

THE STATE OF TEXAS

COUNTY OF COLLIN

Subject: Agreement, Vehicle Idling Limitations – Public Works

On **March 23, 2009** the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating to wit:

Keith Self
Matt Shaheen
Jerry Hoagland
Joe Jaynes
Kathy Ward

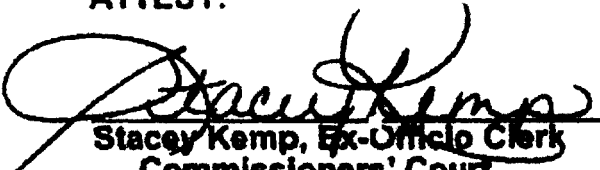
County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4

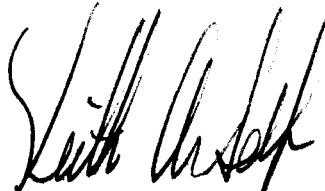
During such session the court considered a request for approval of an Agreement with Texas Commission on Environmental Quality (TCEQ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court for approval of an Agreement with Texas Commission on Environmental Quality (TCEQ) for Vehicle Idling Limitations in the unincorporated areas of Collin County and further authorize the County Judge to finalize and execute same. Same is hereby approved in accordance with the attached documentation.



ATTEST:


Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S



Keith Self, County Judge



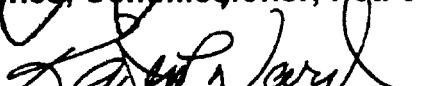
Matt Shaheen, Commissioner, Pct. 1



Jerry Hoagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4

**MEMORANDUM OF AGREEMENT
VEHICLE IDLING LIMITATIONS IN THE NORTH CENTRAL TEXAS AREA**

I. PARTIES

This Memorandum of Agreement ("Agreement") is entered into between the Texas Commission on Environmental Quality ("TCEQ") and the local governments signing this agreement (Local Governments), collectively, the "Parties."

1. The Parties represent that they have the authority to enter into this MOA, including the authority granted in the Texas Government Code Chapter 791 Interlocal Cooperation Contracts.
2. The TCEQ has authority under Section 5.229 of the Texas Water Code and Section 382.033 of the Texas Health and Safety Code to enter into this MOA.
3. The Performing Parties have authority under Section 382.115 of the Texas Health and Safety Code to enter into this MOA.

II. Intent and Purpose

The intent of this MOA is to memorialize the agreement between the Parties to implement the following rules aimed at the control of air pollution from motor vehicles: 30 Texas Administrative Code ("TAC") Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517.

The parties enter into this MOA for the purpose of delegating rule enforcement from TCEQ to Local Governments and incorporating the emission reductions resulting from the implementation and enforcement of the above-referenced rules into the State Implementation Plan ("SIP").

III. Definitions

As used in this MOA the following terms have the meanings given below:

1. "EPA" shall mean the U.S. Environmental Protection Agency.
2. "TCEQ" shall mean the Texas Commission on Environmental Quality.
3. "Local Government" has the meaning assigned by 30 TAC Section 114.510.
4. "North Central Texas Area" shall refer to those Texas counties included in the Dallas-Fort Worth-Arlington (DFW) Texas, Metropolitan Statistical Area.
5. "SIP" shall refer to the State Implementation Plan.

IV. Background

1. Under Section 110 of the Federal Clean Air Act ("FCAA"), 42 U. S. Code (U.S.C.) Section 7410, each state that has a non-attainment area must submit a SIP to the EPA demonstrating strategies to come into compliance with the National Ambient Air Quality Standards ("NAAQS").

2. Section 110 of the FCAA, 42 U.S.C. Section 7410 requires Texas to submit to the EPA for approval any SIP revisions and to demonstrate that such SIP revisions will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the FCAA, as required by Section 110(1) of the FCAA.

3. On November 17, 2004, the TCEQ adopted rules concerning locally enforced motor vehicle idling limitations, which are applicable only within the jurisdiction of a Local Government that has signed a Memorandum of Agreement with TCEQ delegating enforcement of the rules. The TCEQ submitted the rules to EPA for approval on December 6, 2004. EPA approved the rules on June 10, 2005.

4. The Parties acknowledge that they have entered into this MOA voluntarily and it shall become binding upon the signature of the Executive Director of TCEQ or his designated representative. The Parties agree to comply with the terms of this MOA.

5. The Local Governments understand and agree that the commitments in this Agreement become federally enforceable by the EPA, and by persons using the citizen suits provision of the Federal Clean Air Act (42 U.S.C.A. Section 7604), upon approval of this Agreement into the SIP.

V. Obligations of Parties

(A) Performing Parties agree as follows:

1. In accordance with the terms of this MOA, the Performing Parties agree to implement the following TCEQ Rules:
 - a. 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517. Changes to these rules shall be incorporated into this Agreement without requiring amendment of this Agreement.
2. The Performing Parties agree to submit the following information to the TCEQ for the rules listed above not later than forty-five (45) calendar days after the effective date of this MOA.
 - a. Detailed description of the plan for implementation of these rules;

- b. Copies of local ordinances or resolutions adopted to implement these rules; and
 - c. Copies of agreements entered between Performing Parties and other units of Local Government for the purpose of the implementation of these rules. Agreements entered into after the effective date of this MOA shall be submitted within forty-five (45) calendar days of their execution.
 - 3. Copies of any requisite resolutions under Section 7.352 of the Texas Water Code shall be submitted to the TCEQ within fourteen (14) calendar days after passage by the local governing body.
- (B) The TCEQ agrees to submit this agreement to the U.S. EPA as a technical support document to the DFW eight-hour ozone attainment demonstration SIP.

VI. Term and Termination

This MOA will become effective upon signature by the Parties and shall expire on January 2, 2013, unless renewed in writing by mutual agreement of the Parties. A Party may withdraw from this Agreement at any time upon thirty days written notice to the other Parties of this agreement. Withdrawal by a Local Government does not constitute termination of the entire MOA. This Agreement may be terminated at any time by mutual written consent of the Parties.

VII. Miscellaneous

This MOA represents the entire agreement between the TCEQ and the Performing Parties and supersedes all other agreements, understandings or commitments, written or oral, relative to the intent of this MOA. This MOA may not be amended or modified except pursuant to a mutual written agreement executed by each of the Parties.

This MOA shall be governed by and interpreted in accordance with the laws of the State of Texas.

In Witness Whereof, Texas Commission on Environmental Quality and the Local Governments, by their authorized officers, have made and executed this MOA in multiple copies, each of which is deemed an original.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

By: _____

Name: Mark R Vickery, P.G.

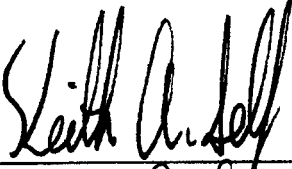
Title: Executive Director

Date

Memorandum of Agreement

Local Government Signature Page

In witness thereof, Collin County, through its authorized officer, has made and executed this signature page that shall be attached to the Memorandum of Agreement to Control Air Pollution From Motor Vehicles Through Locally Enforced Vehicle Idling Limits, which is hereby incorporated by reference in its entirety.

By: 

Name: Keith Self
Title: County Judge

3/24/08
Date