

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Proposed State Implementation Plan Revision

AGENDA REQUESTED: June 12, 2024

DATE OF REQUEST: May 24, 2024

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Jamie Zech, Agenda Coordinator, (512) 239-3935

CAPTION: Docket No. 2024-0353-SIP. Consideration for publication of, and hearing on, the proposed Vehicle Inspection and Maintenance State Implementation Plan (SIP) Revision.

The proposed SIP revision would implement provisions of two bills passed during the 88th Texas Legislature, 2023, Regular Session: House Bill 3297 eliminates the mandatory annual vehicle safety inspection program for noncommercial vehicles, effective January 1, 2025; and Senate Bill 2102 extends the initial registration and inspection period for rental vehicles to three years. This proposed SIP revision would also incorporate concurrently proposed revisions to rules in 30 Texas Administrative Code Chapter 114 (Rule Project No. 2024-013-114-AI) to address these bills and also adjust the maximum fee inspection stations are allowed to charge for an emissions inspection. (Stephanie Frederick, Contessa Gay, Non-Rule Project No. 2024-014-SIP-NR).

Richard C. Chism
Director

Donna F. Huff
Division Deputy Director

Jamie Zech
Agenda Coordinator

Copy to CCC Secretary? NO ☒ YES ☐

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** May 24, 2024

Thru: Laurie Gharis, Chief Clerk
Kelly Keel, Executive Director

From: Richard C. Chism, Director *RCC*
Office of Air

Docket No.: 2024-0353-SIP

Subject: Commission Approval for Proposal of the Vehicle Inspection and Maintenance (I/M) State Implementation Plan (SIP) Revision
Non-Rule Project No. 2024-014-SIP-NR

Background and reason(s) for the SIP revision:

The 88th Texas Legislature, 2023, Regular Session, passed two bills that impact the Texas I/M program. House Bill (HB) 3297 eliminates the mandatory annual vehicle safety inspection program for noncommercial vehicles, effective January 1, 2025.¹ A rulemaking and SIP revision are required to remove references and requirements related to the state's safety inspection program and to revise several provisions in the SIP that are outlined in HB 3297. Senate Bill (SB) 2102 extends the initial registration and inspection period for rental vehicles from two years to three years.² A rulemaking and SIP revision are required to allow one additional year of exemption from emissions inspections for rental vehicles.

Eighteen counties in Texas are subject to 30 Texas Administrative Code (TAC) Chapter 114 I/M rules and the I/M SIP: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties in the Dallas-Fort Worth (DFW) area; Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties in the Houston-Galveston-Brazoria (HGB) area; Travis and Williamson Counties in the Austin-Round Rock (ARR) area; Bexar County; and El Paso County. The commission adopted revisions to Chapter 114 and an associated I/M SIP revision on November 29, 2023, to implement an I/M program in Bexar County by no later than November 1, 2026 (Project Nos. 2022-026-114-AI and 2022-027-SIP NR). All I/M counties will be subject to the implementation of HB 3297 and SB 2102.

Scope of the SIP revision:

A.) Summary of what the SIP revision would do:

The proposed SIP revision would incorporate I/M program amendments from the associated 30 TAC Chapter 114 proposed rulemaking (Project No. 2024-013-114-AI) into the I/M SIP, including provisions of HB 3297 and SB 2102 and clean-up amendments to remove outdated program-related definitions, references, and requirements. HB 3297 requires a SIP revision to remove references and requirements related to safety inspections. HB 3297 also requires revisions to the SIP to modify the method for determining eligibility for the low-mileage waiver to comply with the bill. SB 2102 requires a revision to the I/M program included in the SIP to allow one additional year of exemption from emissions inspections for rental vehicles. As discussed in the associated proposed rulemaking, the maximum fee that inspection stations may charge for emission inspections in El Paso, Travis, and Williamson Counties would also be revised. This proposed SIP revision would incorporate those proposed I/M rules into the SIP.

¹ Tex. [H.B. 3297](#), 88th Leg., R.S. (2023).

² Tex. [S.B. 2102](#), 88th Leg., R.S. (2023).

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B.) Scope required by federal regulations or state statutes:

The proposed SIP revision would implement HB 3297 to satisfy the requirements of the Texas Health and Safety Code (THSC), Chapter 382, and the Texas Transportation Code (TTC), Chapters 502, 547, 548, and 731. The SIP revision would implement SB 2102 to satisfy the requirements of the THSC, Chapter 382, and the TTC, Chapters 502 and 548. The SIP revision would include I/M performance standard modeling and an anti-backsliding demonstration under federal Clean Air Act (FCAA), §110(l) to show that implementation of SB 2102 would not interfere with attainment or maintenance of the ozone National Ambient Air Quality Standards (NAAQS).

C.) Additional staff recommendations that are not required by federal rule or state statute:

As required by state statute in THSC §382.202(f)(1), staff conducted a fee study (Vehicle Emissions Inspection Program Test Fee Analysis for AirCheckTexas Program) to assess the adequacy of the I/M emissions inspection fee. Staff recommends adjusting the maximum fee inspection stations are allowed to charge for an emissions inspection, as proposed in the concurrent 30 TAC Chapter 114 rulemaking (Rule Project No. 2024-013-114-AI).

Staff also recommends that the language in the SIP be modified to remove outdated program-related definitions, references, and requirements. Language and definitions related to acceleration simulation mode and two-speed idle testing that is no longer conducted can be removed as they are no longer applicable. Language referencing the “single sticker transition date” as defined in 30 TAC §114.1 can be removed as dates associated with the transition have already passed.

Statutory authority:

The authority to propose and adopt SIP revisions is derived from the following sections of THSC, Chapter 382, Texas Clean Air Act (TCAA), §382.002, which provides that the policy and purpose of the TCAA is to safeguard the state’s air resources from pollution; TCAA, §382.011, which authorizes the commission to control the quality of the state’s air; TCAA, §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state’s air; TCAA, §382.201, which provides specific definitions relevant to the commission’s authority for vehicle emissions; TCAA, §382.202, which authorizes the commission to establish and implement vehicle emissions inspection and maintenance programs consistent with the FCAA; TCAA, §382.203, which provides authority regarding the vehicles subject to, or exempt from, vehicle emissions inspection and maintenance programs; TCAA, §382.205, which provides authority for the commission to adopt requirements for inspection equipment and procedures; TCAA, §382.207, which provides authority regarding inspection stations and quality control audits; and TCAA, §382.208, which provides authority regarding the development of transportation programs and other measures necessary to attain and maintain attainment of the NAAQS as well as to protect the public from exposure to hazardous air contaminants from motor vehicles.

This SIP revision is required by FCAA, §110(a)(1) and is proposed and adopted under the commission’s general authority under Texas Water Code (TWC), §5.102, General Powers and §5.105, General Policy. States are required to submit SIP revisions that specify the manner in which the NAAQS will be achieved and maintained within each air quality control region of the state by 42 United States Code (U.S.C.), §7420 *et seq.*, and implementing rules in 40 Code of Federal Regulations (C.F.R.) Part 51.

Effect on the:

A.) Regulated community:

Businesses that conduct emissions testing in I/M program counties may charge the maximum fee for performing an annual emissions inspection. Businesses that own rental vehicle fleets may be impacted by the additional year of exemption from inspection requirements.

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B.) Public:

Owners of vehicles subject to emissions testing in El Paso County and the ARR area counties would be affected by an increase in the maximum emissions inspection fee above \$11.50, the existing maximum fee for those counties. Owners of vehicles subject to emissions testing in any of the 18 emissions inspection counties would be affected by an increase in the maximum emissions inspection fee above \$18.50, the existing maximum fee in the DFW and HGB program areas and the existing fee for Bexar County starting November 1, 2026.

C.) Agency programs:

None.

Stakeholder meetings:

If this proposed SIP revision is approved by the commission for public comment and a public hearing, then a formal public comment period will be opened, and a public hearing will be offered.

Public Involvement Plan

Yes.

Alternative Language Requirements

Yes. Spanish.

Potential controversial concerns and legislative interest:

If an inspection fee increase were adopted, owners of vehicles subject to vehicle emissions inspections in those areas would incur those increased fees. Vehicle inspection station owners in those areas may be interested in the increase of the maximum fee that they are allowed to charge for the emissions inspection. Any change in the current maximum inspection fee in existing I/M areas is expected to be controversial.

Would this SIP revision affect any current policies or require development of new policies?

TCEQ staff does not anticipate that the SIP revision will affect current policies or require development of new policies.

What are the consequences if this SIP revision does not go forward? Are there alternatives to this revision?

A rulemaking and SIP revision are required to remove references and requirements related to the state's safety inspection program and to revise several provisions to implement HB 3297. A rulemaking and SIP revision are also required to allow one additional year of exemption from emissions inspections for rental vehicles to implement SB 2102. There are no alternatives to revising the SIP to implement HB 3297 and SB 2102.

Key points in the proposal SIP revision schedule:

Anticipated proposal date: June 12, 2024

Anticipated public hearing date: July 24, 2024

Anticipated public comment period: June 14 through July 29, 2024

Anticipated adoption date: November 20, 2024

Agency contacts:

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cc: Chief Clerk, 2 copies

Commissioners

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REVISIONS TO THE STATE IMPLEMENTATION PLAN FOR
MOBILE SOURCE STRATEGIES

TEXAS INSPECTION AND MAINTENANCE STATE
IMPLEMENTATION PLAN



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

**VEHICLE INSPECTION AND MAINTENANCE (I/M) STATE
IMPLEMENTATION PLAN (SIP) REVISION**

PROJECT NUMBER 2024-014-SIP-NR

Proposal
June 12, 2024

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EXECUTIVE SUMMARY

Eighteen counties in Texas are subject to inspection and maintenance (I/M) rules in 30 Texas Administrative Code (TAC) Chapter 114 and the I/M state implementation plan (SIP). This includes Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties in the Dallas-Fort Worth (DFW) area; Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties in the Houston-Galveston-Brazoria (HGB) area; Travis and Williamson Counties in the Austin-Round Rock (ARR) area; Bexar County; and El Paso County. The commission adopted revisions to Chapter 114 and the I/M SIP on November 29, 2023, to implement an I/M program in Bexar County by no later than November 1, 2026 (Project Nos. 2022-026-114-AI and 2022-027-SIP-NR).

The 88th Texas Legislature, 2023, Regular Session, passed two bills that impact the Texas I/M program and require rulemaking and a revision to the I/M SIP. House Bill (HB) 3297 eliminates the mandatory annual vehicle safety inspection program for noncommercial vehicles, effective January 1, 2025.¹ A rulemaking and SIP revision are required to remove references and requirements related to the state's safety inspection program and to revise several provisions in the SIP that are outlined in HB 3297. Senate Bill (SB) 2102 extends the initial registration and inspection period for rental vehicles from two years to three years.² A rulemaking and SIP revision are required to allow one additional year of exemption from emissions inspections for rental vehicles. This proposed SIP revision incorporates an associated proposed 30 TAC Chapter 114 rulemaking (Rule Project No. 2024-013-114-AI) to implement HB 3297 and SB 2102 and make certain language updates to remove outdated program-related definitions, references, and requirements.

The SIP revision also includes updates to the I/M performance standard modeling for the ARR, Bexar County, DFW, El Paso County, and HGB I/M program areas. This SIP revision also incorporates a proposed rulemaking to repeal a provision of the I/M rule related to vehicles operated by any federal government agency employee under the jurisdiction of a federal government agency that has not been approved as part of the Texas SIP by EPA.

¹ Tex. H.B. 3297, 88th Leg., R.S. (2023).

² Tex. S.B. 2102, 88th Leg., R.S. (2023).

SECTION V: LEGAL AUTHORITY

General

The Texas Commission on Environmental Quality (TCEQ) has the legal authority to implement, maintain, and enforce the National Ambient Air Quality Standards (NAAQS) and to control the quality of the state's air, including maintaining adequate visibility.

The first air pollution control act, known as the Clean Air Act of Texas, was passed by the Texas Legislature in 1965. In 1967, the Clean Air Act of Texas was superseded by a more comprehensive statute, the Texas Clean Air Act (TCAA), found in Article 4477-5, Vernon's Texas Civil Statutes. In 1989, the TCAA was codified as Chapter 382 of the Texas Health and Safety Code (THSC). The TCAA is frequently amended for various purposes during the biennial legislative sessions.

Originally, the TCAA stated that the Texas Air Control Board (TACB) was the state air pollution control agency and was the principal authority in the state on matters relating to the quality of air resources. In 1991, the legislature abolished the TACB effective September 1, 1993, and its powers, duties, responsibilities, and functions were transferred to the Texas Natural Resource Conservation Commission (TNRCC). In 2001, the 77th Texas Legislature continued the existence of the TNRCC until September 1, 2013, and changed the name of the TNRCC to TCEQ. In 2009, the 81st Texas Legislature, during a special session, amended section 5.014 of the Texas Water Code (TWC), changing the expiration date of TCEQ to September 1, 2011, unless continued in existence by the Texas Sunset Act. In 2023, the 88th Regular Session of the Texas Legislature continued the existence of TCEQ until 2035.

With the creation of the TNRCC (and its successor TCEQ), the authority over air quality is found in both the TWC and the TCAA. The general authority of TCEQ is found in TWC, Chapter 5 and enforcement authority is provided by TWC, Chapter 7. TWC, Chapter 5, Subchapters A - F, H - J, and L, include the general provisions, organization, and general powers and duties of TCEQ, and the responsibilities and authority of the executive director. TWC, Chapter 5 also authorizes TCEQ to implement action when emergency conditions arise and to conduct hearings. The TCAA specifically authorizes TCEQ to establish the level of quality to be maintained in the state's air and to control the quality of the state's air by preparing and developing a general, comprehensive plan. The TCAA, Subchapters A - D, also authorize TCEQ to collect information to enable the commission to develop an inventory of emissions; to conduct research and investigations; to enter property and examine records; to prescribe monitoring requirements; to institute enforcement proceedings; to enter into contracts and execute instruments; to formulate rules; to issue orders taking into consideration factors bearing upon health, welfare, social and economic factors, and practicability and reasonableness; to conduct hearings; to establish air quality control regions; to encourage cooperation with citizens' groups and other agencies and political subdivisions of the state as well as with industries and the federal government; and to establish and operate a system of permits for construction or modification of facilities.

Local government authority is found in Subchapter E of the TCAA. Local governments have the same power as TCEQ to enter property and make inspections. They also may make recommendations to the commission concerning any action of TCEQ that affects their territorial jurisdiction, may bring enforcement actions, and may execute

cooperative agreements with TCEQ or other local governments. In addition, a city or town may enact and enforce ordinances for the control and abatement of air pollution not inconsistent with the provisions of the TCAA and the rules or orders of the commission.

In addition, Subchapters G and H of the TCAA authorize TCEQ to establish vehicle I/M programs in certain areas of the state, consistent with the requirements of the federal Clean Air Act; coordinate with federal, state, and local transportation planning agencies to develop and implement transportation programs and measures necessary to attain and maintain the NAAQS; establish gasoline volatility and low emission diesel standards; and fund and authorize participating counties to implement vehicle repair assistance, retrofit, and accelerated vehicle retirement programs.

Applicable Law

The following statutes and rules provide necessary authority to adopt and implement the state implementation plan (SIP). The rules listed below have previously been submitted as part of the SIP.

Statutes

All sections of each subchapter are included with the most recent effective date, unless otherwise noted.

TEXAS HEALTH & SAFETY CODE, Chapter 382	September 1, 2023
TEXAS WATER CODE	September 1, 2023

Chapter 5: Texas Natural Resource Conservation Commission

Subchapter A: General Provisions

Subchapter B: Organization of the Texas Natural Resource Conservation Commission

Subchapter C: Texas Natural Resource Conservation Commission

Subchapter D: General Powers and Duties of the Commission

Subchapter E: Administrative Provisions for Commission

Subchapter F: Executive Director (except §§5.225, 5.226, 5.227, 5.231, 5.232, and 5.236)

Subchapter H: Delegation of Hearings

Subchapter I: Judicial Review

Subchapter J: Consolidated Permit Processing

Subchapter L: Emergency and Temporary Orders (§§5.514, 5.5145, and 5.515 only)

Subchapter M: Environmental Permitting Procedures (§5.558 only)

Chapter 7: Enforcement

Subchapter A: General Provisions (§§7.001, 7.002, 7.0025, 7.004, and 7.005 only)

Subchapter B: Corrective Action and Injunctive Relief (§7.032 only)

Subchapter C: Administrative Penalties

Subchapter D: Civil Penalties (except §7.109)

Subchapter E: Criminal Offenses and Penalties: (§§7.177, 7.178-7.183 only)

Rules

All the following rules are found in 30 TAC, as of the following latest effective dates:

Chapter 7: Memoranda of Understanding, §§7.110 and 7.119 December 13, 1996, and May 2, 2002, respectively	
Chapter 19: Electronic Reporting Subchapter A: General Provisions Subchapter B: Electronic Reporting Requirements	March 1, 2007
Chapter 39: Public Notice Subchapter H: Applicability and General Provisions, §§39.402(a)(1) – (a)(6), (a)(8), and (a)(10) – (a)(12); §§39.405(f)(3) and (g), (h)(1)(A), (h)(2) – (h)(4), (h)(6), (h)(8) – (h)(11), (i) and (j), §39.407; §39.409; §§39.411(a), (e)(1) – (4)(A)(i) and (iii), (4)(B), (e)(5) introductory paragraph, (e)(5)(A), (e)(5)(B), (e)(6) – (e)(10), (e)(11)(A)(i), (e)(11)(A)(iii) – (vi), (e)(11)(B) – (F), (e)(13) and (e)(15), (e)(16), (f) introductory paragraph, (f)(1) – (8), (g) and (h); §39.418(a), (b)(2)(A), (b)(3), and (c); §39.419(e); §39.420 (c)(1)(A) – (D)(i)(I) and (II), (c)(1)(D)(ii), (c)(2), (d) – (e), and (h), and Subchapter K: Public Notice of Air Quality Permit Applications, §§39.601 – 39.605	September 16, 2021
Chapter 55: Requests for Reconsideration and Contested Case Hearings; Public Comment, all the chapter, except §55.125(a)(5) and (a)(6)	September 16, 2021
Chapter 101: General Air Quality Rules	May 14, 2020
Chapter 106: Permits by Rule, Subchapter A	April 17, 2014
Chapter 111: Control of Air Pollution from Visible Emissions and Particulate Matter	November 12, 2020
Chapter 112: Control of Air Pollution from Sulfur Compounds	October 27, 2022
Chapter 114: Control of Air Pollution from Motor Vehicles	December 21, 2023
Chapter 115: Control of Air Pollution from Volatile Organic Compounds	May 16, 2024
Chapter 116: Control of Air Pollution by Permits for New Construction or Modification	July 1, 2021
Chapter 117: Control of Air Pollution from Nitrogen Compounds	May 16, 2024
Chapter 118: Control of Air Pollution Episodes	March 5, 2000
Chapter 122: Federal Operating Permits Program §122.122: Potential to Emit	February 23, 2017

SECTION VI: CONTROL STRATEGY

- A. Introduction (No change)
- B. Ozone (No change)
- C. Particulate Matter (No change)
- D. Carbon Monoxide (No change)
- E. Lead (No change)
- F. Oxides of Nitrogen (No change)
- G. Sulfur Dioxide (No change)
- H. Conformity with the National Ambient Air Quality Standards (No change)
- I. Site Specific (No change)
- J. Mobile Sources Strategies (Revised)
 - Chapter 1: Inspection/Maintenance (Revised)
 - Chapter 2: Transportation Control Measures (No change)
 - Chapter 3: Vehicle Miles Traveled (No change)
 - Chapter 4: Clean Gasoline (No change)
- K. Clean Air Interstate Rule (No change)
- L. Transport (No change)
- M. Regional Haze (No change)

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 - 7.1.2 Remote Compliance (Updated)
- 7.2 Exempt Vehicles (Updated)
- 7.3 Federal Vehicles (Updated)
- 7.4 U.S. Armed Forces Privately Owned Vehicles (Updated)

Chapter 8: Test Procedures, Standards, and Test Equipment

- 8.1 General (No change from 2009 I/M SIP Revision)
- 8.2 Inspection Process and Standards (Updated)
- 8.3 Inspection Equipment and Required Features (No change from 2009 I/M SIP Revision)
 - 8.3.1 General Information (No change from 2009 I/M SIP Revision)
 - 8.3.2 OBD Inspection Equipment (Updated)
- 8.4 Acceptance Test Procedures (New Numbering Structure)
 - 8.4.1 Acceptance Test Procedures for OBD Inspection Equipment (New Section, Historic Text)
- 8.5 Inspection Equipment Certification Requirements (No change From 2022 I/M SIP Revision)
- 8.6 References (Updated)

Chapter 9: Quality Control

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12.2 Procedures (Updated)

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17.9 Dual Authorization (No Change From 2005 I/M SIP Revision)

17.10 Changes in Employment (No Change From 2005 I/M SIP Revision)

Chapter 18: Public Information and Consumer Protection (No change from 2013 I/M SIP Revision)

Chapter 19: Improving Repair Effectiveness (No change from 2005 I/M SIP Revision)

Chapter 20: Compliance with Recall Notices (No change from 2005 I/M SIP Revision)

Chapter 21: On-Road Testing

21.1 Identification of Probable High-Emitting vehicles (No Change From 2005 I/M SIP Revision)

21.2 Vehicle Coverage Summary (Updated)

21.3 Verification Testing Requirements (Updated)

21.4 Program Functions and Responsibilities (No Change From 2005 I/M SIP Revision)

Chapter 22: State Implementation Plan Submission (No Change From the 2022 I/M SIP Revision)

LIST OF ACRONYMS

ARR	Austin-Round Rock
ASM	acceleration simulation mode
BAR	Bureau of Automotive Repair
CFR	Code of Federal Regulations
CO	carbon monoxide
DFW	Dallas-Fort Worth
DMV	Texas Department of Motor Vehicles
DPS	Texas Department of Public Safety
EPA	U.S. Environmental Protection Agency
FCAA	Federal Clean Air Act
FR	<i>Federal Register</i>
FTE	full-time equivalent
HB	House Bill
HC	hydrocarbon
HGB	Houston-Galveston-Brazoria
I/M	inspection and maintenance
NAAQS	National Ambient Air Quality Standard
NO _x	nitrogen oxides
OBD	on-board diagnostics
PSM	Performance Standard Modeling
QC	quality control
SB	Senate Bill
SIP	state implementation plan
TAC	Texas Administrative Code
TACB	Texas Air Control Board
TCAA	Texas Clean Air Act
TCEQ	Texas Commission on Environmental Quality (commission)
TMCP	Texas Motorist's Choice Program
TNRCC	Texas Natural Resource Conservation Commission
TSI	two-speed idle
TTC	Texas Transportation Code
TWC	Texas Water Code

VID	Vehicle Identification Database
VIR	Vehicle Inspection Report
VOC	volatile organic compounds
VRF	Vehicle Repair Form

LIST OF COMMONLY USED TERMS

Acceleration Simulation Mode (ASM) Inspection

An emissions inspection using a dynamometer (a set of rollers on which a test vehicle's tires rest) that applies an increasing load or resistance to the drive-train of a vehicle, thereby simulating actual tailpipe emissions of a vehicle as it is moving and accelerating. The ASM vehicle emissions inspection comprises two phases: (1) the 50/15 mode, where the vehicle is inspected on the dynamometer simulating the use of 50 percent of the vehicle's available horsepower to accelerate at a rate of 3.3 miles per hour (mph) at a constant speed of 15 mph, and (2) the 25/25 mode, where the vehicle is inspected on the dynamometer simulating the use of 25 percent of the vehicle's available horsepower to accelerate at a rate 3.3 mph at a constant speed of 25 mph.

Austin-Round Rock (ARR) Program Area

In coordination with the commission, the Texas Department of Public Safety (DPS) administers the vehicle inspection and maintenance (I/M) program contained in the Austin Early Action Compact. This program area consists of Travis and Williamson Counties.

Bexar County Program Area

In coordination with the commission, DPS administers the vehicle emissions I/M program contained in the Texas I/M state implementation plan (SIP). This program area consists of Bexar County.

Candidate Analyzer

Vehicle inspection equipment submitted by the manufacturer to TCEQ's executive director for approval to be used in the vehicle emissions I/M program.

Dallas-Fort Worth (DFW) Program Area

In coordination with the commission, DPS administers the I/M program contained in the Texas I/M SIP. This program area consists of the following counties: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant.

El Paso County Program Area

In coordination with the commission, DPS administers the vehicle emissions I/M program contained in the Texas I/M SIP. This program area consists of El Paso County.

Emissions Tune-Up

A basic tune-up along with functional checks and any necessary replacement or repair of emissions control components.

Exhaust Gas Analyzer

A device used to measure the amount of emission gases in an exhaust sample.

Fleet Vehicle

Any motor vehicle operated as a member of a group of motor vehicles belonging to a single non-household entity; any state or local government motor vehicle, including a motor vehicle exempted from payment of a registration fee and issued a specially designated license plate; or any federal government motor vehicle, except for a tactical military vehicle.

Full-Time Equivalent (FTE) Employee

In this SIP revision, an FTE is calculated by adding the time each inspector spends on vehicle inspections and dividing by 50 weeks per year. For example, if a station employed 25 individuals, but each employee only worked on vehicle inspections two weeks' worth of time per year, this station employed one FTE.

Gas Cap Integrity Inspection

A fuel cap inspection that determines whether or not the vehicle's gas cap or gas caps are functioning as designed.

High Emitter

A vehicle whose measured tailpipe emissions levels exceed recommended testing standards.

Houston-Galveston-Brazoria (HGB) Program Area

In coordination with the commission, DPS administers the vehicle emissions I/M program contained in the Texas I/M SIP. This program area consists of the following counties: Brazoria, Fort Bend, Galveston, Harris, and Montgomery.

I/M Program

A vehicle emissions inspection program as defined by the U.S. Environmental Protection Agency (EPA) that includes, but is not limited to, the use of computerized emissions analyzers, on-road testing, on-board diagnostic (OBD) inspections, and/or inspection of vehicle emissions devices.

Minor Non-Programmatic Modifications

Minor non-programmatic modifications to the analyzer specifications include but are not limited to updates to accommodate new technology vehicles, enhancements to the method of collecting inspection data, and updates to internal reference tables. Modifications resulting in additional costs to vehicle inspection station owners will not be considered minor non-programmatic modifications.

On-Board Diagnostics (OBD)

The computer system installed in a vehicle by the manufacturer, which monitors the performance of the vehicle's emissions control equipment, fuel metering system, and ignition system for the purpose of detecting a malfunction or deterioration in performance that would be expected to cause the vehicle not to meet emissions standards.

Rental Vehicle

A motor vehicle for which a rental certificate has been furnished as described by Texas Tax Code §152.061(b).

Two-Speed Idle (TSI) Inspection

A measurement of the tailpipe exhaust emissions of a vehicle while the vehicle idles, first at a lower speed and then again at a higher speed.

Texas Department of Motor Vehicles (DMV)

A state agency created by the 81st Texas Legislature, 2009, Regular Session from divisions formerly included in the Texas Department of Transportation.

Texas Department of Public Safety (DPS)

A state agency created by the 44th Texas Legislature, 1935, Regular Session.

Vehicle Emissions Inspection Station

A facility certified to conduct an emissions inspection for a vehicle and issue a certificate of emissions inspection.

Vehicle Identification Database (VID)

A database management system that maintains specified vehicle data and emissions inspection information.

Vehicle Inspection Report (VIR)

The printout created after an emissions inspection that displays inspection results, vehicle information, and pass/fail status.

Vehicle Registration

Vehicles that meet the registration requirements of the DMV in 43 TAC §217.22 relating to Motor Vehicle Registration or TTC Chapter 502 relating to Registration of Vehicles.

Vehicle Registration Insignia Sticker

The sticker issued through DMV to be affixed on the windshield of a vehicle compliant with DMV regulations. The vehicle registration insignia sticker is used as proof of compliance with I/M program requirements, DMV's rules and regulations governing vehicle registration, and DPS's rules and regulations governing safety inspections.

Vehicle Repair Form (VRF)

A printout that includes a description of emissions repairs actually performed and emissions repairs that were recommended, but not performed. The VRF is the primary document used by any motorist seeking a waiver.

IDENTIFICATION OF PREVIOUSLY ADOPTED STATE IMPLEMENTATION PLAN (SIP) REVISIONS

The following list references specific SIP revisions that were previously adopted by the commission and submitted to the U.S. Environmental Protection Agency. The list identifies how these SIP revisions are referenced within this document and contains the project number, adoption date, and full title. Copies of these SIP revisions are located on the [Texas SIP Revisions](https://www.tceq.texas.gov/airquality/sip/sipplans.html) webpage (<https://www.tceq.texas.gov/airquality/sip/sipplans.html>).

2022 I/M SIP Revision (TCEQ Project No. 2022-027-SIP-NR, adopted November 29, 2023) Bexar County Inspection and Maintenance (I/M) SIP Revision

2013 I/M SIP Revision (TCEQ Project No. 2013-041-SIP-NR, adopted February 12, 2014) Inspection and Maintenance (I/M) SIP Revision

2009 I/M SIP Revision (TCEQ Project No. 2009-035-SIP-NR, adopted November 18, 2010) Inspection and Maintenance (I/M) SIP Revision

2005 I/M SIP Revision (TCEQ Project No. 2005-026-SIP-EN, adopted October 26, 2005) Inspection and Maintenance (I/M) SIP Revision

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Appendix B	Texas Health and Safety Code, Subtitle C, Air Quality, Revised 78th Texas Legislature, 2003 (No change)
Appendix C	House Bill 2134 by 77th Texas Legislature amendment to the Texas Health and Safety Code. Chapter 382, Health and Safety Code, was amended by adding Subchapter G, and §382.037 to §382.039 Health and Safety Code, were transferred to new Subsection G and renumbered as §§382.202 - 382.208 (No change)
Appendix D	Texas Commission on Environmental Quality (TCEQ) Regulation, 30 Texas Administrative Code, Chapter 114, Control of Air Pollution from Motor Vehicles, Adopted (No change)
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Appendix F	TCEQ, Request for Offer for the Design, Construction, and Operation of the Texas Information Management System for the State of Texas, June 22, 2001 (No change)
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Note: The narrative from the 2005 SIP revision refers to an Appendix M (Technical Supplement), but it was included in that SIP revision as Attachment A. Refer to Attachment A for information about the Technical Supplement.

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<u>Attachment</u>	<u>Attachment Name</u>
Attachment A	Technical Supplement: Inspection and Maintenance Performance Standards for Low-Enhanced Program Areas (Superseded by Attachment C)
Attachment B	Technical Supplement: Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the New I/M Program in the Bexar County 2015 Ozone Nonattainment Areas (Superseded by Attachment C)
Attachment C	Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the I/M Programs in the Austin-Round Rock, Bexar County, DFW, El Paso County, and HGB Program Areas (New)

CHAPTER 1: GENERAL

1.1 PURPOSE (NO CHANGE FROM 2009 I/M SIP REVISION)

1.2 BACKGROUND (UPDATED)

Emissions inspections began in Texas on July 1, 1984, with the implementation of an anti-tampering check and parameter program in Harris County. The program involved an enhanced visual inspection of required emissions components and a tailpipe inspection for lead using plumbtesmo test strips. On January 1, 1986, the parameter program was expanded to include El Paso County.

Beginning January 1, 1987, based on federal air quality standards, El Paso became the first county in Texas to use a vehicle exhaust emissions analyzer to inspect vehicle exhaust emissions. A Bureau of Automotive Repair (BAR)-84 low-speed idle four-gas analyzer was used to detect carbon monoxide (CO) and hydrocarbons (HC). At the same time, the parameter program expanded to include Dallas and Tarrant Counties. On April 1, 1990, Dallas and Tarrant Counties began inspecting vehicles for HC and CO using BAR-90 low speed idle four-gas analyzers.

The 73rd Texas Legislature, 1993, passed legislation requiring a loaded-mode IM 240 centralized emissions inspection, and as a result the Texas Department of Public Safety (DPS) ceased emissions inspections on December 31, 1994. The centralized emissions inspection program administered by the Texas Commission of Environmental Quality (TCEQ) started on January 1, 1995, but was terminated in early February 1995 by the 74th Texas Legislature, 1995.

Senate Bill (SB) 178, 74th Texas Legislature, 1995, required TCEQ, in cooperation with DPS, to establish and implement a decentralized vehicle emissions inspection program. The bill required DPS to resume the previous emissions inspection program in Dallas, Tarrant, El Paso, Denton, Collin, and Harris Counties until a new decentralized emissions program could be developed. On July 1, 1995, DPS resumed the previous emissions inspection program in these counties. SB 178 also required the governor to adopt a new vehicle emissions inspection program after negotiating with the U.S. Environmental Protection Agency (EPA). Based on modeling by TCEQ and input by DPS, the governor announced the details of the decentralized Texas Motorist's Choice Program (TMCP) in November 1995.

As the TMCP was being developed, EPA finalized the inspection and maintenance (I/M) Flexibility Amendments on November 28, 1995. States were allowed flexibility in designing an I/M program that would meet one of the three program standards: a basic, low-enhanced, or high-enhanced performance standard. The rule also allowed nonattainment areas with an urbanized area of less than 200,000 people to opt out of the vehicle emissions testing program if the area could meet other federal Clean Air Act requirements. In addition, the rule allowed states to authorize low-income time extensions more than once in the life of a vehicle and allowed some emissions-related repairs, performed 60 days or less prior to an initial emissions inspection failure, to be allowed in calculating costs for minimum expenditure waivers.

On July 1, 1996, the first component of the TCMP began in Dallas and Tarrant Counties. The first component of the program involved software upgrades to

accommodate real-time communication with a vehicle inspection database. The full TCMP began in Dallas and Tarrant Counties on October 1, 1996. The program involved a low-speed and high-speed idle inspection known as two-speed idle (TSI), enhanced hardware and software, gas cap leak check, recognized emissions repair facilities, dial-up database verification of inspection history, and automated recording of safety inspections. On January 1, 1997, the TMCP expanded to include Harris and El Paso Counties.

In order to increase the emissions reductions for the I/M program, beginning May 1, 2002, Texas transitioned to a low-enhanced program using on-board diagnostics (OBD) inspections for 1996 and newer model-year vehicles, and acceleration simulation mode (ASM) inspections for pre-1996 model-year vehicles in Collin, Dallas, Denton, Tarrant Counties in the Dallas-Fort Worth (DFW) area and Harris County in the Houston-Galveston-Brazoria (HGB) area. On May 1, 2003, the program was expanded to include Ellis, Johnson, Kaufman, Parker, and Rockwall Counties in the DFW area and Brazoria, Fort Bend, Galveston, and Montgomery Counties in the HGB area.

On January 1, 2007, El Paso County transitioned to a low-enhanced program using OBD inspections for 1996 and newer model-year vehicles and continued TSI inspections on pre-1996 model-year vehicles. Additionally, all vehicle emissions inspection stations in the El Paso area are required to offer both TSI and OBD inspections.

On December 31, 2010, the vehicle emissions inspection limit for low-volume emissions inspection stations changed to comply with the requirements of Section 1 of House Bill (HB) 715, 81st Texas Legislature, 2009, Regular Session. The vehicle emissions inspection limit for stations that only offer emissions inspections on 1996 and newer model-year vehicles had been a component of the I/M program in the DFW and HGB areas since 2002. Low-volume emissions inspection stations could perform up to 1,200 OBD inspections per year. Section 1 of HB 715 revised Texas Transportation Code, §548.3075 to prevent DPS from restricting low-volume emissions inspection stations to fewer than 150 OBD inspections per month.

HB 2305, 83rd Texas Legislature, 2013, Regular Session required TCEQ, in cooperation with DPS and the Texas Department of Motor Vehicles (DMV), on a date no sooner than March 1, 2015, to:

- transition the I/M program from a dual inspection and registration sticker system to a single registration sticker by eliminating the use of the safety and emissions inspection windshield certificate or sticker;
- verify compliance with inspection requirements using the vehicle inspection report or vehicle registration sticker instead of the current safety and emissions inspection windshield sticker;
- require vehicles to pass the vehicle safety and emissions inspection no more than 90 days prior to the expiration of the vehicle's registration instead of on the expiration of the vehicle's safety and emissions inspection windshield sticker;
- replace TCEQ with DPS as the entity providing information on compliant vehicles to the DMV; and
- collect the state portion of the safety and emissions inspection fee at the time of registration by the DMV or county tax assessor-collector instead of at the time of inspection by the emissions inspection station.

SB 604, 86th Texas Legislature, 2019 required TCEQ to edit 30 Texas Administrative Code (TAC) Chapter 114 to be consistent with the Texas Transportation Code (TTC) relating to the display of a vehicle's registration insignia for certain commercial fleet or governmental entity vehicles on a digital license plate in lieu of attaching the registration insignia sticker to the vehicle's windshield.

On April 15, 2022, TCEQ adopted a rulemaking to update rule language to be consistent with a change to the TTC required by SB 604, 86th Legislature, 2019 (SB 604), relating to the display of a vehicle's registration insignia for certain commercial fleet or governmental entity vehicles on a digital license plate in lieu of attaching the registration insignia to the vehicle's windshield (Rule Project No. 2021-029-114-AI). The rulemaking to implement SB 604 did not include any new control measures. On November 29, 2023, the commission adopted the I/M state implementation plan (SIP) revision (Project No. 2022-027-SIP-NR) which incorporated the adopted rulemaking to implement SB 604. The adopted rulemaking and SIP revision were submitted to EPA on December 18, 2023. This adopted rulemaking and SIP revision also implement an I/M program in Bexar County no later than November 1, 2026.

The 88th Texas Legislature, 2023, Regular Session, passed two bills that impact the Texas I/M program and require rulemaking and a SIP revision. HB 3297 eliminates the mandatory annual vehicle safety inspection program for noncommercial vehicles, effective January 1, 2025. This proposed SIP revision is required to remove references and requirements related to the state's safety inspection program and to revise several provisions in the SIP that are outlined in the bill. SB 2102 extends the initial registration and inspection period for rental vehicles from two years to three years. This proposed SIP revision is also required to allow one additional year of exemption from emissions inspections for rental vehicles. The proposed SIP revision incorporates associated proposed rulemaking to 30 TAC Chapter 114 (Rule Project No. 2024-013-114-AI) to implement both HB 3297 and 2102.

1.3 HEALTH EFFECTS (NO CHANGE FROM 2022 I/M SIP REVISION)

1.4 PUBLIC HEARING AND COMMENT INFORMATION (UPDATED)

TCEQ will hold a virtual hearing on this proposed SIP revision at the following time and location:

Table 1-1: Public Hearing Information

City	Date	Time	Location
Austin	July 24, 2024	7:00 p.m.	Virtual Hearing (Hearing registration details will be provided on the Texas SIP Revisions webpage by June 14, 2024 and in the formal hearing notice publication in the Texas Register)

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by Friday, July 17, 2024. To register for the hearing, please email siprules@tceq.texas.gov and provide the following information: your name, your affiliation, your e-mail address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on Tuesday, July 22, 2024, to those who register for the hearing.

The public comment period will open on June 14, 2024, and close on July 29, 2024. Written comments will be accepted via mail, fax, or through the TCEQ [Public Comment](https://tceq.commentinput.com/) system (<https://tceq.commentinput.com/>). File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference the “Vehicle I/M SIP Revision” and should reference Project Number 2024-014-SIP-NR. Comments submitted via hard copy may be mailed to Alison Stokes, MC 206, State Implementation Plan Team, Air Quality Division, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. Comments submitted electronically must be submitted through the TCEQ Public Comment system. Comments must be received by 11:59 p.m. CDT on July 29, 2024.

1.5 SOCIAL AND ECONOMIC CONSIDERATIONS (NO CHANGE FROM 2009 I/M SIP REVISION)

1.6 FISCAL AND MANPOWER RESOURCES (NO CHANGE FROM 2009 I/M SIP REVISION)

CHAPTER 2: APPLICABILITY

2.1 LEGAL AUTHORITY (NO CHANGE FROM 2009 I/M SIP REVISION)

2.2 AREA DESIGNATIONS (NO CHANGE FROM 2022 I/M SIP REVISION)

2.3 PERFORMANCE STANDARD (NO CHANGE FROM 2022 I/M SIP REVISION)

2.4 APPLICABLE AREAS (UPDATED)

2.4.1 Beaumont-Port Arthur (No change from 2009 I/M SIP Revision)

2.4.2 Dallas-Fort Worth (Updated)

Under the one-hour ozone National Ambient Air Quality Standard (NAAQS), Dallas-Fort Worth (DFW) was classified as a serious ozone nonattainment area. Under the 1997 eight-hour ozone NAAQS, DFW was classified as a moderate ozone nonattainment area. The U.S. Environmental Protection Agency (EPA) proposed to reclassify DFW as a serious ozone nonattainment area on August 9, 2010. A 10-county DFW area including Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties was designated nonattainment and classified moderate under the 2008 eight-hour ozone standard, effective July 20, 2012. The DFW area includes the nine counties that were designated nonattainment under the 1997 eight-hour ozone standard in addition to Wise County. Wise County, however, is not required to implement an I/M program because it is a rural county with a low population density, and the current I/M program in the DFW ozone nonattainment area sufficiently covers a population equal to the DFW urbanized area as required by federal law.

On May 1, 2002, Collin, Dallas, Denton, and Tarrant Counties in the Dallas-Fort Worth (DFW) area transitioned from an inspection and maintenance (I/M) program using two-speed idle (TSI) inspections to a low-enhanced I/M program consisting of on-board diagnostics (OBD) inspections for 1996 and newer model-year vehicles and acceleration simulation mode (ASM) inspections for pre-1996 model-year vehicles. The low-enhanced I/M program expanded on May 1, 2003, to include Ellis, Johnson, Kaufman, Parker, and Rockwall Counties in the DFW area.

Currently, all vehicle emissions inspection stations in the DFW I/M program area are required to offer OBD inspections to the public.

2.4.3 Houston-Galveston-Brazoria (Updated)

Under the one-hour ozone NAAQS, Houston-Galveston-Brazoria (HGB) was classified as a severe-17 ozone nonattainment area. Under the 1997 eight-hour ozone NAAQS, HGB was classified as a moderate ozone nonattainment area and then reclassified as a severe ozone nonattainment area. An eight-county HGB area including Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties was designated nonattainment and classified marginal under the 2008 eight-hour ozone NAAQS effective July 20, 2012, and then was reclassified to moderate nonattainment on December 16, 2014. Chambers, Liberty, and Waller Counties, considered to be rural counties, are not included in the I/M program since photochemical modeling for the HGB area indicated their inclusion in the program would have little effect on ozone concentration in the area and that attainment of the ozone standard in the HGB area could be reached without an I/M program in these counties.

On May 1, 2002, Harris County in the HGB area transitioned from an I/M program using TSI inspections to a low-enhanced I/M program consisting of OBD inspections for 1996 and newer model-year vehicles and ASM inspections for pre-1996 model-year vehicles. The low-enhanced I/M program expanded on May 1, 2003, to include Brazoria, Fort Bend, Galveston, and Montgomery Counties in the HGB area.

Currently, all vehicle emissions inspection stations in the HGB I/M program areas are required to offer OBD inspections to the public.

2.4.4 El Paso County (Updated)

Under the one-hour ozone NAAQS, El Paso County was classified as a serious ozone nonattainment area. Under the 1997 eight-hour ozone NAAQS, El Paso County was designated as attainment but was required to submit a maintenance plan under the 1997 ozone NAAQS demonstrating that the area was attaining the eight-hour and one-hour standards and would continue to attain the eight-hour ozone standard through 2014.

Under the eight-hour carbon monoxide (CO) NAAQS, El Paso County was designated nonattainment with a moderate classification and subsequently redesignated to attainment with a maintenance plan, as published in the August 4, 2008, issue of the *Federal Register* (73 FR 45162). The I/M program remains in place in El Paso County as part of the area's maintenance plan for the 1997 eight-hour ozone standard and eight-hour CO standard.

On January 1, 2007, El Paso County continued emissions inspections on pre-1996 model-year gasoline-powered motor vehicles using TSI inspections and began emissions inspections on all 1996 and newer model-year vehicles using OBD inspections.

Currently, all vehicle emissions inspection stations in the El Paso area are required to offer OBD inspections to the public.

2.4.5 Bexar County (No change from 2022 I/M SIP Revision)

2.4.6 Austin-Round Rock (New)

Under the 2015 eight-hour ozone NAAQS and 2008 eight-hour ozone NAAQS, the Austin-Round Rock (ARR) area was classified as attainment/unclassifiable. The ARR area periodically measured exceedances of the 1997 eight-hour ozone NAAQS following its promulgation.

On December 18, 2002, local governments in the ARR area entered into a voluntary Early Action Compact (EAC) agreement with TCEQ and EPA to ensure that the area remained in attainment of the 1997 eight-hour ozone standard. On November 17, 2004, the commission adopted the Austin EAC SIP Revision. This revision contains results of photochemical modeling and technical documentation in support of the attainment demonstration. The control strategies include rule revisions implementing an I/M program in Travis and Williamson Counties. On September 1, 2005, Travis and Williamson Counties began emissions inspections on pre-1996 model-year gasoline-powered motor vehicles using TSI inspections and began emissions inspections on all 1996 and newer model-year vehicles using OBD inspections.

Currently, all vehicle emissions inspection stations in the ARR area are required to offer OBD inspections to the public.

CHAPTER 3: INSPECTION AND MAINTENANCE PERFORMANCE STANDARDS

3.1 GENERAL (UPDATED)

The Texas Commission on Environmental Quality (TCEQ) and the Texas Department of Public Safety have implemented an inspection and maintenance (I/M) program that meets or exceeds the low-enhanced I/M performance standard required by 40 Code of Federal Regulations (CFR), Part 51. Texas I/M program requirements are codified in 30 Texas Administrative Code (TAC) Chapter 114, Subchapter C, which requires on-board diagnostics (OBD) inspections in the Dallas-Fort Worth (DFW), Houston-Galveston-Brazoria (HGB) and El Paso County program areas. The Austin-Round Rock (ARR) area implemented enhanced inspections on September 1, 2005. On November 1, 2026, the I/M program will begin using OBD inspections in Bexar County as required by the associated rulemaking for 30 TAC Chapter 114 (Rule Project No. 2022-026-114-AI).

The I/M program is designed to offset nitrogen oxides (NO_x) increases resulting from the repair of hydrocarbon and carbon monoxide failures as required by 40 CFR §51.351 and 40 CFR §51.352. The commission audits repair data to determine any potential increases in NO_x emissions as a result of repairing failed vehicles.

3.2 MODELING REQUIREMENTS (UPDATED)

3.2.1 Historical Performance Modeling (Updated)

The commission used the U.S. Environmental Protection Agency's (EPA) MOBILE6.2 model in 2005 to produce emissions factors for EPA low-enhanced performance standards and the emissions factors for each pollutant and applicable evaluation year for the DFW, HGB, and El Paso County program areas subject to performance standard modeling requirements.³ The technical supplement for the SIP revision adopted on October 26, 2005, describes modeling run outputs using gram-per-mile calculations for each I/M program area and is contained in Attachment A: *Technical Supplement: Inspection and Maintenance Performance Standards for Low-Enhanced Program Areas*. The technical supplement for the SIP revision adopted on November 29, 2023, describes the performance standard modeling process and results for the Bexar County I/M program area and is contained in Attachment B: *Technical Supplement: Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the New I/M Program in the Bexar County 2015 Ozone Nonattainment Areas*.

3.2.2 Current Performance Standard Modeling (PSM) (Updated)

On October 7, 2022, EPA published the final notice of Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) (87 *Federal Register* (FR) 60897). This rule requires states to provide a demonstration that new, updated, or existing I/M programs in ozone nonattainment areas meet the emissions reduction benchmarks specified for those areas' ozone NAAQS classifications.

³ The ARR I/M program is not subject to performance standard modeling requirements because the area is designated attainment/unclassifiable for all NAAQS.

As part of this SIP revision, TCEQ is proposing updates to the vehicle emissions testing programs for the ARR area, Bexar County, DFW area, El Paso County, and HGB area to implement the new requirements for Texas I/M programs specified in Texas Senate Bill (SB) 2102, 88th Texas Legislature, 2023. Specifically, SB 2102 extends the inspection exemption period for rental vehicles to three years. The updated I/M program's implementation year is anticipated to be 2026.

Using the requirements in EPA guidance document, *Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model* (EPA-420-B-22-034, October 2022), TCEQ performed the required performance standard modeling analysis of:

- the ARR ozone early action compact program area: Travis and Williamson Counties;
- the El Paso County program;
- the Bexar County program area;
- the DFW program area (DFW area): Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties; and
- the HGB program area (HGB area): Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties.

TCEQ specifically used the enhanced performance standard that reflects the I/M program design elements as specified in 40 CFR §51.351(i). The assessments use a 2026 analysis year, the updated program implementation year for adding one additional year of inspection exemption for rental vehicles. Summaries of the 2026 I/M PSM analysis are provided in:

- Table 3-1: *Summary of NO_x Performance Standard Evaluation for the ARR Area Updated I/M Program;*
- Table 3-2: *Summary of Volatile Organic Compounds (VOC) Performance Standard Evaluation for the ARR Area Updated I/M Program;*
- Table 3-3: *Summary of the NO_x Performance Standard Evaluation for the Bexar County Updated I/M Program;*
- Table 3-4: *Summary of the VOC Performance Standard Evaluation for the Bexar County Updated I/M Program;*
- Table 3-5: *Summary of NO_x Performance Standard Evaluation for the DFW Area Updated I/M Program;*
- Table 3-6: *Summary of VOC Performance Standard Evaluation for the DFW Area Updated I/M Program;*
- Table 3-7: *Summary of NO_x Performance Standard Evaluation for the El Paso County Updated I/M Program;*
- Table 3-8: *Summary of VOC Performance Standard Evaluation for the El Paso County Updated I/M Program;*
- Table 3-9: *Summary of NO_x Performance Standard Evaluation for the HGB Area Updated I/M Program;* and
- Table 3-10: *Summary of VOC Performance Standard Evaluation for the HGB Area Updated I/M Program.*

Evaluating whether an updated I/M program meets the enhanced performance standard requires demonstrating that the existing program emission rates for NO_x and

VOC do not exceed the benchmark program's emission rates. The benchmark program's emission rates include a 0.02 grams per mile buffer for each pollutant, as noted in Tables 3-1 through 3-10. The analysis demonstrates that the updated ARR area, Bexar County, DFW area, El Paso County, and HGB area I/M program emission rates do not exceed the performance standard benchmark emission rates for all counties required to operate an I/M program within these areas. Therefore, the I/M program performance requirement is met for the updated I/M program in all areas.

Additionally, the PSM analysis indicates that ozone precursor emission impacts due to the proposed I/M program updates will be negligible and would not be expected to interfere with any applicable federal Clean Air Act requirement concerning attainment and reasonable further progress.

All required documentation for the I/M program performance standard benchmark assessment is available in Attachment C: *Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the I/M Programs in the Austin-Round Rock, Bexar County, DFW, El Paso County, and HGB Program Areas*.

Table 3-1: Summary of NO_x Performance Standard Evaluation for the ARR Area Updated I/M Program

County	I/M Program NO _x Emission Rate	I/M NO _x Performance Standard Benchmark	I/M NO _x Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
Travis	0.21	0.21	0.23	Yes
Williamson	0.25	0.25	0.27	Yes

Table 3-2: Summary of VOC Performance Standard Evaluation for the ARR Area Updated I/M Program

County	I/M Program VOC Emission Rate	I/M VOC Performance Standard Benchmark	I/M VOC Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
Travis	0.12	0.13	0.15	Yes
Williamson	0.14	0.14	0.16	Yes

Table 3-3: Summary of NO_x Performance Standard Evaluation for the Bexar County Updated I/M Program

County	I/M Program NO _x Emission Rate	I/M NO _x Performance Standard Benchmark	I/M NO _x Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
Bexar	0.23	0.23	0.25	Yes

Table 3-4: Summary of VOC Performance Standard Evaluation for the Bexar County Updated I/M Program

County	I/M Program VOC Emission Rate	I/M VOC Performance Standard Benchmark	I/M VOC Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
Bexar	0.14	0.15	0.17	Yes

Table 3-5: Summary of NO_x Performance Standard Evaluation for the DFW Area Updated I/M Program

County	I/M Program NO _x Emission Rate	I/M NO _x Performance Standard Benchmark	I/M NO _x Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
Collin	0.18	0.18	0.20	Yes
Dallas	0.18	0.18	0.20	Yes
Denton	0.21	0.21	0.23	Yes
Ellis	0.29	0.29	0.31	Yes
Johnson	0.34	0.34	0.36	Yes
Kaufman	0.34	0.34	0.36	Yes
Parker	0.40	0.40	0.42	Yes
Rockwall	0.24	0.24	0.26	Yes
Tarrant	0.18	0.18	0.20	Yes

Table 3-6: Summary of VOC Performance Standard Evaluation for the DFW Area Updated I/M Program

County	I/M Program VOC Emission Rate	I/M VOC Performance Standard Benchmark	I/M VOC Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
Collin	0.13	0.14	0.16	Yes
Dallas	0.11	0.11	0.13	Yes
Denton	0.14	0.15	0.17	Yes
Ellis	0.10	0.11	0.13	Yes
Johnson	0.14	0.15	0.17	Yes
Kaufman	0.10	0.11	0.13	Yes
Parker	0.13	0.13	0.15	Yes
Rockwall	0.14	0.14	0.16	Yes
Tarrant	0.13	0.13	0.15	Yes

Table 3-7: Summary of NO_x Performance Standard Evaluation for the El Paso County Updated I/M Program

County	I/M Program NO _x Emission Rate	I/M NO _x Performance Standard Benchmark	I/M NO _x Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
El Paso	0.34	0.34	0.36	Yes

Table 3-8: Summary of VOC Performance Standard Evaluation for the El Paso County Updated I/M Program

County	I/M Program VOC Emission Rate	I/M VOC Performance Standard Benchmark	I/M VOC Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
El Paso	0.19	0.19	0.21	Yes

Table 3-9: Summary of NO_x Performance Standard Evaluation for the HGB Area Updated I/M Program

County	I/M Program NO _x Emission Rate	I/M NO _x Performance Standard Benchmark	I/M NO _x Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
Brazoria	0.21	0.21	0.23	Yes
Fort Bend	0.20	0.20	0.22	Yes
Galveston	0.17	0.17	0.19	Yes
Harris	0.19	0.19	0.21	Yes
Montgomery	0.20	0.20	0.22	Yes

Table 3-10: Summary of VOC Performance Standard Evaluation for the HGB Area Updated I/M Program

County	I/M Program VOC Emission Rate	I/M VOC Performance Standard Benchmark	I/M VOC Performance Standard Benchmark Plus Buffer	Does Proposed Program Meet I/M Performance Standard?
Brazoria	0.13	0.14	0.16	Yes
Fort Bend	0.16	0.16	0.18	Yes
Galveston	0.14	0.14	0.16	Yes
Harris	0.11	0.12	0.14	Yes
Montgomery	0.13	0.13	0.15	Yes

**CHAPTER 4: NETWORK TYPE AND PROGRAM EVALUATION (NO CHANGE FROM
2022 I/M SIP REVISION)**

CHAPTER 5: ADEQUATE TOOLS AND RESOURCES (UPDATED)

The inspection and maintenance (I/M) program will maintain adequate funding. The commission chapter of House Bill No. 1 (General Appropriations Act, Article VI), passed by the 77th Texas Legislature, appropriated the commission and the Texas Department of Public Safety (DPS) a portion of all fees collected from vehicle inspection facilities performing automobile emission inspections. Vehicle emissions inspection fees, which are set by the commission and deposited to the credit of the Clean Air Account and DPS General Revenue Fund in the Texas Treasury under Texas Health and Safety Code, §382.202(e) and (k), are used for the purpose of supporting the vehicle emissions I/M program. House Bill 3297, 88th Texas Legislature, 2023, Regular Session, eliminates the mandatory annual vehicle safety inspection program for noncommercial vehicles, effective January 1, 2025. The bill created a replacement fee for the existing \$2.00 fee that is collected from the safety inspection fee. The new replacement fee will be collected as part of the vehicle registration fees and will be dedicated for use of the state air quality program.

Article 6 in the 2024-25 General Appropriations Act specifically earmarked funds available to develop, administer, evaluate, and maintain the vehicle emissions I/M program, including federally required reporting measures to demonstrate compliance with applicable federal and state laws.

Historically, beginning May 1, 2002, \$2.50 of the fee collected for each safety and emission certificate issued by vehicle inspection facilities is available to the commission and DPS. The commission commits to a dedicated staffing level of no less than 10 full time equivalent (FTE) employees to I/M program design, oversight, and evaluation. DPS commits to a dedicated staffing level of no less than 52 FTE employees to I/M program implementation, administration, enforcement, and support. The breakdown by agency is as follows:

Commission

Data collection and analysis	2 FTE employees
Performance monitoring/evaluation	1 FTE employee
SIP amendments, rulemaking, program development	2 FTE employees
Registration denial and consumer assistance	2 FTE employees
Technical assistance	2 FTE employee
Other administrative and management functions (excluding clerical support)	1.5 FTE employees

DPS

Technician assistance	4 FTE employees
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Overt and covert auditing	31 FTE employees
Consumer assistance	2 FTE employees
Waiver oversight	2 FTE employees
Enforcement	6 FTE employees
Other administrative and management functions (excluding clerical support)	4 FTE employees
Remote sensing	3 FTE employees

DPS has access to a wide variety of vehicles for use in covert audits of the vehicle emissions inspection program.

The commission provides oversight of the data collection and analyzes the results to improve program requirements. DPS implemented the remote sensing program in October 1998. The commission, DPS, and Texas Department of Motor Vehicles (DMV) will continue to coordinate efforts in support of the re-registration denial enforcement element of the Texas I/M program. DMV will continue to provide access to registration data and ensure that required staffing is available to perform tasks associated with re-registration denial.

CHAPTER 6: TEST FREQUENCY AND CONVENIENCE

6.1 TEST FREQUENCY (UPDATED)

An annual emissions and gas cap integrity inspection is required for all subject vehicles as part of the inspection and maintenance (I/M) program. Inspection frequency implementation is detailed in 30 Texas Administrative Code (TAC) §114.50. Under this inspection frequency, modeling runs show that emissions targets are achieved. Title 30 TAC §114.50 was revised to incorporate House Bill 2305, 83rd Texas Legislature, 2013, Regular Session, which require a motorist to pass an emissions inspection no more than 90 days before a vehicle's registration expiration date and to correct outdated references to 37 TAC §23.93, which was repealed by Texas Department of Public Safety (DPS) on March 13, 2013.

An initial vehicle emissions inspection is given to each subject vehicle presented for inspection, and an inspection fee is charged to the motorist. If the vehicle passes the inspection, an inspection report is issued. If the vehicle fails the initial vehicle emissions inspection, applicable repairs must be completed and annotated on the vehicle repair form. The motorist's vehicle may then be reinspected at the same facility at no charge if the reinspection is completed within 15 days after the initial inspection was conducted. The motorist may choose to go to a different facility for reinspection, although the motorist is charged the full price of an inspection. If the reinspection occurs more than 15 days after the initial inspection was conducted, a complete inspection is conducted, and the motorist is charged a full inspection fee. An inspection report will not be issued until the subject vehicle, which failed an initial inspection, passes a reinspection or complies with the I/M program requirements.

6.2 TEST-ON-RESALE (UPDATED)

All vehicles registered in a county without an I/M program, then resold (change of ownership) into an affected county are not eligible for title receipt or registration unless proof is presented that the vehicle has passed an approved vehicle emissions test within 90 days before the title transfer. The evidence of proof required may be in the form of the Vehicle Inspection Report or another proof of the program compliance as authorized by DPS.

This test-on-resale requirement applies to all gasoline-powered motor vehicles two through 24 years old and subject to an annual emissions inspection, and the ownership of which has changed and which has been the subject of a retail sale as defined by Texas Occupations Code, §2301.002.

Texas Occupations Code, §2301.002 defines retail sale as a sale of a motor vehicle other than a sale in which the purchaser acquires a vehicle for resale, or a sale of a vehicle that is operated in accordance with Texas Transportation Code, §503.061. In addition, military tactical vehicles, motorcycles, diesel-powered vehicles, dual-fueled vehicles which cannot operate using gasoline, and antique vehicles registered with Texas Department of Motor Vehicles are excluded from the test-on-resale requirement. Additionally, model year 1996 and newer vehicles with less than 50,000 miles will be exempt from the test-on-resale requirement.

6.3 TESTING CONVENIENCE (UPDATED)

The Texas I/M program utilizes existing, local businesses for the performance of emissions testing. Businesses in I/M program areas that wish to participate in the I/M program must upgrade existing or purchase new equipment certified by the Texas Commission Environmental Quality.

Vehicle inspection stations are required to test any subject vehicle presented for a test during the facility's testing hours. Testing hours must be at least eight hours per day, five days per week, for a minimum of 40 hours per week, as discussed in Appendix I: *Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, Texas Department of Public Safety, January 1, 2003* of this SIP revision. Enforcement of the vehicle inspection program is further discussed in Chapter 12: *Enforcement Program Oversight*, regarding motorist compliance enforcement.

CHAPTER 7: VEHICLE COVERAGE

7.1 SUBJECT VEHICLES (UPDATED)

The inspection and maintenance (I/M) program requires annual emissions inspections for all gasoline-powered motor vehicles that are:

- two through 24 years old based on the model-year;
- required by the Texas Department of Public Safety (DPS) to comply with vehicle safety inspection requirements; and
- registered and primarily operated in Brazoria, Collin, Dallas, Denton, El Paso, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Montgomery, Parker, Rockwall, Tarrant, Travis, and Williamson Counties, and in Bexar County beginning November 1, 2026.

Dual-fueled vehicles capable of operating on gasoline and leased vehicles that meet these criteria are also subject to I/M program requirements. Subject vehicles are identified through the registration database provided to the Texas Commission on Environmental Quality (TCEQ or commission) by Texas Department of Motor Vehicles (DMV). The DMV also provides electronic updates to this database. Table 7.1: *2024 Subject Vehicle Registrations by County* provides an estimate of the number of subject vehicles by county based on DMV's 2024 registration database.

Table 7-1: 2024 Subject Vehicle Registrations by County

County	Number of Vehicles
Bexar	1,211,717
Brazoria	236,472
Collin	688,010
Dallas	1,573,188
Denton	580,671
Ellis	135,554
El Paso	502,347
Fort Bend	514,538
Galveston	212,747
Harris	2,589,113
Johnson	122,316
Kaufman	105,256
Montgomery	411,235
Parker	104,780
Rockwall	77,865
Tarrant	1,264,063
Travis	733,455
Williamson	388,702

Businesses and public agencies operating any number of vehicles may inspect and repair their own vehicles. However, these businesses and agencies are required to obtain an emissions station inspection license that includes licensing of inspection technicians from DPS. Once a business or public agency is licensed, all other I/M program requirements apply.

7.1.1 Compliance (No change from 2013 I/M SIP Revision)

7.1.2 Remote Compliance (Updated)

DPS honors reciprocal agreements with other I/M programs. Exceptions may be allowed for vehicles operating in the area with proof that adequate emissions testing in another nonattainment area has been passed. Subject vehicles registered in the program area, but primarily operated in another I/M area, may be allowed to be tested in the program area or furnish proof of passing a test of adequate performance standards by the program area in which the subject vehicle is primarily operated in order to show compliance with I/M program requirements.

Vehicles that are registered in Dallas-Fort Worth (DFW), Houston-Galveston-Brazoria (HGB), El Paso County, or Austin-Round Rock (ARR) program areas, but are operated in other areas of Texas designated as attainment or unclassifiable, or in another state, are not required to undergo emissions testing. However, the motorists must complete a DPS affidavit, and upon returning to the above mentioned areas, the vehicle must meet program requirements. A vehicle is considered primarily operated in a county if it is used in that county for a least 60 calendar days per testing cycle. Remote compliance becomes effective in the Bexar County program area beginning November 1, 2026.

7.2 EXEMPT VEHICLES (UPDATED)

The Texas Health and Safety Code (THSC) exempts motorcycles, slow moving vehicles, military tactical vehicles, and diesel-powered vehicles, vehicles less than two years old, and vehicles 25 years old or older from emissions testing. Antique vehicles are also excluded from the I/M program, since they are 25 years old or older.

Senate Bill 2102, 88th Texas Legislature, 2023, Regular Session extended the initial registration and inspection period for rental vehicles to three years, meaning these vehicles are exempt from the emissions inspection at less than three years old.

Texas does have specially designated license plates for vehicles that are exempt from registration fees and have been referred to as "exempt." These vehicles are included in the I/M program requirements. DMV will provide "exempt" motor vehicle registration data via electronic medium to the commission.

The commission has the authority to establish classes of vehicles that are exempt from the I/M program and may establish procedures to allow and review petitions for exemption of individual vehicles, as provided in THSC §382.202(k).

7.3 FEDERAL VEHICLES (UPDATED)

Under federal Clean Air Act (FCAA), §118(c), federal vehicles, except those identified as military tactical vehicles, operated in ARR, DFW, HGB, or El Paso program areas are required to comply with all provisions of the I/M program. Therefore, emissions testing is required to ensure that the vehicles meet specified emissions requirements. The U.S. Environmental Protection Agency has provided the definition of a military tactical vehicle as defined in a memorandum dated March 2, 1993, from the Department of the Navy as follows:

“A motor vehicle designed to military specifications or a commercially designed motor vehicle which is needed to meet direct transportation

support of combat, combat support, combat service support, tactical, or relief operations, or training of personnel for such operations. Commercial designed motor vehicles described above will be subjected to state inspection and maintenance programs regardless of tactical status.”

Federal government fleets are permitted to self-test within their own maintenance facilities, provided that they meet the required equipment standards and are licensed by DPS, and the tests are performed in accordance with established inspection procedures. This provision will apply to federal vehicles operating in the Bexar County program area on November 1, 2026.

7.4 U.S. ARMED FORCES PRIVATELY OWNED VEHICLES (UPDATED)

The Soldiers and Sailors Relief Act of 1940, amended in 1974, allows a nonresident owner of a vehicle registered in another state, who is an active member of the U.S. armed forces, to operate their vehicle in Texas without being registered in Texas. The vehicle is subject to the following requirements:

- (1) the vehicle must display valid license plates issued by another state;
- (2) the vehicle license plates and registration must be issued to the military person;
- (3) the vehicle license plates and registration must be issued by the state where the military person was last stationed or by the state the military person claims as a permanent state of residence; and
- (4) the owner must have in force a specified form of financial responsibility (insurance).

Vehicles meeting these criteria are exempt from Texas registration, and therefore would not be captured in a database comparison.

CHAPTER 8: TEST PROCEDURES, STANDARDS, AND TEST EQUIPEMENT

8.1 GENERAL (NO CHANGE FROM 2009 I/M SIP REVISION)

8.2 INSPECTION PROCESS AND STANDARDS (UPDATED)

Owners of all subject gasoline-powered vehicles that are two through 24 years old that are annually inspected through the Texas Department of Public Safety (DPS)-certified inspection stations are required to have an applicable emissions inspection performed. Vehicles less than two years or greater than 24 years old are exempt from the inspection and maintenance (I/M) program requirements. Texas implemented annual vehicle emissions inspections in:

- Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties in the Dallas-Fort Worth (DFW) area;
- Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties in the Houston-Galveston-Brazoria (HGB) area;
- El Paso County in the El Paso area;
- Travis and Williamson Counties in the Austin-Round Rock area; and
- Bexar County beginning on November 1, 2026.

An on-board diagnostics (OBD) inspection and a gas cap integrity inspection are performed on all subject vehicles as part of the annual emissions inspection. In addition, as a part of the annual emissions inspection, vehicles are subject to anti-tampering checks including:

- exhaust gas recirculation system;
- evaporative emissions control system;
- positive crankcase ventilation system;
- thermostatic air cleaner;
- air injection system; and
- catalytic converter for selected model-years.

Evaporative system purge testing is not performed in the I/M program. Unsafe vehicles or vehicles with missing or leaky exhausts that are presented for emissions inspections are rejected.

OBD inspections for 1996 and newer model-year vehicles and acceleration simulation mode (ASM) inspections for pre-1996 model-year vehicles began on May 1, 2002, in Collin, Dallas, Denton, Tarrant Counties in the DFW area and Harris County in the HGB area. On May 1, 2003, these inspection requirements were expanded to include Ellis, Johnson, Kaufman, Parker, and Rockwall Counties in the DFW area and Brazoria, Fort Bend, Galveston, and Montgomery Counties in the HGB area.

On January 1, 2007, El Paso County began emissions inspections on all 1996 and newer model-year vehicles using OBD inspections and continued emissions inspections on pre-1996 model-year vehicles using two-speed idle (TSI) inspections.

On January 1, 2020, ASM and TSI inspections “aged out” of the Texas emissions inspection program, as all vehicles subject to I/M in Texas beginning on this date require OBD testing.

Beginning November 1, 2026, OBD inspections will begin in Bexar County for vehicles subject to I/M program requirements.

The vehicle emissions inspection begins when the vehicle identification number, license plate, make, model, model-year, and other relevant vehicle information have been entered into the inspection analyzer. Pre-existing data, based on the registration database and the prior vehicle emissions inspection history of the subject vehicle, are retrieved. The inspector confirms the vehicle information from the vehicle identification database (VID) with the subject vehicle presented for emissions inspection. If no match or contact occurs with the VID, the inspector manually enters the vehicle information into the vehicle emissions inspection analyzer. All emissions inspection results are sent electronically to the Texas Information Management System host computer immediately following the completion of each inspection. A copy of the inspection results can be obtained from any inspection station within 13 months of the inspection. All emissions inspection results are accessible to the Texas Commission on Environmental Quality (TCEQ) and DPS.

An official inspection, once initiated, is performed in its entirety regardless of the intermediate outcomes, except in cases of invalid inspection conditions, unsafe conditions, or fast pass/fail algorithms. Inspections involving measurements are performed with program-approved equipment that has been calibrated. Emissions standards are applicable to all vehicles subject to the I/M program and repairs are required for failure of any standard. TCEQ may adjust standards as necessary to maintain a passing rate of at least 80 percent. If a vehicle fails the emissions inspection, the vehicle is to be reinspected for all pollutants or standards. A second failure of any pollutant level or standard results in a second failure of the vehicle. Vehicles will fail visual inspections of subject emissions control devices if such devices are part of the original certified configuration and are found to be missing, modified, disconnected, improperly connected, or found to be incorrect for the certified vehicle configuration under inspection.

Title 30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, outlines requirements for tampering. DPS is responsible for enforcing vehicle tampering requirements. DPS uses remote sensing to identify high-emitting vehicles operating in the DFW, HGB, and El Paso program areas. DPS will also use remote sensing to identify high-emitting vehicles in Bexar County when the program begins in that area. Remote sensing may also be used as a quality assurance tool for randomly selected or suspect vehicle emissions facilities. Remote sensing screening is conducted according to reliable engineering practices to assure the accuracy of the inspection.

8.3 INSPECTION EQUIPMENT AND REQUIRED FEATURES (NO CHANGE FROM 2009 I/M SIP REVISION)

The following subsections have been updated to include new hyperlinks. There are no other substantive changes to these subsections from the 2009 I/M SIP Revision.

8.3.1 General Information (No change from 2009 I/M SIP Revision)

8.3.2 OBD Inspection Equipment (Updated)

OBD inspection equipment design and operation meets all federal requirements contained in 40 Code of Federal Regulations (CFR) §§85.2207 - 85.2231 and

recommended practices contained in the J1962, J1978, and J1979 published by the Society of Automotive Engineers (SAE). The OBD inspection equipment is tethered to the emissions analyzer. The most recent version of specifications for OBD equipment is available at TCEQ's central office or can be auto-downloaded using the following link: <https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf>.

8.4 ACCEPTANCE TEST PROCEDURES (NEW NUMBERING STRUCTURE)

8.4.1 Acceptance Test Procedures for OBD Inspection Equipment (New Section, Historic Text)

The acceptance test procedures for OBD inspection equipment apply only to the OBD communication components, which must meet all federal requirements contained in 40 CFR §§85.2207 - 85.2231 and recommended practices contained in the J1962, J1978, and J1979 published by the SAE. The acceptance test procedures and acceptance criteria are contained in the U.S. Environmental Protection Agency's (EPA) guidance document, "Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program" (EPA, 2001) or EPA's applicable update to this document.

8.5 INSPECTION EQUIPMENT CERTIFICATION REQUIREMENTS (NO CHANGE FROM 2022 I/M SIP REVISION)

8.6 REFERENCES (UPDATED)

EPA, 2001. Performing Onboard Diagnostic System Checks as Part of a Vehicle Inspection and Maintenance Program, EPA420-R-01-015, June 2001, <https://nepis.epa.gov/Exe/ZyPdf.cgi?Dockkey=P1002KRN.pdf>

CHAPTER 9: QUALITY CONTROL

9.1 OVERVIEW (UPDATED)

Quality control (QC) measures are implemented by Texas Department of Public Safety (DPS) to ensure that Texas meets its commitment to provide motorists with consistent and accurate vehicle emissions inspection results. Vehicle inspection site personnel ensure that emissions measurement equipment is calibrated and maintained properly and that inspection records, calibration records, and control charts or graphs are accurately created, recorded, and maintained.

Analyzer manufacturers for on-board diagnostics (OBD) inspection equipment prepare a manual of QC procedures, periodic maintenance schedules, and calibration procedures to be followed by vehicle emissions inspection site personnel to ensure that all equipment is properly calibrated. This manual is submitted to the Texas Commission on Environmental Quality (TCEQ) for approval prior to the sale of any equipment for use in the I/M program. Analyzer manufacturers ensure an extended service contract is available upon the expiration of the manufacturer's original warranty period.

The vehicle emissions inspection analyzer specifications include, at a minimum, durability and functional requirements to ensure accurate measurements and processing and recording of emissions inspection samples under a wide range of adverse ambient conditions. In addition, emissions inspection analyzers are:

- automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;
- secure from tampering and/or abuse;
- based upon written specifications; and
- capable of simultaneously sampling dual-exhaust vehicles.

Preventative maintenance is performed at least quarterly on all analyzer equipment necessary to ensure accurate and repeatable operation. Preventative maintenance refers to any upkeep practices used to slow a component's deterioration associated with frequent use and aging.

9.2 EQUIPMENT CALIBRATION AND MAINTENANCE (UPDATED)

Emissions inspection analyzer equipment is maintained according to demonstrated good engineering practices to assure emissions inspection accuracy. In addition, TCEQ will obtain the U.S. Environmental Protection Agency's (EPA) approval for any alternative calibrations and maintenance procedures.

Complete records on repairs, software modifications, and calibration of all emissions inspection analyzer equipment will be kept on file by the manufacturer during the original warranty and subsequent service contract agreement period. Each analyzer contains a historical database, which automatically records QC information, lockouts, and attempted tampering. The analyzer housing is constructed to protect the analyzer bench and electrical components from ambient temperatures and humidity fluctuations that exceed the range of the analyzers. Maintenance procedures are used

to maintain the gas cap integrity inspection equipment in accordance with demonstrated good engineering practices in order to assure inspection accuracy.

9.3 DOCUMENT SECURITY (UPDATED)

All vehicle inspection reports (VIR) are printed with a unique authorization number to be counterfeit resistant. A VIR is not issued until a vehicle passes all components of the emissions inspection as evidenced by a current valid vehicle registration insignia sticker, a current valid VIR, or other form of proof authorized by DPS or the Texas Department of Motor Vehicles.

CHAPTER 10: WAIVERS AND TIME EXTENSIONS

10.1 WAIVER SUMMARY (NO CHANGE FROM 2005 I/M SIP REVISION)

10.2 LOW-MILEAGE VEHICLE WAIVER (UPDATED)

A vehicle is eligible for a low-mileage waiver if it has failed its initial emissions test. The following requirements apply: (1) at least \$100 has been spent to bring the vehicle into compliance, and (2) the Texas Department of Public Safety (DPS) can verify the vehicle is driven an average of less than 5,000 miles each year.

10.3 INDIVIDUAL VEHICLE WAIVER (NO CHANGE FROM 2013 I/M SIP REVISION)

10.4 PARTS AVAILABILITY TIME EXTENSION (NO CHANGE FROM 2013 I/M SIP REVISION)

10.5 LOW-INCOME TIME EXTENSIONS (NO CHANGE FROM 2005 I/M SIP REVISION)

10.6 WAIVER RATE (UPDATED)

For the purposes of demonstrating that the inspection and maintenance (I/M) program meets the applicable performance standard, the commission assumes a waiver rate for each nonattainment area. The commission commits to a waiver rate in practice that is equal to or lower than the percentages of initially failed vehicles listed below:

- (1) 3% for the Dallas-Fort Worth (DFW) program area;
- (2) 3% for the El Paso program area;
- (3) 3% for the Houston-Galveston-Brazoria (HGB) program area; and
- (4) 3% for the Bexar County program area, beginning on November 1, 2026.

If the waiver rates stated in the annual report to the U.S. Environmental Protection Agency (EPA) are higher than these amounts, the commission and DPS will take corrective action to lower the waiver rate. Corrective strategies may include:

- (1) requiring the vehicle receiving a waiver to have its emissions test output levels reduced by a specified amount;
- (2) limiting the model years that are eligible for a waiver; and/or
- (3) other measures determined by the commission and/or DPS.

If the waiver rate cannot be lowered to levels committed to in the state implementation plan (SIP), or if the commission chooses not to implement measures to do so, then the commission will revise the I/M emissions reduction projections in the SIP. If necessary, the commission will develop other program changes to ensure that the performance standard is met.

CHAPTER 11: MOTORIST COMPLIANCE ENFORCEMENT

This chapter includes updates to address Senate Bill 604, 86th Texas Legislature, 2019, which allowed for the display of a vehicle's registration insignia for certain commercial fleet or governmental entity vehicles on a digital license plate in lieu of attaching the registration insignia to the vehicle's windshield.

11.1 GENERAL (NO CHANGE FROM 2009 I/M SIP REVISION)

11.2 REGISTRATION DENIAL (UPDATED)

The Texas Department of Public Safety (DPS) is required to manage a database to contain emissions inspection data and transmit the vehicle inspection data and make it accessible to Texas Department of Motor Vehicles (DMV). The DMV is required to verify a vehicle's compliance using the database to register a vehicle and notify the vehicle owner. Registered vehicle owners may also present a passing vehicle inspection report (VIR) to the DMV or county tax assessor-collector to verify compliance with the inspection and maintenance (I/M) program. Registered vehicle owners of non-compliant vehicles that do not comply with the I/M program are denied registration until the vehicle has complied with I/M program requirements.

11.3 STICKER-BASED ENFORCEMENT (UPDATED)

Vehicle registration insignia stickers, which are affixed on the windshield, indicate the subject vehicle is compliant with the I/M program. I/M program compliance can also be indicated through other forms of proof authorized by DPS and DMV including, but not limited to, digital license plates that display the DMV's registration insignia.

All VIRs are printed with a unique serial number. DPS may adopt rules regarding the issuance of VIRs, including rules providing for the format of the reports. DPS may add additional security features to deter counterfeiters. DPS is required to track inspection report numbers with assistance from the vehicle identification database and the Texas Commission on Environmental Quality's *Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Emissions Testing Program*.⁴

Motorists are issued citations by local and state law enforcement officials for driving a vehicle that does not properly display the registration insignia issued by DPS or for evading the emissions inspection or inspection outside of the affected area. These violations of the Texas Transportation Code (TTC), §502.471 are punishable by a fine not to exceed \$200. The owner is subject to an additional citation every time the vehicle is driven. Violators are given notification that they shall comply with the I/M program requirements. Noncompliance will result in delivery of additional citations and fines that may accumulate to more than the expense of a minimum expenditure waiver.

Fines for motorists involved in bribery or fraud are substantially higher and may result in incarceration. Under TTC, §548.603 (Class B misdemeanor), a motorist suspected of obtaining a passing inspection report in a neighboring county to avoid the emissions

⁴ <https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf>

portion of an inspection may be charged with willful purchase of a fraudulent inspection report.

11.4 ADDITIONAL ENFORCEMENT ACTIVITIES (NO CHANGE FROM 2009 I/M SIP REVISION)

CHAPTER 12: ENFORCEMENT PROGRAM OVERSIGHT

The Texas Commission on Environmental Quality (TCEQ or commission) and/or Texas Department of Public Safety (DPS) audit enforcement efforts regularly and follow effective program management practices, including adjustments to improve enforcement efforts, when necessary. The commission has implemented a quality assurance (QA) program described in Chapter 13: *Quality Assurance* to ensure effective overall performance of the enforcement system.

A vehicle inspection compliance survey, Appendix J: *Texas Department of Transportation, Vehicle Titles and Registration Division, 2000 Summer Research Project Parking Lot Survey Report, March 2003*, indicates a 95% compliance rate for Dallas, Tarrant, Harris and El Paso Counties. The high compliance rate for vehicle safety inspections, coupled with the addition of registration database comparison and denial of re-registration, should result in an even higher overall compliance rate. The Texas inspection and maintenance (I/M) program is expected to maintain a compliance rate of 96%.

12.1 GENERAL (UPDATED)

DPS and the Texas Department of Motor Vehicles (DMV) will implement, maintain, and assure that quality control procedures are implemented consistent with 40 Code of Federal Regulations (CFR) §51.362(a). Measures include the establishment of written audit procedures and/or checklists for I/M document handling and processing, notification of motorists and inspection facilities suspected of violating program rules, and permitting U.S. Environmental Protection Agency (EPA) audits of the enforcement procedures. These procedures are consistent with 40 CFR §51.362(a)(5), (b)(2) and state law.

12.2 PROCEDURES (UPDATED)

All vehicle inspection reports are printed with a unique authorization number to be counterfeit resistant. A vehicle inspection report is not issued until a vehicle passes all components of the emissions inspection as evidenced by a current valid vehicle registration insignia sticker, a current valid vehicle inspection report, or other form of proof authorized by DPS or DMV.

12.3 INSPECTION REPORT (NO CHANGE FROM 2022 I/M SIP REVISION)

12.4 OVERSIGHT (NO CHANGE FROM 2005 I/M SIP REVISION)

12.5 COMPUTERIZED TESTING (NO CHANGE FROM 2005 I/M SIP REVISION)

12.6 DATABASE (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 13: QUALITY ASSURANCE

13.1 OVERVIEW (NO CHANGE FROM 2005 I/M SIP REVISION)

13.2 PERFORMANCE AUDITS (NO CHANGE FROM 2005 I/M SIP REVISION)

13.2.1 Overt Audits (No Change From 2005 I/M SIP Revision)

13.2.2 Covert Audits (No Change From 2005 I/M SIP Revision)

13.3 RECORDS AUDITS (NO CHANGE FROM 2005 I/M SIP REVISION)

13.4 EQUIPMENT AUDITS (UPDATED)

Equipment audits include a quality control evaluation of required test equipment and written confirmation that appropriate test equipment is being used. Equipment audit procedures include, but are not limited to:

- (1) a check of tampering and general serviceability of the equipment;
- (2) a leak check; and
- (3) a check to determine that the gas cap pressure test equipment is within specifications.

13.5 AUDITOR TRAINING AND PROFICIENCY (NO CHANGE FROM 2005 I/M SIP REVISION)

**CHAPTER 14: ENFORCEMENT AGAINST CONTRACTORS, STATIONS, AND
INSPECTORS (NO CHANGE FROM 2005 I/M SIP REVISION)**

CHAPTER 15: DATA COLLECTION (NO CHANGE FROM 2013 I/M SIP REVISION)

CHAPTER 16: DATA ANALYSIS AND REPORTING

16.1 TEST DATA REPORT (NO CHANGE FROM 2005 I/M SIP REVISION)

16.2 QUALITY ASSURANCE REPORT (NO CHANGE FROM 2005 I/M SIP REVISION)

16.3 QUALITY CONTROL REPORT (NO CHANGE FROM 2005 I/M SIP REVISION)

16.4 ENFORCEMENT REPORT (UPDATED)

The Texas Commission on Environmental Quality (TCEQ or commission) will submit an Enforcement Report to the U.S. Environmental Protection Agency by June 30 of each year for data collected from January 1 through December 31 of the previous year. The basic statistics reported includes:

- (1) an estimate of the number of vehicles subject to the inspection program, including the results of an analysis of the vehicle database, performed jointly by the commission and Texas Department of Motor Vehicles;
- (2) the percentage of motorist compliance based upon a comparison of the number of valid final tests with the number of subject vehicles;
- (3) the number of waivers and extensions granted to motorists;
- (4) the number of compliance surveys conducted, number of vehicles surveyed in each, and the compliance rates found;
- (5) a report of the program's efforts and actions to prevent motorists from having their vehicles inspected out of the program area and the results of special studies to investigate the frequency of such activity;
- (6) the number of compliance documents issued to stations;
- (7) the number of missing compliance documents;
- (8) an assessment of the efforts to detect and enforce against motorists falsely changing vehicle classifications to circumvent program requirements and frequency of type of activity;
- (9) a report on efforts to detect and enforce against motorists falsely charging vehicle classifications to circumvent program requirements and the frequency of this type of activity;
- (10) the number of parking lot sticker audits conducted, the number of vehicles surveyed in each, and the noncompliance rate found during those audits;
- (11) the number and percentage of subject vehicles that were tested by the initial deadline and by other milestones in the cycle; and
- (12) the number of enforcement systems audits and the error rate found during these audits.

16.5 BIENNIAL REPORT (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 17: INSPECTOR LICENSING AND CERTIFICATION

17.1 INTRODUCTION (NO CHANGE FROM 2005 I/M SIP REVISION)

17.2 STATION OWNER AND/OR MANAGER REQUIREMENTS (UPDATED)

At a minimum, the owner and/or manager of the emissions inspection station will employ one full-time certified inspector who has successfully completed the training and testing specified in Appendix J: *Texas Department of Transportation, Vehicle Titles and Registration Division, 2000 Summer Research Project Parking Lot Survey Report, March 2003*. Only a certified inspector will conduct emissions testing on vehicles that are presented for testing in the inspection and maintenance (I/M) program area.

The following requirements must be met for a person to be certified to conduct inspections in the I/M program:

- (1) be at least 18 years of age;
- (2) hold a valid driver's license from their state of residence;
- (3) be employed by a licensed official vehicle inspection station before examination will be given;
- (4) be of good moral character and physically capable of conducting the required inspection;
- (5) not be under suspension from the Texas Vehicle Inspection Program;
- (6) make application for inspector certification on Texas Department of Public Safety (DPS) form VI-3;
- (7) attend a training session conducted by DPS;
- (8) pass with a grade of not less than 80 on the general examination, (a written or verbal examination based on the law and rules and regulations of DPS pertinent to the vehicle inspection program);
- (9) successfully demonstrate the ability to correctly operate the testing devices at the inspection station where employed; and
- (10) submit the statutory fee when the certification process by the test administrator is completed and the person is ready for issuance of an inspection certificate. An inspector is exempt from the inspector certificate fee if employed at a governmental inspection station. Dual authorization for another class of inspection station would require an inspection certificate fee.

Curriculum for the emissions inspector training programs will include, at a minimum, the following subjects:

- (1) the air pollution problem, its causes, and effects;

- (2) purpose, function, and goals of the inspection program;
- (3) inspection regulations;
- (4) test procedures and the rationale for their design;
- (5) safety and health issues related to the inspection process;
- (6) emissions control device configuration, and inspection;
- (7) test equipment operation, calibration, and maintenance;
- (8) quality control procedures; and
- (9) public relations.

Instruction is furnished by:

- (1) inspector schools conducted by DPS;
- (2) studying Appendix I: *Vehicle Inspection Rules and Regulations Manual*;
- (3) individual instruction by either a DPS representative or a company equipment representative;
- (4) association with others (mechanics, service managers, etc.); and
- (5) if DPS does not conduct the inspector training, DPS will monitor and evaluate inspector training.

The written examination may be conducted at the inspection station where the person works, at a DPS office, or any place decided upon by DPS. The demonstration of the ability to correctly operate the testing equipment devices will ordinarily be conducted at the inspection station where the person is to work but may be conducted elsewhere. In every instance, the demonstration will be performed on the same type of devices as those used at the place of employment.

17.3 PROCESS FOR CERTIFICATION AND RECERTIFICATION OF INSPECTORS (UPDATED)

The process for certification and recertification of inspectors is as follows.

- (1) Periodic inspector schools will be conducted by DPS.
- (2) After each inspector school has been conducted, examinations will be given by the test administrator to those individuals affected. Examinations:
 - (a) will not necessarily be given at the time school is held; and
 - (b) may be done either in groups or for individuals.

(3) Parameters are to be inspected. The applicant is required to properly operate the testing devices and identify the following vehicle emissions components at the inspection station where employed. This shall include demonstrations by all applicants of their ability to perform a “dry run” inspection. The applicant must:

- (a) visually inspect the thermostatic air cleaners intake system;
- (b) visually inspect the exhaust gas recirculation system valve, hoses, and wires;
- (c) visually inspect the positive crankcase ventilation system, valve, and hoses;
- (d) visually inspect the air injection system;
- (e) visually inspect the evaporative emissions control system, canister, hoses, and gas filler caps;
- (f) visually inspect the catalytic converter system (for vehicles originally equipped with a catalytic converter at the time of manufacture);
- (g) visually inspect proper operation of a gas cap integrity check; and
- (j) visually inspect proper operation of on-board diagnostics test equipment.

17.4 FAILURE TO PASS THE WRITTEN TEST (NO CHANGE FROM 2005 I/M SIP REVISION)

17.5 FAILURE TO PASS THE DEMONSTRATION TEST (NO CHANGE FROM 2005 I/M SIP REVISION)

17.6 PASSING THE WRITTEN AND DEMONSTRATION TESTS (NO CHANGE FROM 2005 I/M SIP REVISION)

17.7 EXPIRATION OF CERTIFICATION OF INSPECTORS (NO CHANGE FROM 2005 I/M SIP REVISION)

17.8 REEXAMINATION (NO CHANGE FROM 2005 I/M SIP REVISION)

17.9 DUAL AUTHORIZATION (NO CHANGE FROM 2005 I/M SIP REVISION)

17.10 CHANGES IN EMPLOYMENT (NO CHANGE FROM 2005 I/M SIP REVISION)

**CHAPTER 18: PUBLIC INFORMATION AND CONSUMER PROTECTION (NO CHANGE
FROM 2013 I/M SIP REVISION)**

**CHAPTER 19: IMPROVING REPAIR EFFECTIVENESS (NO CHANGE FROM 2005 I/M
SIP REVISION)**

**CHAPTER 20: COMPLIANCE WITH RECALL NOTICES (NO CHANGE FROM 2005 I/M
SIP REVISION)**

CHAPTER 21: ON-ROAD TESTING

21.1 IDENTIFICATION OF PROBABLE HIGH-EMITTING VEHICLES (NO CHANGE FROM 2005 I/M SIP REVISION)

21.2 VEHICLE COVERAGE SUMMARY (UPDATED)

The Texas Department of Public Safety (DPS) plans to use remote sensing to evaluate the on-road emissions performance of at least 20,000 of the vehicles subject to emissions testing in the Dallas-Fort Worth, Houston-Galveston-Brazoria, and El Paso program areas.

21.3 VERIFICATION TESTING REQUIREMENTS (UPDATED)

Each registered owner of a vehicle in the inspection and maintenance (I/M) program area that meets the subject high-emitter identification criteria will be mailed a notification letter informing them that the vehicle has a high probability of being a high emitter. The notification letter must require the owner to have the vehicle inspected and, if necessary, repaired to ensure compliance with emissions standards. As with the normal testing process, any vehicle that fails this inspection will be required to have repairs performed to bring it into compliance with applicable emissions standards; compliance will be verified by means of a required emissions retest. If necessary, waivers can be issued to vehicles that have begun the testing process as a result of high-emitter identification through remote sensing.

Failure to comply with the requirements of the notification letter must result in the issuance of a citation against the owner of the vehicle. This citation includes progressive penalties that may escalate to a maximum of \$1,000.00 per offense for the continuance of non-compliance. If the vehicle fails to comply within 30 days, the vehicle will be flagged in the Texas Department of Motor Vehicles registration database, and the vehicle will be denied re-registration until the vehicle is in compliance with the I/M program.

All vehicles identified as high-emitters that are registered in the I/M program area will be cross-referenced with the Texas vehicle registration and emissions testing database. The categories of probable high-emitting vehicles that will not be mailed notification letters include, but are not limited to, the following:

- (1) any subject vehicle that received a waiver during the most current test cycle or is operated under the provision of a DPS-approved time extension;
- (2) any subject vehicle that is scheduled to receive its next emissions inspection within 30 days; and
- (3) other appropriate categories as determined by DPS.

21.4 PROGRAM FUNCTIONS AND RESPONSIBILITIES (NO CHANGE FROM 2005 I/M SIP REVISION)

**CHAPTER 22: STATE IMPLEMENTATION PLAN SUBMISSION (NO CHANGE FROM
THE 2022 I/M SIP REVISION)**

Appendices Available Upon Request

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