that we can on this, and then we will roll out
25 those first phase of programs as soon as possible.

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1 So because there are so many programs, we will have
2 to put these out in phases.

3 Wow, that was a -- that was a big click.

4 So the first phase, we plan to roll out the
5 Zero Emission Vehicle Infrastructure program, the
6 Alternative Fuels School Bus program. And then during
7 phase two, we plan to roll out the On-Road program;
8 phase three will be the Off-Road program; phase four
9 will be the Reserve Flex Fund Allocations, as well as
10 any funding that remains from the first three phases to
11 be reallocated.

12 So ongoing, each year of the Volkswagen Trust
13 program, including this year, will be our already
14 existing DERA program.

15 All right. Now, because we have not fully entered
16 the program planning phase, there aren't a whole lot of
17 details that I can give you about the programs. But
18 there are some things that I can say that we've been
19 discussing.

20 The first is that the funding will be competitive
21 within each program category. This means that a
22 Locomotive will not be competing against an Alternative
23 Fuels School Bus. However, a Locomotive may be
24 competing against other Off-Road programs.

25 The other is that all of DEQ's program information,

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1 as well as award recipients, will be posted online to
2 honor the intent of transparency that the Trust has laid
3 out.

4 Now, the reimbursement process, as mentioned as the
5 way it's laid out in the Settlement Trust Agreement,
6 appears to be lengthy, and that may take up to 105 days
7 for reimbursement to DEQ from the Trust, and funds then
8 must be transferred from DEQ to the recipient.

9 As mandated by the Trust, there will be certain
10 reporting elements for each of these projects. All the
11 prior -- all projects will required some type of match.
12 We've not determined what the percentages of those
13 matches will be yet. And, of course, a project manager
14 can voluntarily provide greater than the minimum
15 required match and that would increase the
16 cost-effectiveness and competitiveness of their
17 application. Oklahoma will do our best to simplify the
18 entire funding process as much as possible.

19 So during the last comment period, we received a
20 lot of very good, helpful comments in regards to program
21 design. And I'm sure you've noticed that a lot of those
22 comments are not addressed and a lot of those questions
23 are not answered in the Beneficiary Mitigation Plan. I
24 want you to know that we have not yet set those program
25 details, just because we are not in that phase of the

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1 planning process yet. But all of your comments will be
2 considered when we are in that phase. Not all of your
3 comments -- not only the ones from last period, but this
4 period, and if we have any other comment periods, as
5 well.

6 Some other comments that our stakeholders presented
7 to us during the last period, that we've not addressed
8 yet in this meeting, refer to specific tools that might
9 be used in calculating cost-effectiveness and emissions
10 reductions, so our selection process for those tools is
11 still ongoing. If we do choose to use any of those
12 tools in selecting of specific projects or ranking them
13 against other projects, we will mention that in the
14 request for proposals.

15 It's most likely that we will have to use a variety
16 of different tools, and that's because we have yet to
17 find a single tool that does everything that we need it
18 to do just because this Volkswagen Trust, it covers so
19 many technological sectors.

20 So this is the question that everybody wants to
21 know. "When are we going to see the money?" This is
22 also the question that is the hardest possible question
23 to answer. So everything I say here is very tentative
24 and every piece is moving. This is because the
25 Volkswagen Trust is modeled not only within the state of

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1 Oklahoma, but also federally and with the trustee. So
 2 everybody throughout the country is figuring it out as
 3 we go along. And add to that, that these timelines,
 4 every date affects the other dates, you have the
 5 possibility for a domino effect. So that being said,
 6 these are our best guesses.

7 So the earliest possible date that we could submit
 8 the Beneficiary Mitigation Plan would be at the close of
 9 this comment period. If, when we look at the comments,
 10 we don't see any significant comments that require
 11 edits, and we can just almost immediately turn around
 12 and submit it, then that submittal date would be about
 13 May 25th.

14 The earliest date that we could, therefore, release
 15 the programs after that would be 30 days down the road
 16 to give us time to build those programs, so that would
 17 push it out to June 25th for that program announcement,
 18 in an ideal world.

19 So if everything goes smoothly and at the fastest
 20 possible rate, then the early estimated date for DEQ to
 21 receive any money from the Trust would then be 125 days
 22 after we submit the EMP. So that pushes that date for
 23 receiving money out to September 4th.

24 So out of phase one, phase one would include DERA
 25 along with the ZEV Infrastructure Program and the

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1 Alternative Fuels School Bus program. DERA will
 2 probably see the money first. And the reason for that
 3 is that DERA is already in existence. That program is
 4 already running, so it's simply a matter of seamlessly
 5 integrating the Volkswagen program in with the DERA
 6 program. Because we're building the programs from
 7 scratch, it will probably take a little bit longer for
 8 the money to reach the ZEV Infrastructure and the
 9 Alternative Fuels School Bus programs.

10 I feel it prudent to let you know that it's
 11 possible that this might be the last comment period for
 12 the Volkswagen Trust funds. And our plan is that we
 13 will only do another comment period if the BMP needs to
 14 go out for more comments. So if we don't submit it and
 15 we need to make significant changes, then we may have
 16 another comment period.

17 The other thing that I feel like you should be
 18 aware of is that once the BMP is submitted to the trust,
 19 we can change it if we need to. Now, hopefully we've
 20 designed a plan that can last the full ten years.
 21 Hopefully it's flexible enough to stand the test of
 22 time. But ten years is a really long time. So if
 23 things change and we need to fix it, we do have the
 24 opportunity to go back in and do that.

25 All updates to the Volkswagen plan and the process

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1 and where we stand on this BMP, all of that is going to
 2 be publicly available on our Volkswagen web page, which
 3 is right here. It's also on this slide along with our
 4 e-mail address for questions and comments,
 5 VWsettlement@deq.ok.gov. And just as a reminder, if
 6 you're not a fan of checking our web page every couple
 7 of weeks, there is a mailing list option on the bottom
 8 of the web page where you can sign up and it will let
 9 you know whenever we update that website.

10 So I'm not going to adjourn the meeting just
 11 because DEQ's staff and Secretary's staff will be
 12 remaining here until 4:00 in case anybody else comes in
 13 to make a comment. But you guys are welcome to have
 14 more coffee and water and stay as long as you like or go
 15 home.

16 But I'd like to thank you all for your comments.
 17 We really appreciate it.

18 Thank you very much.

19 (Brief pause.)

20 MS. LERCH: After the meeting, we will be
 21 posting our slides on the website. Eventually there
 22 will also be a transcript there, as well as everybody's
 23 comments. (Off the record at 2:11 p.m.)

24 * * * * *

25 (Record officially closed at 4:00 p.m.)

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CERTIFICATION

1 I, Jennifer Payne Kaelin, a Certified
 2 Shorthand Reporter within and for the State of Oklahoma,
 3 do hereby certify that I was present at the Public
 4 Meeting, Volkswagen Settlement Beneficiary Mitigation
 5 Plan, held at DEQ in Oklahoma City on May 8, 2018; that
 6 I recorded in stenotype notes all of said meeting; and
 7 that I thereafter transcribed my notes so taken and
 8 reduced same to typewritten form; and that foregoing
 9 transcript of meeting is full, true, correct and
 10 complete, to the best of my skill and ability.

11 I further certify that I am not an attorney
 12 for nor relative of any of said parties or otherwise
 13 interested in the outcome or event of said action.

14

15

16 IN WITNESS WHEREOF, I have hereunto set my
 17 hand and affixed my official seal this 18th day of May,
 18 2018.

19

20 _____

21 Jennifer Payne Kaelin, CSR#1748
 22 Official Court Reporter
 23
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