

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**Notice of Informal Public Comment Period  
Regarding the Proposed State Mitigation Plan for the Volkswagen Partial Consent Decree**

On October 25, 2016, a Partial Consent Decree was finalized between the United States Justice Department, the Volkswagen (VW) Corporation, and its subsidiaries regarding the installation and use of emissions testing defeat devices in approximately 500,000 2.0 liter vehicles sold and operated in the United States beginning in 2009. Use of these defeat devices has increased air emissions of nitrogen oxide (NO<sub>x</sub>), resulting in adverse impacts to air quality and violating the federal Clean Air Act. NO<sub>x</sub> emissions contribute to the formation of ground level ozone which impairs lung function and cardiovascular health.

An Environmental Mitigation Trust has been established as part the Settlement that provides funds to the states to mitigate the air quality impacts of the higher 2.0 liter vehicle emissions from the offending action. The initial share to Virginia from the Trust is up to \$87.6 million dollars. The Trust establishes a process to administer the funds, a process for states to receive funds, and identifies categories of eligible mitigation actions and expenditures.

In response to the Settlement, the Department of Environmental Quality (DEQ) has developed a proposed state mitigation plan intended to provide the public with insight into the Commonwealth's vision for the eligible uses of the Trust mitigation funds. This proposed plan is focused on the eligible types of mitigation actions that can produce the greatest air quality benefit in terms of NO<sub>x</sub> emission reductions, reduce public exposure, and promote clean vehicle technologies. The proposed state mitigation plan can be found at <http://www.deq.virginia.gov/Programs/Air/vwmitigation.aspx>.

DEQ is announcing an informal public comment period on the proposed state mitigation plan. Because the mitigation plan is expected to have a significant positive impact on the Commonwealth, DEQ is requesting input from the public to help inform the development of the final mitigation plan prior to taking any formal action. In addition to seeking general comments on the overall plan approach, DEQ is seeking specific comments on the proposed distribution of funding for the categories of eligible mitigation actions, and specific recommendations and information on possible mitigation projects to be considered by the Commonwealth. However, this is not a formal solicitation for projects.

**How to comment to DEQ:** You may email written comments to [vwmitigation@deq.virginia.gov](mailto:vwmitigation@deq.virginia.gov), send a fax (804-698-4510), or send postal mail to the Air Division, Department of Environmental Quality, PO Box 1105, Richmond VA 23218 from November 17 to December 16, 2016. Please provide your full name, address and telephone number.

**Public meeting:** DEQ is holding an informal public meeting from 5:00 to 8:00 pm on December 7, 2016 at the Administration Board Room, Henrico County Government Center, 4301 East Parham Road, Henrico VA 23228. The only topic under consideration will be the proposed state mitigation plan and eligible mitigation actions under the plan.

**Federal information:** The full Partial Settlement, including Appendix D that specifically deals with the Environmental Mitigation Trust, as well as additional information are available from the U.S. Environmental Protection Agency (EPA) at <https://www.epa.gov/enforcement/volkswagen-clean-air-act-partial-settlement>.

**Virginia information:** DEQ has established a web page with information about Virginia's actions for meeting the requirements of the Settlement and the Mitigation Trust: <http://www.deq.virginia.gov/Programs/Air/vwmitigation.aspx>. This page will be updated periodically as new information and opportunities for public comment become available.

**Contact DEQ:** Air Division, 629 East Main Street, Richmond, Virginia 23216; email [vwmitigation@deq.virginia.gov](mailto:vwmitigation@deq.virginia.gov).