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SIP Revision: Removal from the SIP of 30 Texas Administrative Code (TAC) Chapter 114, Subchapter B, Motor Vehicle Anti-Tampering Requirements and §114.86, Low Income Repair Assistance Program (LIRAP) for Participating Early Action Compact (EAC) Counties

On October 17, 2018, the Texas Commission on Environmental Quality (TCEQ) adopted a State Implementation Plan (SIP) Revision to Remove Anti-Tampering and EAC LIRAP from the SIP.

Summary of the SIP Revision

Adoption Date: 10/17/2018

Proposal Date: 04/27/2018

EPA Approval Date: 06/06/2019 ([84 FR 26349](#))

Background: This SIP revision removes two sets of 30 TAC Chapter 114 rules from the SIP: Subchapter B, Motor Vehicle Anti-Tampering Requirements; and §114.86, LIRAP for Participating EAC Counties. Neither set of rules is a Federal Clean Air Act (FCAA) SIP requirement, and neither was adopted into the SIP with associated emission reductions.

Subchapter B is removed from the SIP on the grounds that federal anti-tampering regulations make the state rules an unnecessary and redundant SIP element. Adopt of state anti-tampering rules is not an FCAA requirement. The anti-tampering rules in the Texas SIP were adopted in 1985 and approved by the United States Environmental Protection Agency (EPA) in 1989, but several revisions to the 1985 version of the rules have been adopted in subsequent years. The revisions were either disapproved by the EPA, not submitted as SIP revisions or are still pending EPA action. These revisions are not part of the approved SIP. There are no emissions reduction obligations in the SIP associated with the state's anti-tampering rules. A SIP revision to remove the anti-tampering rules from the SIP entirely will not cause a violation of SIP requirements or risk sanctions for failure to meet FCAA requirements.

Section 114.86, LIRAP for Participating EAC Counties, is removed from the SIP because it only applies to affected EAC counties currently in attainment, which have no FCAA SIP obligations. The EAC LIRAP is a voluntary program, which was indicated in the SIP revision to implement the Austin Area EAC, and participating counties may choose to withdraw from the program at their discretion. The EAC SIP revision into which the EAC LIRAP rules were adopted expired after December 31, 2012 and the attainment counties subject to the EAC LIRAP rules, Travis and Williamson counties, have no applicable FCAA requirements.



Removal from the SIP requires an anti-backsliding demonstration under FCAA, §110(I) to show that withdrawing the rules from the SIP would not interfere with attainment or maintenance of the ozone National Ambient Air Quality Standards (NAAQS). Based on FCAA, §110(I), the EPA cannot approve a SIP revision if it would interfere with attainment of the NAAQS, reasonable further progress toward attainment, or any other applicable requirement of the FCAA. The anti-tampering rules and the EAC LIRAP rules were included in the SIP without associated emission reduction obligations. Additionally, neither set of rules is required by the FCAA. TCEQ submitted this SIP revision to the EPA on November 12, 2018.

Key Changes: This SIP revision only removes the anti-tampering rules and the LIRAP rules for the EAC counties from the SIP and does not remove the rules from the TAC. Along with a SIP revision, this action withdraws from consideration four adopted amendments to the anti-tampering rules that are still pending action by the EPA.

SIP Narrative and Appendices

Files linked from this page are in Portable Document Format ([PDF](#)).

Removal from the SIP of 30 TAC Chapter 114, Subchapter B, Motor Vehicle Anti-Tampering Requirements and §114.86, LIRAP for Participating EAC Counties (Non-Rule Project No. 2018-006-SIP-NR)

- **SIP Revision to Remove Anti-tampering and EAC LIRAP**
- Appendices
 - **Appendix A: Texas Anti-Tampering Rules in Title 30 Texas Administrative Code Chapter 114, Subchapter B Motor Vehicle Anti-Tampering Requirements**
 - **Appendix B: Most Recent Anti-Tampering Rule Revision Approved in the State Implementation Plan for Texas, Adopted July 26, 1985**
 - **Appendix C: Anti-Tampering State Implementation Plan Revisions for Withdrawal from Consideration by the United States Environmental Protection Agency**