

Status of 8-O3 Flex HDV Idling MOA Renewal

Signatory Jurisdiction	MOA Signed By Signatory	MOA Signed by TCEQ	HDV Idling Implementation Plan (45 days)
City of Austin	√	√	Due 8/29/08
City of Bastrop	√	√	Due 7/2/08
City of Elgin			
City of Lockhart	√	√	Due 12/21/08
City of Luling	√	√	Due 11/03/2008
City of Round Rock	√	√	√
City of San Marcos	√	√	Due 11/03/2008
Bastrop County	√	√	√
Caldwell County	√	√	Due 12/21/08
Hays County	√	√	Due 12/21/08
Travis County	√	√	√
Williamson County	√	√	√
City of Hutto	√		
City of Georgetown	√		

Note:

- Copies of current MOAs and Implementation Plans can be found at www.engineoff.org.
- City ordinances should be updated to include the most recent rule language found in the TCEQ idling rule (30 Texas Administrative Code, Chapter 114).
- County resolutions should include reference to Section 7.352 of the Texas Water Code, because enforcement using civil remedies, available to local governments under Section 7.351, is enabled only after the local government adopts a resolution authorizing such power.

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**EXAMPLE IMPLEMENTATION PLAN
FOR THE TEXAS HEAVY-DUTY VEHICLE IDLING RULE**

Background

Limiting heavy-duty vehicle idling is one component of the region's 8-Hour Ozone Flex Plan. It offers emission reductions and stakeholder groups specifically requested it.

The locally enforced motor vehicle idling limitation rules (30 TAC Chapter 114, Sections 114.510 – 114.512 and 114.517) prohibit vehicles with a gross vehicle weight of over 14,000 pounds from idling for more than five consecutive minutes during the ozone season, which runs from April 1 through October 31. Exceptions are provided in Section 114.517. The rule is applicable only within the jurisdiction of a local government that has signed a Memorandum of Agreement (MOA) with TCEQ to delegate enforcement of the rules to that local government

Implementation will begin April 1, 2008. Implementation will largely be education-based. Enforcement through notices and penalties is available to underscore the importance of voluntary compliance with the measure.

Education & Information:

- Publish and distribute fact sheet and educational brochures that include reasons for the idling limitations, the specifics of the limitations and information on available anti-idling technologies
- Continue with the informational hotline for reporting violations of idling.
- Include fact sheet, educational brochure, and other anti-idling information on the County's website.
- Send mailings to area businesses, school districts and industry associations, targeting those most likely to be affected

Enforcement:

- _____ will use enforcement procedures that are consistent with section 7.351 of the Texas Water Code or any applicable local government ordinances.
- _____ peace officer enforcement training programs will be updated with information on regulatory requirements and compliance determination procedures.
- Members of the public can report suspected idling violations by calling 854-4400.
- Periodically between April and October, the _____ Air Quality Project manager, or a designee, will visit areas where idling may occur to ensure compliance.
- Violations will be tracked on a spreadsheet. This action allows both a determination of rule effectiveness and adequate follow-up for noncompliant sources.
- Beginning in April, the driver and/or owner of a heavy-duty vehicle determined to be operating in violation of Rule 114.512 may be issued a Notice of Violation (NOV) describing the activity that caused the violation and noting specific circumstances regarding location, date and identification of the truck and driver. The NOV will also include a request that the driver/owner respond to the NOV within 20 days of issuance or as specified by any applicable local government ordinance describing corrective action to be taken to prevent recurrence.
- For repeated violations of the rules, _____ may issue a Notice of Enforcement (NOE) to the violating entity describing enforcement action to be taken. Action may be undertaken as authorized under Section 7.351 of the Water Code or any applicable local government ordinances, pursuing injunctive relief and/or civil penalties against the person who committed the violations. Recommended penalties sought in civil action would be consistent with Subchapter D of the Texas Water Code. Each day a violation occurs is considered a separate violation.