

# **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 (the "Plan"). It offer emissions reductions and stakeholder groups specifically requested this component of the Plan.

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 over 14,000 pounds from idling for more than five consecutive minutes during the period April 1 through October 31, such period being known as the "ozone season;" i.e. that period of time during which the formation of ground level ozone is most likely to occur. The idling limitation rules are 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 upon adoption of the resolution authorizing this plan. Implementation will largely be based on education and related activities. Enforcement through notices and penalties is available to underscore and reinforce voluntary compliance with the measure.

## **Education and Information:**

- ✓ Publish and distribute a fact sheet and educational brochure that include reasons for the idling limitations, specifics of limitations and information on available anti-idling technologies.
- ✓ Establish an informational hotline for reporting idling violations.
- ✓ Include a 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 by enforcement.

## Enforcement:

- ✓ Williamson County will use enforcement procedures that are consistent with section 7.351 of the Texas Water Code or any applicable local government ordinances.
- ✓ Williamson County peace officer training programs will be supplemented with information on regulatory requirements and compliance determination procedures.
- ✓ The public can report violations or suspected violations by calling 512-260-4257.

- ✓ During the April to October ozone season the Williamson County Environmental Program Manager (or designee) will make periodic field visits to areas where idling violations may occur to ensure compliance.
- ✓ Violations will be tracked to help determine rule effectiveness and provide documentation of repeat violations and to identify follow-up tracking for noncompliant sources or organizations.
- ✓ Beginning 30 days following adoption of the anti-idling implementation and enforcement resolution, 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 vehicle and driver. The NOV will include a request that the driver/owner respond to the NOV within 20 days of issuance or as specified by any local government ordinance describing corrective action to be taken to prevent recurrence.
- ✓ For repeated violations, Williamson County may issue a Notice of Enforcement (NOE) to the violating entity describing enforcement action to be taken. Action may be taken 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 violation(s). Recommended penalties sought in civil action will be consistent with Subchapter D of the Texas Water Code.

Exhibits:

- A. Memorandum of Agreement – Early Action Compact – Approved by Williamson County Commissioners Court March 4, 2008
- B. Texas Administrative Code, Title 30, Part 1, Chapter 114 – Control of Air Pollution From Motor Vehicles
- C. Texas Water Code, Chapter 7, Subchapter H. Suit by Others. Section 7.351. Civil Suits.
- D. Texas Water Code, Chapter 7. Subchapter D. Civil Penalties.