TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGENDA ITEM REQUEST

for Adoption of State Implementation Plan Revision

AGENDA REQUESTED: August 26, 2026

DATE OF REQUEST: August 7, 2026

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

CAPTION: Docket No. 2025-1858-SIP. Consideration for the adoption of Senate Bills (SB) 2102 and 1729 Implementation Inspection and Maintenance State Implementation Plan (SIP) Revision.

This SIP revision implements new provisions to 30 Texas Administrative Code (TAC) Chapter 114 that fully implement the statutory requirements in Texas Health and Safety Code (THSC), Section 382.202(d-2), as added by SB 2102, 88th Texas Legislature, 2023, Regular Session, and consolidated by SB 1729, 89th Texas Legislature, 2025, Regular Session. THSC, Section 382.202(d-2) provides that, with U.S. Environmental Protection Agency approval of a revision to the SIP, the initial registration and inspection period for new rental vehicles be increased from two years to three years. Additionally, THSC, Section 382.202(d-2) requires that the commission establish and assess fees for the emissions inspection of a new rental vehicle in amounts calculated to provide the same revenue for a three-year registration and inspection period that would be provided if the vehicle was inspected annually or biennially, i.e., that the change to a three-year registration and inspection period is to be revenue neutral.

This SIP revision incorporates concurrent revisions to 30 TAC Chapter 114 (Rule Project No. 2026-003-114-AI) to address these bills. (Christopher Moreno, Contessa Gay, Terry Salem; Non-Rule Project No. 2026-004-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:** August 7, 2026

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

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

Docket No.: 2025-1858-SIP

Subject: Commission Approval for Adoption of Senate Bills (SB) 2102 and 1729 Inspection and Maintenance (I/M) State Implementation Plan (SIP) Revision

SBs 2102 and 1729 I/M SIP Revision
Non-Rule Project No. 2026-004-SIP-NR

Background and reason(s) for the SIP revision:
Eighteen counties in Texas are subject to 30 Texas Administrative Code (TAC) Chapter 114 I/M rules: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties in the Dallas-Fort Worth area; Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties in the Houston-Galveston-Brazoria area; Travis and Williamson Counties in the Austin-Round Rock area; El Paso County; and, beginning November 1, 2026, Bexar County. All I/M counties would be subject to this adopted SIP revision and the associated rulemaking (Project No. 2026-003-114-AI).

The 88th Texas Legislature, 2023, Regular Session, passed SB 2102, which amended Texas Health and Safety Code (THSC), §382.202 to extend the initial registration and inspection period for new rental vehicles from two years to three years and to require that the emissions inspection fees that would have applied in the additional exemption year be collected.[1] A SIP revision and rulemaking were adopted on September 24, 2025, to allow one additional year of exemption from emissions inspections for new rental vehicles; however, the fee component of the legislation was not addressed in those rule and SIP actions (Project Nos. 2025-012-114-AI and 2025-013-SIP-NR).

SB 1729, 89th Texas Legislature, 2025, Regular Session, further amended THSC, §382.202 by consolidating amendments made by SB 2102.[2] The rental vehicle provisions were added to THSC, §382.202(d-2)(1) and (2) with SB 2102 amendments and relocated to THSC, §382.202(d-2) with SB 1729 amendments but were otherwise unaffected.

This SIP revision and associated rulemaking add necessary provisions to 30 TAC Chapter 114 to fully implement the statutory requirements in THSC, §382.202(d-2), as added by SB 2102 and amended by SB 1729. THSC, §382.202(d-2) provides that, with U.S. Environmental Protection Agency approval of a revision to the SIP, the initial registration and emissions inspection period for new rental vehicles is increased from two years to three years. Additionally, THSC, §382.202(d-2) requires that TCEQ establish and assess fees for the emissions inspection of a new rental vehicle in amounts calculated to provide the same revenue for a three-year registration and inspection period that would be provided if the vehicle was inspected annually or biennially. The change to a three-year registration and inspection period is also required to be revenue neutral. This SIP revision incorporates the new provisions to 30 TAC Chapter 114 into the SIP.

[1] Tex. S.B. 2102, 88th Leg., R.S. (2023).
[2] Tex. S.B. 1729, 89th Leg., R.S. (2025).

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Scope of the SIP revision:

A.) Summary of what the SIP revision will do:
The associated rulemaking (Project No. 2026-003-114-AI) will assess emissions inspection fees for new rental vehicles at the time of initial registration to comply with the statutory requirement to provide the same revenue that would be provided if the vehicle was inspected annually or biennially. This SIP revision incorporates and implements the I/M rules into the SIP.

This SIP revision incorporates and implements amendments to 30 TAC Chapter 114, Subchapters A and C to implement the changes made in THSC, §382.202(d-2) by SBs 2102 and 1729. The SIP revision and associated rulemaking require rental vehicle owners to remit, at the time of initial vehicle registration, the portion of the vehicle emissions inspection fees specified by THSC, §382.202(e) that would otherwise have been assessed for a vehicle's first emissions inspection when the vehicle becomes two years old. This SIP revision and associated rulemaking do not change any fee amounts in 30 TAC Chapter 114.

B.) Scope required by federal regulations or state statutes:
This SIP revision and associated rulemaking incorporate and implement THSC, §382.202(d-2) as incorporated by SBs 2102 and 1729, specifying that rental vehicle owners must remit the emissions inspection fee with the initial three-year rental vehicle registration instead of with the first registration renewal after two years, as previously required. The SIP revision reflects the requirement in THSC, §382.202(d-2) that the statutory extension of the start of emissions inspection compliance for rental vehicles from two-year to three-year old vehicles be revenue neutral.

C.) Additional staff recommendations that are not required by federal rule or state statute:
None.

Statutory authority:
Texas Water Code (TWC), §5.103, Rules
THSC, §382.002, Policy and Purpose
THSC, §382.011, General Powers and Duties
THSC, §382.012, State Air Control Plan
THSC, §382.017, Rules
THSC, §382.0622, Clean Air Act Fees
THSC, §382.202, Vehicle Emissions Inspection and Maintenance Program
THSC, §382.203, Vehicles Subject to Program; Exemptions
THSC, §382.205, Inspection Equipment and Procedures

This SIP revision is required by the federal Clean Air Act, §110(a)(1) and is also proposed and adopted under the commission's general authority under 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, §7420 *et seq.*, and implementing rules in 40 Code of Federal Regulations Part 51.

Effect on the:

A.) Regulated community:
This SIP revision will only affect owners of new rental vehicles. Owners of new rental vehicles will remit vehicle emissions inspection fees at the time of initial vehicle registration in lieu of paying the vehicle emissions inspection fees that would otherwise have been remitted when the vehicle becomes two years old.

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B.) Public:
Inspections for any vehicle subject to emissions inspection requirements in the I/M SIP and 30 TAC Chapter 114 that is not a rental vehicle would not be affected by the SIP revision.

C.) Agency programs:
None.

Stakeholder meetings:
None.

Public Involvement Plan
Yes.

Alternative Language Requirements
Yes. Spanish.

Public comment:
The public comment period opened on April 3, 2026, and closed on May 19, 2026. The commission held a virtual public hearing on May 14, 2026, at 2:00 p.m. Notice of the public hearing was published in English in the *Dallas Morning News, El Paso Times, Houston Chronicle,* and *San Antonio Express-News* newspapers on April 3, 2026, and in the *Austin-American Statesman* on April 6, 2026. Notice of the public hearing was published in Spanish in *El Diario de El Paso* on April 3, 2026, in *Al Día, Hoy en Austin,* and the *San Antonio Express-News* on April 8, 2026, and in *La Voz* on April 15, 2026. Notices were also posted in English and Spanish and distributed to subscribers through GovDelivery and posted to TCEQ's website, and a notice was published in English in the *Texas Register* on April 17, 2026 (51 TexReg 2527). A plain language summary was provided in both English and Spanish. TCEQ staff were present and opened the hearings for public comment on this project, and instructions for participating in the hearing were provided in Spanish. The hearing was recorded and a transcript was prepared. During the comment period, one individual provided oral comments at the public hearing, and the same individual submitted written comments. The comments were outside the scope of the proposed SIP revision and associated rulemaking. The comments received are summarized and addressed in the Response to Comments for this SIP revision and associated rulemaking.

Significant changes from proposal:
None.

Potential controversial concerns and legislative interest:
None.

Will this SIP revision affect any current policies or require development of new policies?
No.

What are the consequences if this SIP revision does not go forward? Are there alternatives to revision?
There is no alternative to this SIP revision.

Key points in the adoption SIP revision schedule:
Anticipated agenda date: August 26, 2026

Re: Docket No. 2025-1858-SIP

Agency contacts:
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cc: Chief Clerk, 2 copies
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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

SENATE BILLS (SB) 2102 AND 1729 IMPLEMENTATION INSPECTION AND MAINTENANCE STATE IMPLEMENTATION PLAN REVISION

PROJECT NUMBER SFR-122/2026-004-SIP-NR

Adoption
August 26, 2026

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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; El Paso County; and, beginning November 1, 2026, Bexar County. All I/M counties are subject to this SIP revision.

The 88th Texas Legislature, 2023, Regular Session, passed Senate Bill (SB) 2102, which amended Texas Health and Safety Code (THSC), §382.202 to extend the initial registration and inspection period for new rental vehicles from two years to three years and to require that the emissions inspection fees that would have applied in the additional exemption year be collected.[1] A SIP revision and rulemaking were adopted on September 24, 2025, to allow one additional year of exemption from emissions inspections for new rental vehicles; however, the fee component of the legislation was not addressed in those rule and SIP actions (Project Nos. 2025-012-114-AI and 2025-013-SIP-NR).

Senate Bill 1729, 89th Texas Legislature, 2025, Regular Session, further amended THSC, §382.202 by consolidating amendments made by SB 2102.[2] The rental vehicle provisions were added to THSC, §382.202(d-2)(1) and (2) with SB 2102 amendments and relocated to THSC, §382.202(d-2) with SB 1729 amendments but were otherwise unaffected.

This SIP revision and associated rulemaking (Project No. 2026-003-114-AI) will assess emissions inspection fees for new rental vehicles at the time of initial registration to comply with the statutory requirement to provide the same revenue that would be provided if the vehicle was inspected annually or biennially. This SIP revision does not change any fee amounts in 30 TAC Chapter 114.

[1] Tex. S.B. 2102, 88th Leg., R.S. (2023)
[2] Tex. S.B. 1729, 89th Leg., R.S. (2025).

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 authorizes 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, 2025
TEXAS WATER CODE	September 1, 2025

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 August 22, 2019, respectively

Chapter 19: Electronic Reporting — March 1, 2007
Subchapter A: General Provisions
Subchapter B: Electronic Reporting Requirements

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 — November 13, 2025

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 — October 16, 2025

Chapter 115: Control of Air Pollution from Volatile Organic Compounds — December 12, 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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- 1.2 Background (Updated)
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Chapter 2: Applicability (No Change From 2025 I/M SIP Revision)
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Chapter 12: Enforcement Program Oversight (No Change From 2025 I/M SIP Revision)
Chapter 13: Quality Assurance (No Change From 2025 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 (No Change From 2025 I/M SIP Revision)
Chapter 17: Inspector Licensing and Certification (No Change From 2025 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 (No Change From 2025 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	*Federal Register*
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 webpage (https://www.tceq.texas.gov/airquality/sip/sipplans.html).

2025 I/M SIP Revision (TCEQ Project No. 2025-013-SIP-NR, adopted September 24, 2025) House Bill 3297 and Senate Bill 2102 Implementation Inspection and Maintenance (I/M) SIP Revision

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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Appendix I	Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, Texas Department of Public Safety, January 1, 2003 (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.

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 DMV; and
- collect the state portion of the safety and emissions inspection fee at the time of registration by 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 rulemaking and SIP revision were submitted to EPA on December 18, 2023. This 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 impacted the Texas I/M program and required rulemaking and a SIP revision. HB 3297 eliminated the mandatory annual vehicle safety inspection program for noncommercial vehicles, effective January 1, 2025. The SIP revision was 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 extended the initial registration and inspection period for new rental vehicles from two years to three years. A rulemaking and SIP revision were adopted on September 24, 2025, to allow one additional year of exemption from emissions inspections for new rental vehicles; however, the fee component of the legislation was not addressed in those rule and SIP actions (Project Nos. 2025-012-114-AI and 2025-013-SIP-NR).

Senate Bill 1729, 89th Texas Legislature, 2025, Regular Session, further amended THSC, §382.202 and consolidated provisions added by SB 2102. The rental vehicle provision added by SB 2102 was moved from THSC, §382.202(d-2)(1) and (2) with SB 2102 amendments to THSC, §382.202(d-2) with SB 1729 amendments but was otherwise unaffected.

This SIP revision and concurrent rulemaking (Project No. 2026-003-114-AI) will assess emissions inspection fees for new rental vehicles at the time of initial registration to comply with the statutory requirement to provide the same revenue that would be provided if the vehicle was inspected annually or biennially. This SIP revision does not change any fee amounts in 30 TAC Chapter 114.

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

1.4 PUBLIC HEARING AND COMMENT INFORMATION (UPDATED)

The commission opened a public comment period and held a public hearing concerning the proposed SIP revision. The public comment period opened on April 3, 2026, and closed on May 19, 2026. Notice of the public hearing was published in English in the *Dallas Morning News, El Paso Times, Houston Chronicle, and San Antonio Express-News* newspapers on April 3, 2026, and in the *Austin-American Statesman* on

April 6, 2026. Notice of the public hearing was published in Spanish in *El Diario de El Paso* on April 3, 2026, in *Al Día, Hoy en Austin, and* the *San Antonio Express-News* newspapers on April 8, 2026, and in *La Voz* on April 15, 2026. Notices were also posted in English and Spanish and distributed to subscribers through GovDelivery and posted to TCEQ's website, and notice was published in English in the *Texas Register* on April 17, 2026 (51 TexReg 2527). The commission opened a virtual public hearing for the SIP revision on May 14, 2026, at 2:00 p.m. Comments were recorded and a transcript was prepared. Instructions for participating in the hearing were provided in English and Spanish. Written comments were accepted via mail, fax, or through TCEQ's Public Comment system (https://tceq.commentinput.com/). During the comment period, one individual provided oral comment at the public hearing, and the same individual submitted written comments. The comments received are summarized and addressed in the Response to Comments for this SIP revision and in the associated rulemaking (Rule Project No. 2026-003-114-AI).

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 (NO CHANGE FROM 2025 I/M SIP REVISION)

CHAPTER 3: INSPECTION AND MAINTENANCE PERFORMANCE STANDARDS (NO CHANGE FROM 2025 I/M SIP REVISION)

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 (THSC), §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, eliminated the mandatory annual vehicle safety inspection program for noncommercial vehicles, effective January 1, 2025. The bill created a replacement fee for the $2.00 fee that was collected from the safety inspection fee. The new $2.00 replacement fee is collected as part of the vehicle registration fees and is 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 emissions inspection is available to the commission and DPS. The commission commits staff to I/M program design, oversight, and evaluation; data collection and analysis; performance monitoring and evaluation; SIP amendments, rulemaking, and program development; registration denial and consumer assistance; technical assistance; and other administrative and management functions (excluding clerical support). DPS commits staff to I/M program implementation, administration, enforcement, and support; technician assistance; overt and covert auditing; consumer assistance; waiver oversight; program enforcement; remote sensing; and other administrative and management functions (excluding clerical support).

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.

Emissions inspections are not required for new vehicles at initial registration for the first two years. Texas Health and Safety Code, §382.202(d-2) extends compliance with vehicle emissions inspection requirements to three years for new rental vehicles, pending SIP approval; however, the state must still collect the vehicle emissions

inspection fee for the second year even though no inspection is required because THSC, §382.202(d-2) requires revenue neutrality.

This SIP revision will assess emissions inspection fees for new rental vehicles at the time of initial registration to comply with the statutory requirement to provide the same revenue that would be provided if the vehicle was inspected annually or biennially. The associated rulemaking does not change any fee amounts in 30 TAC Chapter 114 (Project No. 2026-003-114-AI).

CHAPTER 6: TEST FREQUENCY AND CONVENIENCE (NO CHANGE FROM 2025 I/M SIP REVISION)

CHAPTER 7: VEHICLE COVERAGE (NO CHANGE FROM 2025 I/M SIP REVISION)

CHAPTER 8: TEST PROCEDURES, STANDARDS, AND TEST EQUIPEMENT (NO CHANGE FROM 2025 I/M SIP REVISION)

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

Appendices Available Upon Request

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RESPONSE TO COMMENTS RECEIVED CONCERNING THE SENATE BILLS (SB) 2102 AND 1729 IMPLEMENTATION INSPECTION AND MAINTENANCE (I/M) STATE IMPLEMENTATION PLAN (SIP) REVISION

The Texas Commission on Environmental Quality (TCEQ or commission) held a virtual public hearing on May 14, 2026, at 2:00 p.m. One attendee registered to provide oral testimony. During the comment period, which opened on April 3, 2026, and closed on May 19, 2026, the commission received written comments from the same individual who provided oral testimony at the public hearing.

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General Comments

GENERAL COMMENTS

One individual commented on the implementation of the Bexar County I/M program. The individual requested that TCEQ publish a household-level cost-benefit analysis examining program costs by income quintile, by vehicle age cohort, and by Commissioner precinct, specifying the projected air quality benefit per dollar extracted from families at each income level. The individual requested completion of the study before September 9, 2026.

The individual presented Bexar County I/M program impact metrics, including vehicle failure rate, average repair cost, average program cost to the vehicle owner, and the presence of government assistance (the Low Income Vehicle Repair Assistance Retrofit, and Accelerated Vehicle Retirement Program, or LIRAP) available to the vehicle owner. With these metrics applied to three separate scenarios with vehicles aged 10, 15, and 20 years old, the individual requested that TCEQ quantify the air quality benefit per dollar of cost imposed on each case.

The individual requested that TCEQ confirm whether the “negligible” characterization applies to the Bexar County program specifically; that TCEQ explain in the adoption package for this SIP revision and the associated rulemaking (Rule Project No. 2026-003-114-AI) how a program producing negligible benefit justifies a mandatory $28.50 annual fee with no household-level impact analysis; and that TCEQ address whether FCAA, §110(l) review is warranted.

The individual requested that TCEQ’s adoption package address the empirical record of the Dallas-Fort Worth I/M program area and explain what analytical basis supports the expectation that Bexar County will achieve attainment through an I/M program.

The individual requested that TCEQ formally acknowledge that AirCheckTexas is non-operational and does not cover Bexar County; that TCEQ update Form VIE-7 to remove reference to AirCheckTexas as a Bexar County resource; and that TCEQ encourage the Bexar County Commissioners Court to activate the LIRAP enrollment before November 1, 2026.

Finally, the individual requested that TCEQ formally support EPA's initiation of an FCAA, §179B feasibility review; and TCEQ communicate to EPA that TCEQ's own negligible finding and the documented transport record strengthen the §179B case.

The individual's comments regarding the broader implementation of the federally-required I/M program are outside the scope of this SIP revision, which exclusively concerns the initial assessment of emissions inspection fees for new rental vehicles at the time of initial registration. Additionally, comments requesting specific assessment, information, or action from the commission are also outside the scope of this rulemaking. The commission's assessment regarding the applicability of FCAA, §110(l) to the SIP/rulemaking was specifically addressed in the proposal preamble of the associated rule and is reiterated elsewhere in the adoption preamble of the associated rule (Rule Project No. 2026-003-114-AI). No changes were made in response to these comments.