

**MEMORANDUM OF AGREEMENT  
("MEMORANDUM")**

**I. Parties**

This Memorandum of Agreement ("Memorandum") is entered into between the Texas Commission on Environmental Quality ("TCEQ") and the North Central Texas Council of Governments' Regional Transportation Council ("RTC"), collectively, "the Parties."

**II. Intent and Purpose**

The intent of this Memorandum is to memorialize the agreement between RTC, and TCEQ on control of emissions of oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOCs) in the DFW non-attainment area. The RTC is providing selected Mobile Source Emission Reduction Strategies, not already included in the region's Attainment Demonstration State Implementation Plan (SIP), not used as emission reductions in the latest transportation conformity determination, nor reserved elsewhere. The resulting emission reductions will be made available to the Dallas-Fort Worth International Airport (DFWIA) for use as offsets to demonstrate that certain contemplated construction projects meet the general conformity requirements of the Federal Clean Air Act. The Parties enter into this Memorandum of Agreement for the purposes of making a portion of RTC's planned strategies and its commitment to include DFWIA's increased emissions in future Metropolitan Transportation Plans, a part of the Texas State Implementation Plan ("SIP").

**III. Definitions**

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

- (A) "DFWIA" shall mean the Dallas-Fort Worth International Airport.
- (B) "tpd" shall mean tons per day.
- (C) "EPA" shall mean the United States Environmental Protection Agency.

**IV. Background**

1. The four (4) county region of the Dallas/Fort Worth area has been designated as a serious

non-attainment area for ozone by the EPA.

2. Under Section 110 of the Federal Clean Air Act, 42 U.S.C. § 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").

3. Section 110 of the Federal Clean Air Act, 42 U.S.C. § 7410 also requires Texas to submit to the EPA for approval any SIP revisions and to demonstrate that such SIP revisions will not hinder the Dallas/Fort Worth non-attainment area from reaching the NAAQS.

4. The current Dallas-Fort Worth Attainment Demonstration SIP motor vehicle emission budgets were determined adequate by EPA effective November 6, 2000.

5. Section 176 of the Federal Clean Air Act, 42 U.S.C. § 7506 et seq. requires a demonstration that federally funded or approved projects conform to the applicable SIP. Pursuant to Section 176(c)(4)(C), Texas adopted rules in 30 TAC §101.30 implementing general conformity criteria and procedures and submitted the rules as a revision to the SIP.

6. NCTCOG has been designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Area by the Governor of Texas in accordance with federal law. The Regional Transportation Council (RTC) is the regional transportation policy body associated with the NCTCOG, and has been and continues to be a forum for cooperative decisions on transportation.

7. The Federal Highway Administration approved a positive transportation conformity determination for Mobility 2025 Update: The Metropolitan Transportation Plan (The Plan) and revised 2002-2004 Transportation Improvement Program for the Dallas-Fort Worth Metropolitan Area (The Program) on October 19, 2002.

8. In order to meet general conformity procedural requirements of 30 TAC §101.30, the Federal Aviation Administration (FAA) must base its analysis on the total of direct and indirect emissions from the construction project and reflect emission scenarios expected to occur in the DFW attainment year (2007) and

the year of expected peak emissions (2015).

9. The DFWIA submitted a request on November 19, 2002, to the RTC for allocation of emissions reductions for aviation-related capital developments for which a general conformity determination by the FAA is required. The aviation-related capital developments include: (1) additional terminal space (a 22-33 gate Terminal F depending on aircraft size, continued operation of 1E Satellite Terminal, apron space, and roadway improvements); expanding and renovating air cargo facilities (12 additional wide-body aircraft parking positions, approximately 500,000 square feet of additional warehouse); approximately 10,920 additional vehicle parking spaces, (2) perimeter taxiways, and (3) Phase II of Terminal F.

10. DFWIA has estimated total net increase in construction and operational emissions resulting from the aviation-related capital development projects listed in Paragraph 9 to be 0.32 tpd of NO<sub>x</sub> and 0.07 tpd of VOCs in 2007, and 1.17 tpd of NO<sub>x</sub> and 0.26 tpd of VOCs in 2015.

11. The DFWIA prepared an update to the Airport Development Plan in 2002 and based upon that plan, submitted to the FAA revisions to the Airport Layout Plan, which defines development of the airport. At this time, DFWIA intends to ask FAA for a conformity determination for only the aviation-related developments listed in Paragraph 9(1) above.

12. On December 12, 2002, the Regional Transportation Council adopted Resolution Number R02-06 Supporting Mobile Source Emission Reduction Strategies for DFWIA. By the terms of the resolution, the RTC agrees to provide selected Mobile Source Emission Reduction Strategies (MOSERS) not already included in the region's Attainment Demonstration SIP, not used as emission reductions in the latest transportation conformity determination, nor reserved elsewhere. The resulting emission reductions will be made available to the DFWIA for use as offsets to demonstrate that its contemplated project meets the general conformity requirements of the Federal Clean Air Act.

13. The emission reductions associated with the MOSERS that the RTC agrees to provide pursuant to this Memorandum will commence upon implementation of the MOSERS and continue thereafter.

Emission reductions for the lifetime of the identified MOSERS will be made available to DFWIA. The identified MOSERS are anticipated to achieve year 2007 emission reductions of 0.32 tpd and 1.250 tpd for NO<sub>x</sub> and VOC respectively.

<b>PROJECT TYPE</b>	<b>YEAR</b>	<b>NUMBER OF PROJECTS</b>
SIGNAL IMPROVEMENT	2000	7
SIGNAL IMPROVEMENT	2002	109
SIGNAL IMPROVEMENT	2003	270
	<b>TOTAL</b>	<b>386</b>

14. In the Regional Transportation Council October 2002 transportation conformity determination, the 2015 regional on-road emission estimates are projected to be significantly below the EPA-approved 2007 motor vehicle emission budget (MVEB) established in the SIP. This projection is based on federal, state and local government programs and projects committed to being implemented in order to reach attainment in 2007. Federal initiatives including low-sulfur gasoline and Tier II automobile standards implemented in 2004, low-sulfur diesel in 2006 and advanced diesel technology in 2007 and traditional vehicle turnover rates (i.e. replacing older high-emitting vehicles with new low-emitting vehicles) are projected to have significant emission reduction benefits over time. As a result, the RTC will adjust the calculated 2015 on-road emission estimate as appropriate.

15. The TCEQ and RTC acknowledge that RTC has entered into this Memorandum voluntarily. In order to safeguard the air resources of the State of Texas, RTC agrees to comply with the terms of this Memorandum of Agreement.

16. The RTC agrees not to challenge whether it is subject to the Commission's jurisdiction.

17. Nothing in this Memorandum shall be interpreted as evidence that RTC is causing or contributing to a violation of the NAAQS, or is in any respect non-compliant with any federal, state or local

law. Additionally, this Memorandum shall not constitute a “compliance event” as defined in 30 TAC §116.11 or any similar designation under federal, state or local law.

## **V. Obligations of Parties**

(A) RTC agrees as follows:

1. In accordance with the terms of this Memorandum, RTC agrees to reduce 2007 emissions of NO<sub>x</sub> and VOCs as specified herein through implementation of the MOSERS listed in the table in Section IV, Paragraph 13.

2. RTC also agrees to allocate to DFWIA emission reductions of 0.18 tpd of NO<sub>x</sub> and 0.04 tpd of VOCs generated by MOSERS in 2007, to offset net emissions increases from the construction and operation of additional terminal space (a 22-33 gate Terminal F depending on aircraft size, continued operation of 1E Satellite Terminal, apron space, and roadway improvements); expanding and renovating air cargo facilities (12 additional wide-body aircraft parking positions, approximately 500,000 square feet of additional warehouse); and approximately 10,920 additional vehicle parking spaces.

3. A portion of the difference between the 2015 on-road emission estimates and the 2007 MVEB that is sufficient to meet DFWIA’s 2015 needs of 1.16 tpd and 0.26 tpd for NO<sub>x</sub> and VOCs, respectively, will be allocated to DFWIA.

4. To ensure 2015 emission reductions are not allocated elsewhere (i.e. double-counted), RTC further agrees to certify in writing to TCEQ and the FAA that the DFWIA’s 2015 emissions are included in the Plan and the Program and that in future transportation conformity determinations for the DFW region, RTC will adjust the calculated 2015 on-road emission estimates by an increase of 1.17 tpd and 0.26 tpd for NO<sub>x</sub> and VOCs, respectively.

(B) TCEQ agrees as follows:

The TCEQ agrees to support this Memorandum as a revision to the SIP and to recommend that the Governor submit it as such to EPA.

The TCEQ will not require the RTC to regulate the activities of entities that use DFW Airport.

**VI. Term**

The term of this Memorandum shall begin upon signature and approval by all Parties and shall expire on December 31, 2015 unless sooner terminated by mutual written consent of all Parties or as allowed herein.

**VII. Miscellaneous**

This Memorandum represents the entire agreement between the TCEQ and RTC and supersedes all other agreements, understandings or commitments, written or oral relative to the subject matter of this Memorandum.

This Memorandum may not be amended or modified except pursuant to a mutual written agreement executed by each of the Parties.

This Memorandum shall be governed by and interpreted in accordance with the laws of the State of Texas, without giving effect to the conflicts laws thereof.

The Parties represent they have authority to enter into this Memorandum, including the authority granted in the Texas Government Code Chapter 791, Interlocal Cooperation Contracts, and upon approval of the TCEQ Commission, it will be binding on all Parties.

**In Witness Whereof**, Texas Commission on Environmental Quality and the North Central Texas Council of Governments Regional Transportation Council, by their authorized officers, have made and executed this Memorandum in multiple copies, each of which is deemed an original.

**Texas Commission on Environmental Quality**

“TCEQ”

By: \_\_\_\_\_  
Name: Margaret Hoffman  
Title: Executive Director

Date \_\_\_\_\_

**North Central Texas Council of Governments' Regional Transportation Council  
"RTC"**

By: \_\_\_\_\_  
Name: B. Glen Whitley  
Title: Chair  
Commissioner, Tarrant County

Date \_\_\_\_\_

**PASSED AND APPROVED** at the regular meeting of the Texas Commission on Environmental  
Quality on \_\_\_\_\_.

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
**For the Commission**

RECEIVED

RESOLUTION SUPPORTING MOBILE SOURCES EMISSION REDUCTION STRATEGIES FOR  
DALLAS-FORT WORTH INTERNATIONAL AIRPORT  
(R02-06)

FILED 03-2005  
OFFICE OF ENVIRONMENTAL  
POLICY, ANALYSIS & ASSESSMENT

**WHEREAS**, the North Central Texas Council of Governments has been designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Area by the Governor of Texas in accordance with federal law; and,

**WHEREAS**, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be a forum for cooperative decisions on transportation; and,

**WHEREAS**, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and,

**WHEREAS**, the Regional Transportation Council is responsible for air quality transportation conformity; and the Clean Air Act Amendments of 1990 require that, in air quality nonattainment areas, transportation plans and improvement programs conform to the applicable air quality State Implementation Plan; and,

**WHEREAS**, the Dallas-Fort Worth Attainment Demonstration State Implementation Plan (SIP), developed to demonstrate how the Dallas-Fort Worth nonattainment area will comply with the federal air quality standards, was submitted to the U.S. Environmental Protection Agency (U.S. EPA) on April 28, 2000; and,

**WHEREAS**, the Dallas-Fort Worth Attainment Demonstration SIP motor vehicle emission budgets were determined adequate by U.S. EPA on October 20, 2000 for transportation conformity; and,

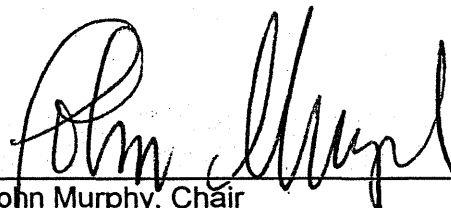
**WHEREAS**, the Regional Transportation Council approved a positive air quality conformity determination for Mobility 2025 Update: The Metropolitan Transportation Plan and revised 2002-2004 Transportation Improvement Program for the Dallas-Fort Worth Metropolitan Area on October 10, 2002.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- Section 1.** The Regional Transportation Council acknowledges that air quality is a regional problem and the need for an air quality partnership is important for public and economic health of the region.
- Section 2.** The Regional Transportation Council also acknowledges the need to assist the Dallas-Fort Worth International Airport in meeting General Conformity requirements outlined in the Federal Clean Air Act and State and federal rules.
- Section 3.** The Regional Transportation Council will provide selected emission reduction projects not already included in the region's Attainment Demonstration State Implementation Plan or reserved elsewhere for the Dallas-Fort Worth International Airport to meet General Conformity requirements.

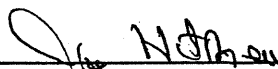


- Section 4.** The Regional Transportation Council will provide the Dallas-Fort Worth International Airport with year 2007 emission reduction benefits in the amounts of 0.32 tons per day and 0.07 tons per day for nitrogen oxides and volatile organic compounds respectively.
- Section 5.** Through the Regional Transportation Council aggressive air quality approach that demonstrated year 2015 motor vehicle emissions estimates below the motor vehicle emission budgets established in the SIP to assist Dallas-Fort Worth International Airport needs of 1.17 tons per day and 0.26 tons per day for nitrogen oxides and volatile organic compounds respectively.
- Section 6.** The Dallas-Fort Worth International Airport Board will require construction companies to use federally classified Tier II construction equipment and low sulfur fuels that are regionally available.
- Section 7.** This resolution will be sent to the Texas Commission on Environmental Quality and the Dallas Fort Worth Airport Board.
- Section 8.** This resolution shall be in effect immediately upon its adoption.



John Murphy, Chair  
Regional Transportation Council  
Mayor Pro Tem, City of Richardson

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on December 12, 2002.



Jack Hatchell, Secretary  
Regional Transportation Council  
Commissioner, Collin County