

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

AGENDA REQUESTED: November 29, 2023

DATE OF REQUEST: November 16, 2023

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

CAPTION: Docket No. 2023-0318-SIP. Consideration of the adoption of Bexar County Inspection and Maintenance (I/M) State Implementation Plan (SIP) Revision.

This SIP revision implements a vehicle I/M program in the Bexar County 2015 eight-hour ozone National Ambient Air Quality Standard nonattainment area by no later than November 1, 2026. The associated 30 Texas Administrative Code (TAC) Chapter 114 rulemaking (Rule Project No. 2022-026-114-AI) expands the existing I/M program into the Bexar County 2015 eight-hour ozone NAAQS nonattainment area.

This SIP revision also incorporates minor changes from a prior 30 TAC Chapter 114 rulemaking (Rule Project No. 2021-029-114-AI) that implemented applicable sections of Senate Bill 604, 86th Texas Legislature, 2019. (Stephanie Frederick, Contessa N. Gay, Terry Salem; Project No. 2022-027-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:** November 16, 2023

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

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

Docket No.: 2023-0318-SIP

Subject: Commission Approval for Adoption of the Bexar County Inspection and Maintenance (I/M) State Implementation Plan (SIP) Revision

Background and reason(s) for the SIP revision:

On October 7, 2022, the U.S. Environmental Protection Agency (EPA) published notice of an action to reclassify Bexar County to moderate nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS), effective November 7, 2022 (87 Federal Register (FR) 60897). Bexar County is subject to the moderate nonattainment requirements in the federal Clean Air Act (FCAA), §182(b). The FCAA and 40 Code of Federal Regulations (CFR) Part 51, as amended, require a basic vehicle emissions I/M program in ozone nonattainment areas classified as moderate, so the state must implement an I/M program in Bexar County. Rulemaking is required to implement an I/M program in Bexar County and set the testing fee applicable in Bexar County, and a SIP revision is required to incorporate a Bexar County I/M program into the SIP. The rulemaking and SIP revision were due to EPA by January 1, 2023, and implementation of the I/M program is required by November 7, 2026.

Scope of the SIP revision:

This I/M SIP incorporates an associated 30 Texas Administrative Code (TAC) Chapter 114 rulemaking concerning the Expansion of Vehicle I/M to Bexar County (Project No. 2022-026-114-AI) and also incorporates minor changes from a prior 30 TAC Chapter 114 rulemaking (Rule Project No. 2021-029-114-AI) that implemented applicable sections of Senate Bill (SB) 604, 86th Texas Legislature, 2019.

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

This SIP revision will expand the I/M program to Bexar County beginning no later than November 1, 2026. The SIP revision adds program-related definitions, identifies vehicles in Bexar County that will be subject to vehicle emissions inspections, requires emissions inspection stations in Bexar County to offer the on-board diagnostics (OBD) test approved by EPA, and establishes the maximum fee that Bexar County emissions inspection stations may charge for the OBD test. The SIP revision also includes I/M performance standard modeling for Bexar County as required by EPA.

This SIP revision also incorporates minor changes from a 30 TAC Chapter 114 rulemaking adopted on March 30, 2022 (Rule Project No. 2021-029-114-AI) that implemented applicable sections of SB 604, 86th Texas Legislature, 2019. The adopted rulemaking related to expanding compliance options for the display of a vehicle's registration insignia.

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

The SIP revision and associated rulemaking will implement an I/M program in Bexar County to satisfy the requirements of 40 CFR Part 51, Subpart S, §51.350(a)(4). Upon reclassification to moderate, Texas Health and Safety Code (THSC), §382.202 authorizes the Texas Commission on Environmental Quality (TCEQ) to implement an I/M program in Bexar County and set the maximum fee for the OBD test. The SIP revision also includes I/M performance standard modeling for Bexar County as required by EPA.

Re: Docket No. 2023-0318-SIP

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

The SIP revision incorporates a previously adopted rulemaking into the I/M SIP. The rulemaking (Rule Project No. 2021-029-114-AI) ensures that proof of compliance with I/M requirements are consistent between TCEQ, the Texas Department of Motor Vehicles (DMV), and the Texas Department of Public Safety (DPS) in response to SB 604, 86th Texas Legislature, 2019.

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, §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 Part 51.

Effect on the:

A.) Regulated community:

For vehicle inspection station owners, participation in the Bexar County I/M program will be voluntary. Station owners who opt to participate will be required to purchase or lease vehicle emissions inspection equipment needed to perform vehicle emissions inspections. The estimated purchase price of the vehicle emissions inspection equipment is between \$6,895 and \$7,450 per device, whereas the estimated price to lease is approximately \$200 per month. Station owners who choose not to participate may experience a reduction in the number of vehicles they inspect.

B.) Public:

Owners of vehicles subject to emissions testing in Bexar County will pay an increased fee at the time of inspection and will pay an increased state portion of the inspection fee at the time of vehicle registration. Vehicle owners with failing inspections will be required to repair emissions-related malfunctions and pay the associated repair costs prior to obtaining their vehicle registration.

C.) Agency programs:

Implementing a Bexar County I/M program requires operational changes to the system used to collect vehicle emissions inspection data but without additional cost and without additional

Re: Docket No. 2023-0318-SIP

agency resources. TCEQ staff will coordinate implementation of a Bexar County I/M program with the DPS and the DMV.

Stakeholder meetings:

TCEQ held a public information meeting on January 17, 2023 to provide information on implementation of the Bexar County I/M program. Attendees included owners of vehicle inspection stations and vehicle repair facilities located in Bexar County, local county and government officials, and members of the public.

Public Involvement Plan

Yes.

Alternative Language Requirements

Yes. Spanish.

Public comment:

The public comment period opened on June 2, 2023 and closed on July 17, 2023. The commission held a public hearing in San Antonio on July 13, 2023 at 7:00 p.m. Notice of the public hearing was published in the *San Antonio Express-News* newspaper in English and Spanish on June 2, 2023. Notices in English and Spanish were also distributed to subscribers through GovDelivery and posted to TCEQ's website, and a notice was published in English in the *Texas Register* on June 16, 2023 (48 TexReg 3339). A plain language summary was provided in both English and Spanish. TCEQ staff were present and opened the hearing for public comment on this project as well as the concurrently proposed 30 Texas Administrative Code Chapter 114 Bexar County I/M Expansion, Low-RVP Clean-Up, and Definitions Clean-Up Rulemaking (Project No. 2022-026-114-AI). Spanish language interpreters were available at the hearing, the comments were recorded, and a transcript was prepared.

During the comment period, comments were received from Alamo Area Council of Governments, EPA, Official Inspection Station, Rema Investment Group, LLC; San Antonio Auto Service, LLC, Texas State Inspection Association, and 16 individuals. After the comment period closed, DPS submitted a letter to TCEQ regarding the timeline for Bexar County vehicle emissions inspection implementation, which was added to the comments received for commission consideration on this SIP revision. Generally, the comments focused on environmental justice concerns, the I/M program implementation date, the maximum inspection fee, and stakeholder involvement.

Significant changes from proposal:

None.

Potential controversial concerns and legislative interest:

The project timeline allows for submission to EPA by the end of 2023, after EPA's January 1, 2023 submittal deadline for the associated rulemaking, to expand I/M to Bexar County. Missing the submittal deadline could lead to EPA issuing a finding of failure to submit prior to TCEQ's planned submittal, which would start sanctions and federal implementation plan (FIP) clocks. The EPA would be required to promulgate a FIP anytime within two years after finding TCEQ failed to make the required submission, unless TCEQ submits, and EPA approves a plan revision correcting the deficiency prior to promulgating the FIP. Sanctions could include transportation funding restrictions, grant withholdings, and 2-to-1 emissions offset requirements for new construction and major modifications of stationary sources in the Bexar County 2015 ozone NAAQS nonattainment area.

Re: Docket No. 2023-0318-SIP

Under a new I/M program, owners of vehicles subject to vehicle emissions inspections in Bexar County will incur increased inspection and registration fees. The Bexar County vehicle inspection station owners that opt to participate will incur the cost of the vehicle emissions inspection equipment. During the public comment period, vehicle inspection station owners expressed concerns that the maximum inspection fee will be insufficient to remain profitable, forcing closure of stations. Additionally, vehicle inspection station owners have concerns about the length of time between the repeal of state safety inspections for noncommercial vehicles on January 1, 2025, resulting from the passage of HB 3297 from the 88th Texas Legislature, and the implementation date of the new I/M program on November 1, 2026.

Will 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. The agency can handle the responsibilities with existing resources.

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

If the SIP revision and associated rulemaking are not adopted and submitted to EPA, the state would be subject to sanctions and a possible FIP imposed by EPA to implement a Bexar County I/M program where the state failed to do so. There are no alternatives to the SIP revision and associated rulemaking with the reclassification of Bexar County to moderate nonattainment that the state may implement.

Key points in the adoption SIP revision schedule:

Anticipated agenda date: November 29, 2023

Agency contacts:

Stephanie Frederick, Project Manager, Air Quality Division, (512) 239-1001
Contessa N. Gay, Staff Attorney, Environmental Law Division, (512) 239-5938
Terry Salem, Staff Attorney, Environmental Law Division, (512) 239-0469
Jamie Zech, Agenda Coordinator, Air Quality Division, (512) 239-3935

cc: Chief Clerk, 2 copies
Executive Director's Office
Jim Rizk
Morgan Johnson
Krista Kyle
Office of General Counsel
Stephanie Frederick
Contessa N. Gay
Terry Salem
Jamie Zech

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

**BEXAR COUNTY INSPECTION AND MAINTENANCE STATE
IMPLEMENTATION PLAN REVISION**

PROJECT NUMBER 2022-027-SIP-NR
SFR-122/2022-027-SIP-NR

Adoption
November 29, 2023

This page intentionally left blank

EXECUTIVE SUMMARY

On October 7, 2022, the United States Environmental Protection Agency (EPA) published notice of an action to reclassify Bexar County to moderate nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS), effective November 7, 2022 (87 *Federal Register* (FR) 60897). Bexar County is subject to the moderate nonattainment requirements in federal Clean Air Act (FCAA), §182(b). The FCAA and 40 Code of Federal Regulations (CFR) Part 51, as amended, require a basic vehicle emissions inspection and maintenance (I/M) program in ozone nonattainment areas classified as moderate, so the state must implement an I/M program in Bexar County. Rulemaking is required to implement I/M and set the testing fee applicable in Bexar County; and a SIP revision is required to incorporate a Bexar County I/M program into the SIP. The rulemaking and SIP revision were due to EPA by January 1, 2023, and implementation of the I/M program is required no later than November 7, 2026.

This I/M SIP revision incorporates an associated 30 Texas Administrative Code (TAC) Chapter 114 rulemaking concerning the Expansion of Vehicle I/M to Bexar County (Project No. 2022-026-114-AI). This SIP revision incorporates rules that amend 30 TAC Chapter 114, Subchapters A and C to add program-related definitions, identify vehicles in Bexar County that will be subject to vehicle emissions inspections, require emissions inspection stations in Bexar County to offer the on-board diagnostics (OBD) test approved by EPA, and establish the maximum fee that Bexar County emissions inspection stations may charge for the OBD test.

This SIP revision also includes I/M performance standard modeling for Bexar County as required by EPA.

This SIP revision also incorporates minor changes from a 30 TAC Chapter 114 rulemaking adopted March 30, 2022 (Rule Project No. 2021-029-114-AI) that implemented applicable sections of Senate Bill 604, 86th Texas Legislature, 2019. That adopted rulemaking related to expanding compliance options for the display of a vehicle's registration insignia.

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. 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, 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 Texas Water Code (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 inspection and maintenance 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 of the following rules are found in 30 Texas Administrative Code, 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	March 15, 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 of 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	November 30, 2023
Chapter 115: Control of Air Pollution from Volatile Organic Compounds	July 22, 2021
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	March 26, 2020
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)

TABLE OF CONTENTS

Executive Summary	
Section V: Legal Authority	
Section VI: Control Strategy	
Table of Contents	
List of Acronyms	
List of Commonly Used Terms	
Identification of Previously Adopted SIP Revisions	
List of Tables	
List of Appendices	
List of Attachments	
Chapter 1: General	
1.1 Purpose (No change from 2009 I/M SIP Revision)	
1.2 Background (Updated)	
1.3 Health Effects (Updated)	
1.4 Public Hearing and Comment Information (Updated)	
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 (Updated)	
2.3 Performance Standard (Updated)	
2.4 Applicable Areas (Updated)	
2.4.1 Beaumont-Port Arthur (No change)	
2.4.2 Dallas-Fort Worth (No change)	
2.4.3 Houston-Galveston-Brazoria (No change)	
2.4.4 El Paso (No change)	
2.4.5 Bexar County (New)	
Chapter 3: Inspection and Maintenance Performance Standards	
3.1 General (New)	
3.2 Modeling requirements (New)	
3.2.1 Performance Standard Modeling (PSM) for Bexar County I/M Program (New)	
Chapter 4: Network Type and Program Evaluation	
4.1 Network Type (Updated)	
4.2 program evaluation (Updated)	
Chapter 5: Adequate Tools and Resources (No change from 2005 I/M SIP Revision)	
Chapter 6: Test Frequency and Convenience (No change from 2005 I/M SIP Revision)	

Chapter 7: Vehicle Coverage

7.1 Subject Vehicles (Updated)

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

7.1.2 Remote Compliance (Updated)

7.2 Exempt Vehicles (No change from 2005 I/M SIP Revision)

7.3 Federal Vehicles (Updated)

7.4 United States Armed Forces Privately Owned Vehicles (No change from 2005 I/M SIP Revision)

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 TSI Inspection Equipment (Updated)

8.3.3 ASM Inspection Equipment (Updated)

8.3.4 OBD Inspection Equipment (Updated)

8.4 Acceptance Test Procedures (No change from 2009 I/M SIP Revision)

8.5 Inspection Equipment Certification Requirements (Updated)

8.6 Detection Methods, Instrument Ranges, Accuracy, and Repeatability (No change from 2009 I/M SIP Revision)

8.7 References (No change from 2009 I/M SIP Revision)

Chapter 9: Quality Control

9.1 Overview (Updated)

9.2 Equipment Calibration and Maintenance (No change from 2009 I/M SIP Revision)

9.3 Document Security (No change from 2009 I/M SIP Revision)

Chapter 10: Waivers and Time Extensions (No change from 2013 I/M SIP Revision)

Chapter 11: Motorist Compliance Enforcement

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

11.2 Re-Registration Denial (No change from 2013 I/M SIP Revision)

11.3 Sticker-Based Enforcement (Updated)

11.4 Additional Enforcement Activities (No change from 2009 I/M SIP Revision)

Chapter 12: Enforcement Program Oversight (No change from 2013 I/M SIP Revision)

Chapter 13: Quality Assurance (No change from 2013 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 2005 I/M SIP Revision)

- Chapter 17: Inspector Licensing and Certification (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 (No change from 2005 I/M SIP Revision)
- Chapter 22: State Implementation Plan Submission (No change from 2005 I/M SIP Revision)

LIST OF ACRONYMS

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	United States Environmental Protection Agency
EDFW	extended Dallas-Fort Worth
FCAA	Federal Clean Air Act
FR	Federal Register
FTE	full-time equivalent
GVWR	gross vehicle weight rating
HB	House Bill
HC	hydrocarbon
HGB	Houston-Galveston-Brazoria
I/M	inspection and maintenance
METT	Mass Emissions Transient Testing
mph	miles per hour
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 Simulated 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 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 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 state implementation plan (SIP). This program area consists of the following counties: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant.

El Paso 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 United States 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.

Low-Volume Emissions Inspection Station

A vehicle emissions inspection station that meets all criteria for obtaining a low-volume waiver from DPS.

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.

Single Sticker Transition Date

The transition of the single sticker system is the later of March 1, 2015 or the date that the Texas Department of Motor Vehicles (DMV) and DPS concurrently implemented the single sticker system required by Texas Transportation Code §502.047.

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.

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 Texas Administrative Code §217.22 relating to Motor Vehicle Registration or Texas Transportation Code 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. Beginning on the single sticker transition date, as defined in this section, the vehicle registration insignia sticker will be 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 United States 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/siplans.html) webpage (<https://www.tceq.texas.gov/airquality/sip/siplans.html>).

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

LIST OF TABLES

- Table 3-1: Summary of the Performance Standard Evaluation for the Bexar County 2015 Ozone NAAQS Nonattainment Area I/M Program (tons per day)
- Table 7-1: 2022 Subject Vehicle Registrations by County

LIST OF APPENDICES

<u>Appendix</u>	<u>Appendix Name</u>
Appendix A	<i>Federal Register Part VII</i> , United States Environmental Protection Agency, 40 Code of Federal Regulations Part 51, Inspection/Maintenance Program Requirements; Final Rule, November 5, 1992, and Flexibility Amendments, September 18, 1995 (No change)
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)
Appendix E	TCEQ Appropriations for Fiscal Years 2004 and 2005. Texas Department of Public Safety, Appropriations for Fiscal Years 2004 and 2005. State of Texas, Text of Conference Committee Report, House Bill 1 (General Appropriations Act), 78th Legislature, Regular Session (No change)
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)
Appendix G	Reserved (No change)
Appendix H	Texas Transportation Code, §547.604 and §547.605 and Chapter 548, Compulsory Inspection of Vehicles (No change)
Appendix I	Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, Texas Department of Public Safety, January 1, 2003 (No change)
Appendix J	Texas Department of Transportation, Vehicle Titles and Registration Division, 2000 Summer Research Project Parking Lot Survey Report, March 2003 (No change)
Appendix K	Reserved (No change)
Appendix L	Texas Natural Resources Conservation Commission and Texas Department of Public Safety Memorandum of Understanding, January 22, 1997 (No change)

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.

LIST OF ATTACHMENTS

<u>Attachment</u>	<u>Attachment Name</u>
Attachment A	Technical Supplement: Inspection and Maintenance Performance Standards for Low-Enhanced Program Areas (No change)
Attachment B	Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the I/M Program in the Bexar County 2015 Ozone Nonattainment Area (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 United States 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 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 (FCAA) 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 Chapter 114 to be consistent with the Texas Transportation Code 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.

This state implementation plan (SIP) revision incorporates modifications to expand the I/M program into Bexar County and use OBD inspections for vehicles subject to I/M program requirements beginning November 1, 2026. Additionally, all vehicle emissions inspection stations in Bexar County will be required to offer the OBD inspections.

1.3 HEALTH EFFECTS (UPDATED)

In 2015, EPA revised the primary eight-hour ozone National Ambient Air Quality Standard (NAAQS) to 0.070 parts per million (ppm). To support the 2015 eight-hour primary ozone standard, EPA provided information that suggested that health effects may potentially occur at levels lower than the previous 0.075 ppm standard. Breathing relatively high levels of ground-level ozone can cause acute respiratory problems like cough and decreases in lung function and can aggravate the symptoms of asthma. Repeated exposures to high levels of ozone can potentially make people more susceptible to allergic responses and lung inflammation.

Children are at a relatively higher risk from exposure to ozone when compared to adults since they breathe more air per pound of body weight than adults and because children's respiratory systems are still developing. Children also spend a considerable amount of time outdoors during summer and during the start of the school year (August through October) when elevated ozone levels are typically measured. Adults most at risk from exposures to elevated ozone levels are people working or exercising outdoors and individuals with preexisting respiratory diseases.

In 2011, EPA determined to retain the CO NAAQS one-hour standard of 35 ppm and the eight-hour standard of 9 ppm. CO binds to blood hemoglobin, which decreases the oxygen-carrying capacity of the blood. This condition can aggravate underlying cardiovascular conditions and can decrease exercise tolerance in persons with cardiovascular problems. Individuals with angina and coronary heart disease are particularly susceptible to CO toxicity. Other populations at potential risk are individuals with pre-existing respiratory diseases, e.g., chronic obstructive pulmonary disease (COPD), anemia, or diabetes. Also, infants, fetuses, and the elderly are particularly susceptible to CO poisoning. Some emissions from motor vehicles include volatile organic compounds (VOCs) such as benzene, formaldehyde, and 1,3-butadiene, which are air toxins that may cause cancer and have other adverse health effects.

1.4 PUBLIC HEARING AND COMMENT INFORMATION (UPDATED)

The public comment period opened on June 2, 2023 and closed on July 17, 2023. The commission held a public hearing in San Antonio on July 13, 2023 at 7:00 p.m. at the Alamo Area Council of Governments board room. Notice of the public hearing was published in the *San Antonio Express-News* newspaper in English and Spanish on June 2, 2023. Notices in English and Spanish were also distributed to subscribers through GovDelivery and posted to TCEQ's website, and a notice was published in English in the *Texas Register* on June 16, 2023 (48 TexReg 3339). A plain language summary was

provided in both English and Spanish. TCEQ staff were present and opened the hearing for public comment on this project as well as the concurrently proposed 30 Texas Administrative Code Chapter 114 Bexar County I/M Expansion, Low-RVP Clean-Up, and Definitions Clean-Up Rulemaking (Project No. 2022-026-114-AI). Spanish language interpreters were available at the hearing, the comments were recorded, and a transcript was prepared.

Written comments were accepted via mail, fax, or through TCEQ's [Public Comment](https://tceq.commentinput.com/) system (<https://tceq.commentinput.com/>). During the comment period, comments were received from Alamo Area Council of Governments, EPA Region 6, Official Inspection Station, Rema Investment Group, LLC; San Antonio Auto Service, LLC, Texas State Inspection Association, and 16 individuals. After the comment period closed, DPS submitted a letter to TCEQ regarding the timeline for Bexar County vehicle emissions inspection implementation, which was added to the comments received for commission consideration on this SIP revision. Summaries of those comments along with the commission's responses are provided in the Response to Comments accompanying this SIP revision.

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 (UPDATED)

The federal Clean Air Act (FCAA) and 40 Code of Federal Regulations (CFR), Part 51, as amended, require an enhanced vehicle emissions inspection program in ozone nonattainment areas classified as serious, severe, or extreme nonattainment, or in carbon monoxide (CO) nonattainment areas classified moderate or serious. The FCAA and 40 CFR, Part 51, as amended, also require a basic vehicle emissions inspection program in ozone nonattainment areas classified as moderate nonattainment. Official designations can be found at 40 CFR, Part 81. Maintenance plans to prevent anti-backsliding would be developed to ensure continued attainment with the ozone and CO National Ambient Air Quality Standards (NAAQS) when a nonattainment area is subsequently redesignated to attainment.

2.3 PERFORMANCE STANDARD (UPDATED)

Title 40 CFR §51.351 allows areas that can meet the reasonable further progress requirements with a less stringent inspection and maintenance (I/M) program to develop a program that is more responsive to motorists' concerns. Texas elected to implement a low-enhanced I/M program in each area that meets or exceeds the United States Environmental Protection Agency's (EPA) low-enhanced performance standard or EPA's basic performance standard. The EPA's low-enhanced performance standard consists of annual centralized or decentralized two-speed idle (TSI) inspections, and visual inspections of emissions control devices for all subject light-duty vehicles and trucks up to 8,500 pounds gross vehicle weight rating (GVWR). The EPA's basic performance standard consists of annual centralized or decentralized TSI inspections but no visual inspections of emissions control devices for all subject light-duty vehicles up to 8,500 pounds GVWR. Additional credit may be given for acceleration simulation mode (ASM) inspections, on-board diagnostics (OBD) inspections, remote sensing, and a technician training and certification program. In addition, OBD inspections are required by FCAA, §182(c)(3)(vii) and §202(m)(3), in addition to 40 CFR Parts 51 and 85.

2.4 APPLICABLE AREAS (UPDATED)

2.4.1 Beaumont-Port Arthur (No change)

2.4.2 Dallas-Fort Worth (No change)

2.4.3 Houston-Galveston-Brazoria (No change)

2.4.4 El Paso (No change)

2.4.5 Bexar County (New)

Under the 2015 eight-hour ozone NAAQS, Bexar County was reclassified as a moderate nonattainment area effective November 7, 2022. Bexar County is subject to the moderate nonattainment requirements in FCAA, §182(b) and 40 CFR Part 51, as amended, which include implementation of a basic vehicle emissions I/M program.

Following adoption of this state implementation plan revision and associated rulemaking to 30 Texas Administrative Code Chapter 114 (Rule Project No. 2022-026-114-AI), on November 1, 2026, the I/M program will expand into Bexar County and use OBD inspections for vehicles subject to I/M program requirements as required by the

associated rulemaking for 30 Texas Administrative Code Chapter 114 (Rule Project No. 2022-026-114-AI. Additionally, all vehicle emissions inspection stations in Bexar County will be required to offer the OBD inspections.

CHAPTER 3: INSPECTION AND MAINTENANCE PERFORMANCE STANDARDS

3.1 GENERAL (NEW)

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. The I/M program requires on-board diagnostics (OBD) inspections in the Dallas-Fort Worth (DFW), Houston-Galveston-Brazoria (HGB) and El Paso County program areas. On November 1, 2026, the I/M program will begin using OBD inspections in Bexar County as required by the associated rulemaking for 30 Texas Administrative Code 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 (NEW NUMBERING STRUCTURE)

3.2.1 Historical Performance Modeling (New Section, Historic Text)

The commission used the United States Environmental Protection Agency's (EPA) MOBILE6.2 model to produce emissions factors for EPA low-enhanced performance standards and the emissions factors for each pollutant and applicable evaluation year for the I/M program areas subject to performance standard modeling requirements.¹ The technical supplement for this SIP revision 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*.

3.2.2 Current Performance Standard Modeling (PSM) (New)

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 the new or existing I/M program for a newly designated or reclassified ozone nonattainment area meets the emissions reduction benchmarks specified for the area's ozone NAAQS classification level.² The EPA interprets the I/M performance requirement to mean upon designation or reclassification that a new or existing I/M program must meet the I/M performance benchmark.

As part of this SIP revision, TCEQ is proposing a vehicle emissions testing program for Bexar County to meet EPA's requirements for I/M programs in moderate ozone nonattainment areas. The program implementation year is 2026. Texas I/M program requirements are codified in 30 TAC Chapter 114, Subchapter C.

¹ The Austin-Round Rock I/M program is not subject to performance standard modeling requirements because the area is designated attainment/unclassifiable for all NAAQS.

² The El Paso I/M program is not subject to performance standard modeling requirements because the area is designated as attainment for the 2015 eight-hour ozone NAAQS.

TCEQ performed the required performance standard modeling analysis of the Bexar County 2015 ozone NAAQS nonattainment area 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). The TCEQ specifically used the basic performance standard that reflects the I/M program design elements as specified in 40 CFR §51.352(e). The assessment uses a 2026 analysis year, the Bexar County program implementation year under the 2015 ozone NAAQS. The PSM analysis was performed for Bexar County, which comprises the Bexar County 2015 ozone NAAQS nonattainment area. A summary of the 2026 I/M PSM analysis is provided in Table 3-1: *Summary of the Performance Standard Evaluation for the Bexar County 2015 Ozone NAAQS Nonattainment Area I/M Program*.

Evaluating whether a I/M program meets the basic performance standard requires demonstrating that the program emissions for NO_x and volatile organic compounds (VOC) do not exceed the benchmark program’s emissions. The analysis demonstrates that the Bexar County area I/M program emissions are lower than the performance standard benchmark emissions. Therefore, the Bexar County area I/M program performance requirement is met.

All required documentation for the I/M program performance standard benchmark assessment is available in Attachment B: *Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the I/M Program in the Bexar County 2015 Ozone NAAQS Nonattainment Area*.

Table 3-1: Summary of the Performance Standard Evaluation for the Bexar County 2015 Ozone NAAQS Nonattainment Area I/M Program (tons per day)

Pollutant	I/M Program Emissions	Performance Standard Benchmark Basic I/M Program Emissions	Does Program Meet I/M Performance Standard?
NO _x	15.01	15.16	Yes
VOC	8.85	9.41	Yes

TCEQ also performed performance standard modeling analyses of the DFW and HGB 2015 ozone NAAQS moderate nonattainment areas using the requirements in EPA’s guidance document. The analysis and results for the DFW area are discussed in the DFW Moderate Area Attainment Demonstration SIP Revision for the 2015 Eight-Hour Ozone NAAQS (Project No. 2022-021-SIP-NR) developed in conjunction with this I/M SIP revision. The analysis and results for the HGB area are discussed in the HGB Moderate Area Attainment Demonstration SIP Revision for the 2015 Eight-Hour Ozone NAAQS (Project No. 2022-022-SIP-NR).

CHAPTER 4: NETWORK TYPE AND PROGRAM EVALUATION

4.1 NETWORK TYPE (UPDATED)

In the 1990s, Texas implemented a decentralized inspection and maintenance (I/M) network in Dallas and Tarrant Counties in the Dallas-Fort Worth (DFW) area, Harris County in the Houston-Galveston-Brazoria (HGB) area, and El Paso County in the El Paso area. On May 1, 2002, the I/M program expanded to include Collin and Denton Counties in the DFW area, and beginning May 1, 2003, the I/M program 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. Beginning November 1, 2026, the network will expand into Bexar County.

The decentralized network allows motorists a choice of test-and-repair or test-only facilities that offer the required emissions and gas cap integrity inspections. Test-only facilities may offer other services for the convenience of their customers, such as, but not limited to, oil changes, self-serve gasoline, and any other items that are not related to automotive parts, sales, and/or service. Test-and-repair facilities may offer a wide range of repairs and services for the convenience of their customers. This network design allows motorists a choice of testing facilities offering a variety of services with no difference in test fees based on facility type. In addition, the commission has implemented an online data communications system that assists in monitoring inspection results by facility type and allows for extensive data analysis.

On February 8, 1999, the commission submitted the Short Term Program Effectiveness - 18-Month Evaluation of the Texas Vehicle Emissions Testing Program that demonstrated the state's decentralized test-only and test-and-repair network is comparable to a centralized test-only network. In the July 24, 2000 issue of the *Federal Register* (FR), the United States Environmental Protection Agency (EPA) published Additional Flexibility Amendments to Vehicle Inspection Maintenance Program Requirements; Final Rule (65 FR 45532). The automatic effectiveness credit discount for decentralized test-and-repair networks referenced in 40 Code of Federal Regulations §51.353(b) was deleted. For these reasons, the commission modeled the I/M program with the assumption of a centralized network so that the automatic discount is not applied by the model and 100 percent effectiveness credit is given.

4.2 PROGRAM EVALUATION (UPDATED)

On October 12, 2000, the commission submitted the first Mass Emissions Transient Testing (METT) report to EPA. The METT is an ongoing evaluation of the I/M program consistent with EPA requirements to quantify the emissions reduction benefits for the Texas I/M Program. The commission commits to reporting the results of the evaluation to EPA on a biennial basis. The evaluation consists of:

- (1) Surveys that assess the effectiveness of repairs performed on vehicles that failed the emissions and gas cap integrity test;
- (2) Measurement of tampering rates, their change over time, and the change attributable to finding and fixing such tampering as opposed to deterrence effects; and
- (3) Results of covert surveys of inspector effectiveness as it relates to identifying vehicles that need repair.

METT is the method for evaluating enhanced I/M programs prescribed by EPA. The method uses transient testing, or loaded-mode testing on a dynamometer, to simulate actual driving conditions, and expresses emissions using a mass-based measurement in grams. To meet METT requirements, the state will test and evaluate a random sample of in-fleet vehicles following FCAA requirements for I/M program evaluations as amended by EPA on January 8, 1998 (40 Code of Federal Regulations (CFR) parts 51 and 52, Minor Amendments to Inspection Maintenance Program Evaluation Requirements; Amendment to the Final Rule) and EPA guidance issued October 30, 1998 (Guidance on Alternative I/M Program Evaluation Methods). That sample will be required to receive a Department of Public Safety (DPS) administered or monitored emissions and gas cap integrity test. Such vehicles will receive a state administered or monitored IM240 mass emissions test or comparable test at the time the initial test is due as required in 40 CFR §51.353(c)(3).

The special testing will take place at the time the vehicle is scheduled to have an initial inspection, prior to any repair. The commission will then evaluate the data by model year and vehicle type to determine program effectiveness. A contractor(s) may be utilized to assist in collecting, reviewing, or evaluating program data.

The inspection data that is collected will be submitted to EPA and used by the commission to calculate local fleet emissions factors, to assess the effectiveness of the I/M program, and to determine if the performance standard is being met.

The commission commits to conduct METT or its equivalent to evaluate the Bexar County I/M program and submit the corresponding evaluation report to EPA prior to November 7, 2028, as required in 40 CFR §51.352(e)(13).

CHAPTER 5: ADEQUATE TOOLS AND RESOURCES

Existing text from the 2005 I/M SIP revision remains unchanged. The commission will maintain the administrative resources, personnel, and equipment necessary to perform all program functions and meet program requirements for all program areas.

**CHAPTER 6: TEST FREQUENCY AND CONVENIENCE (NO CHANGE FROM 2005 I/M
SIP REVISION)**

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, and Tarrant 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) by the Texas Department of Motor Vehicles (DMV). The DMV also provides electronic updates to this database. Table 7.1: *2022 Subject Vehicle Registrations by County* provides an estimate of the number of subject vehicles by county based on the DMV's 2022 registration database.

Table 7-1: 2022 Subject Vehicle Registrations by County

County	Number of Vehicles
Bexar	1,337,139
Brazoria	264,024
Collin	745,708
Dallas	1,753,660
Denton	623,862
Ellis	146,629
El Paso	570,957
Fort Bend	574,690
Galveston	236,285
Harris	2,916,751
Johnson	132,769
Kaufman	111,794
Montgomery	446,532
Parker	113,444
Rockwall	82,644
Tarrant	1,414,261

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)

The 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), extended DFW (EDFW), Houston-Galveston-Brazoria (HGB), or El Paso program areas, but are operated in attainment areas of Texas 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 on November 1, 2026.

7.2 EXEMPT VEHICLES (NO CHANGE FROM 2005 I/M SIP REVISION)

7.3 FEDERAL VEHICLES (UPDATED)

Under federal Clean Air Act (FCAA), §118(c), federal vehicles, except those identified as military tactical vehicles, operated in DFW, EDFW, 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 United States Environmental Protection Agency (EPA) 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 UNITED STATES ARMED FORCES PRIVATELY OWNED VEHICLES (NO CHANGE FROM 2005 I/M SIP REVISION)

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 safety 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; and
- Bexar County beginning on November 1, 2026.

An acceleration simulation mode (ASM), two-speed idle (TSI), or on-board diagnostics (OBD) inspection and a gas cap integrity inspection are performed on all subject vehicles as part of the annual safety and emissions inspection. In addition, as a part of the annual safety and 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.

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 electronically sent via modem 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. The 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.

30 Texas Administrative Code Chapter 114, Control of Air Pollution from Motor Vehicles, outlines requirements for tampering. The DPS is responsible for enforcing vehicle tampering requirements.

The DPS uses remote sensing to identify high-emitting vehicles operating in the DFW, HGB, and El Paso program areas. Basic I/M Programs are not required to use remote sensing; however, the commission and DPS may review its use in Bexar County in the future. 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 TSI Inspection Equipment (Updated)

The TSI emissions inspection equipment consists of a computerized exhaust gas analyzer. The TSI inspection comprises two phases: (1) a high-speed inspection where the vehicle engine speed is between 2,200 and 2,800 revolutions per minute (RPM); and (2) an inspection at idle where the vehicle engine speed is between 350 and 1,200 RPM. Steady-state idle inspection procedures are conducted according to 40 Code of Federal Regulations (CFR) Part 51, Appendix B to Subpart S - Test Procedures and steady state idle inspection equipment specifications consistent with 40 CFR Part 51, Appendix D to Subpart S - Steady State Short Test Equipment. The most recent version of specifications for TSI 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/txvehanspecs.pdf>. Vehicle emissions cut-points used for the TSI inspections are located in Appendix A of TCEQ's "Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Emissions Testing Program."

8.3.3 ASM Inspection Equipment (Updated)

ASM inspection equipment consists of a computerized exhaust gas analyzer and a dynamometer. A dynamometer is a set of rollers used to simulate acceleration by applying resistance or increasing load to the drive wheels of the vehicle. In addition, ASM inspection equipment is required to include an augmented braking feature in the dynamometer and a driver's aid that displays the status of the ASM equipment and inspection criteria including the required speed, actual vehicle speed and engine RPM, and number of seconds elapsed during the inspection.

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)/second 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/second at a constant speed of 25 mph. Applicable vehicles that cannot undergo an ASM inspection such as, but not limited to, vehicles that exceed 8,500 pounds gross vehicle weight rating or that are all-wheel drive, will receive a TSI inspection. The most recent version of specifications for ASM 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/txvehanspecs.pdf>. Vehicle emissions cut-points used for ASM inspections are located in Appendix S of TCEQ's "Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Emissions Testing Program."

8.3.4 OBD Inspection Equipment (Updated)

OBD inspection equipment design and operation meets all federal requirements contained in 40 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/txvehanspecs.pdf>.

8.4 ACCEPTANCE TEST PROCEDURES (NO CHANGE FROM 2009 I/M SIP REVISION)

8.5 INSPECTION EQUIPMENT CERTIFICATION REQUIREMENTS (UPDATED)

This section has been updated to include new hyperlinks. There are no other substantive changes to this section from the 2009 I/M SIP Revision.

Inspection equipment must be approved by TCEQ prior to being used in the I/M program. A more detailed description of the certification requirements 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/txvehanspecs.pdf>.

In order to obtain approval from TCEQ, the manufacturers shall:

- Submit a letter to TCEQ stating that an analyzer model sold or leased by the manufacturer or its authorized representatives satisfies all required design and performance criteria;
- Provide documentation to demonstrate conformance with the design and performance criteria, including a complete description of all hardware components, the results of appropriate performance testing conducted by an independent laboratory, and a point-by-point response to specific requirements;
- Place the most recent version of analyzer software source codes and other pertinent technical information in an escrow placement approved by TCEQ; and
- Furnish a performance bond to TCEQ that must remain valid for the entire time period that the manufacturer participates in the I/M program.

8.6 DETECTION METHODS, INSTRUMENT RANGES, ACCURACY, AND REPEATABILITY (NO CHANGE FROM 2009 I/M SIP REVISION)

8.7 REFERENCES (NO CHANGE FROM 2009 I/M SIP REVISION)

CHAPTER 9: QUALITY CONTROL

9.1 OVERVIEW (UPDATED)

This section has been updated to include new hyperlinks. There are no other substantive changes to this section from the 2009 I/M SIP Revision.

Quality control (QC) measures are implemented by the 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. Calibration practices and procedures for two-speed idle (TSI) and acceleration simulation mode (ASM) inspection equipment are performed in accordance with requirements specified by Appendix A of Subpart S of 40 Code of Federal Regulations (CFR), Part 51 and may incorporate the United States Environmental Protection Agency's (EPA) policy or subsequent policies and/or procedures. The most recent versions of TSI and ASM inspection equipment specifications, formerly referenced in the appendices of the inspection and maintenance (I/M) state implementation plan (SIP), are now available at the Texas Commission on Environmental Quality's (TCEQ) central office or can be auto-downloaded using the following link: <https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanspecs.pdf>.

Analyzer manufacturers for TSI, ASM, and 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 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 (NO CHANGE FROM 2009 I/M SIP REVISION)

9.3 DOCUMENT SECURITY (NO CHANGE FROM 2009 I/M SIP REVISION)

**CHAPTER 10: WAIVERS AND TIME EXTENSIONS (NO CHANGE FROM 2013 I/M SIP
REVISION)**

CHAPTER 11: MOTORIST COMPLIANCE ENFORCEMENT

This chapter includes updates to address Senate Bill (SB) 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 (NO CHANGE FROM 2013 I/M SIP REVISION)

11.3 STICKER-BASED ENFORCEMENT (UPDATED)

Prior to the single sticker transition date, registration certificates, which were affixed on the windshield immediately above the safety inspection certificate, had markings that indicated a vehicle was registered in an inspection and maintenance (I/M) program area. Also prior to the single sticker transition date, the safety inspection program used a windshield certificate indicating the subject vehicle was in compliance with both the emissions and the safety inspection programs. Law enforcement officials could visually compare the county of registration and the county of inspection.

Beginning on the single sticker transition date, 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 the Texas Department of Public Safety (DPS) and Texas Department of Motor Vehicles (DMV) including, but not limited to, digital license plates that displays the DMV's registration insignia.

All Vehicle Inspection Reports (VIR) are printed with a unique serial number. The DPS may adopt rules regarding the issuance of VIRs, including rules providing for the format of the reports. The DPS may add additional security features to deter counterfeiters. The 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*.²

Motorists are issued citations by local and state law enforcement officials for driving a vehicle with an expired or invalid inspection certificate or for evading the emissions inspection or inspection outside of the affected area. These violations of the Texas Transportation Code (TTC), §548.602 (Class C misdemeanor) and §548.603 (Class B misdemeanor) are punishable by a fine starting at \$200 and not exceeding \$2,000 for each occurrence. 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

² <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 (NO CHANGE FROM 2013 I/M
SIP REVISION)**

CHAPTER 13: QUALITY ASSURANCE (NO CHANGE FROM 2013 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 2005 I/M SIP REVISION)

**CHAPTER 17: INSPECTOR LICENSING AND CERTIFICATION (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

Existing text from the 2005 I/M SIP revision remains unchanged. Basic inspection and maintenance (I/M) programs are not required to use remote sensing; however, the Texas Commission on Environmental Quality and the Texas Department of Public Safety may review its use in Bexar County in the future.

CHAPTER 22: STATE IMPLEMENTATION PLAN SUBMISSION

Existing text from the 2005 I/M SIP revision remains unchanged.

Bexar County Program Area

Certify Bexar County program area (Bexar County) with OBD testing.

11/01/26

Appendices Available Upon Request

Stephanie Frederick
stephanie.frederick@tceq.texas.gov
512.239.1001

**RESPONSE TO COMMENTS RECEIVED CONCERNING THE
BEXAR COUNTY INSPECTION AND MAINTENANCE (I/M)
STATE IMPLEMENTATION PLAN (SIP) REVISION**

The Texas Commission on Environmental Quality (commission or TCEQ) held a public hearing in San Antonio on July 13, 2023, at 7:00 p.m. During the comment period, which closed on July 17, 2023, the commission received comments from Alamo Area Council of Governments (AACOG), the United States Environmental Protection Agency (EPA), Official Inspection Station (OIS), Rema Investment Group, LLC (REI), San Antonio Auto Service, LLC (SAAS), Texas State Inspection Association (TSIA), and 16 individuals. After the comment period closed, the Texas Department of Public Safety (DPS) submitted a letter to TCEQ regarding the timeline for Bexar County vehicle emissions inspection implementation, which was added to the comments received for commission consideration on this SIP revision. Comments submitted on the concurrent 30 Texas Administrative Code (TAC) Chapter 114 rulemaking concerning the Expansion of Vehicle I/M to Bexar County (Project No. 2022-026-114-AI) have been incorporated into this response to comments.

TABLE OF CONTENTS

General Comments
Program Design

GENERAL COMMENTS

RIE, SAAS, and two individuals stated that they were in support of the proposal to implement I/M in Bexar County. AACOG expressed thanks to the TCEQ for holding the public hearing in San Antonio to provide residents an opportunity to testify on the proposal. OIS offered that committee hearings should not be timed or censored and commented that the rule comment period should be extended to allow Texas Department of Public Safety (DPS) to hold information meetings in which inspectors and automotive store owners may participate.

The commission appreciates support for the proposed rulemaking and public hearing. The commission complied with all applicable public notice and rulemaking requirements for this rulemaking: (Texas Government Code, Subchapter B, Chapter 2001; Texas Clean Air Act, Texas Health and Safety Code, §382.017; Texas Water Code, §5.103; 30 TAC Chapter 20; and 40 CFR §51.102). The comment period lasted for 45 days, longer than the required 30 days. The commission applied a time limit for providing oral testimony at its July 13, 2023 public hearing to allow as many potential attendees to participate as possible. No word limit was applied to written comments, which were accepted during the entire 45-day comment period. DPS's outreach efforts are beyond the scope this rulemaking. No changes were made in response to this comment.

AACOG commented that because San Antonio is a poor city, elected officials are concerned about the impact the emissions inspection fee will have on residents. AACOG thanked TCEQ for including Bexar County elected officials in its outreach efforts and for listening to their concerns.

OIS commented that industry representatives should be notified about information meetings and allowed to provide input. OIS pointed out that the public information meetings held during development of the proposed rulemaking were scheduled for the middle of the workday and were poorly attended by shop owners. OIS noted that no in-person townhall meetings were offered, which was part of the process for previous I/M implementation. Without in-person townhall meetings, OIS stated, industry representatives are unable to participate in an open dialogue on the topic or to provide input, and elected officials do not have the opportunity to hear their input. Not providing an opportunity for elected officials to hear industry's perspective allows them to conclude that industry is supportive of the plan.

The commission appreciates the support for its outreach efforts related to this rulemaking as well the comments suggesting additional outreach. For this rulemaking, the commission was required to offer a public hearing, which it did on July 13, 2023. Prior to that hearing, TCEQ provided information on I/M implementation in Bexar County at meetings held throughout development of this rulemaking. TCEQ presented on I/M implementation planning at a San Antonio Air Quality Technical Information Meeting on August 16, 2021, which was open to the public, and again at a November 8, 2022 meeting of the TSIA. TCEQ then held a public information meeting on January 17, 2023 that was targeted at Bexar County stakeholders. For that meeting, TCEQ contacted area elected officials, TSIA, Texas Clean Air Working Group, regional planning authorities in all of the areas in the state that implement I/M, the Bexar County Environmental Services Department, and the City of San Antonio Metropolitan Health District to invite their representatives to the meeting. Additionally, notice of the meeting was distributed as a bulletin to inspection machines statewide and shared through GovDelivery, TCEQ's [Public Information Meeting on the Expansion of Vehicle Inspection and Maintenance \(I/M\) to Bexar County](#) webpage, which was created for the meeting, and the events calendar on the TCEQ's homepage. The public information meeting was held virtually to maximize attendance, and time was set aside to receive input and questions from attendees.

No changes were made in response to this comment.

The EPA requested that TCEQ review opportunities to incorporate environmental justice (EJ) considerations adequately and appropriately into SIP revisions. The EPA encouraged the TCEQ to screen SIP revisions for EJ concerns and consider civil rights issues for potentially impacted communities early in the SIP revision process. The EPA recommended utilizing EJScreen and knowledge of the impacted area. The EPA expressed that the TCEQ should consider whether pollution sources contribute to community risk.

The purpose of this rulemaking is to implement I/M and set the testing fee applicable in Bexar County in accordance with EPA's guidance and FCAA requirements. TCEQ followed all relevant federal and state statutes, regulations, and guidance in the development of this rulemaking for the Bexar County nonattainment area.

This rulemaking is not the appropriate mechanism to address EJ issues. No federal or state statute, regulation, or guidance provides a process for evaluating or considering the socioeconomic or racial status of communities within an ozone nonattainment area. In a recent proposed approval of a TCEQ submittal for El Paso County, which did not include an EJ evaluation, EPA stated that the FCAA “and applicable implementing regulations neither prohibit nor require such an evaluation” (88 FR 14103). TCEQ continues to be committed to protecting Texas’ environment and the health of its citizens regardless of location.

While EPA may encourage states to utilize EJScreen in rulemaking actions, it is not necessary, because the NAAQS are protective of all populations. If the NAAQS are not sufficient to protect public health, it is incumbent upon EPA to revise the NAAQS.

This rulemaking was developed in compliance with the policies and guidance delineated in TCEQ’s Language Access Plan (LAP) and TCEQ’s Public Participation Plan (PPP). The LAP helps ensure individuals with limited English proficiency may meaningfully access TCEQ programs, activities, and services in a timely and effective manner; and the PPP identifies the methods by which TCEQ interacts with the public, provides guidance and best practices for ensuring meaningful public participation in TCEQ activities, and highlights opportunities for enhancing public involvement in TCEQ activities and programs.

TCEQ translated the Plain Language Summaries, GovDelivery notices, Public Hearing notices, and SIP Hot Topics notices into Spanish for all projects. Newspaper publications were also in Spanish. Additionally, two Spanish translators were available at all hearings, and the notices included a statement that Spanish translation would be available at each hearing.

No changes were made in response to these comments.

PROGRAM DESIGN

AACOG, SAAS, OIS, TSIA, REI, and 13 individuals provided input on the maximum fees set for individual emissions inspections in Texas, with OIS and one individual providing similar input in written comments and oral testimony at the public hearing. AACOG, TSIA, OIS, and four individuals specifically commented on the proposed maximum fee of \$11.50 for Bexar County, with AACOG commenting that the low fee is welcome because it will provide relief for the area’s low-income drivers. TSIA, OIS, and the four individuals commented that the proposed fee for Bexar County is too low. Three individuals commented that they owned inspections stations that would close if the fee were not increased. One individual stated they were a station owner in a neighboring county and, though they were unsure whether they would be part of the program, they would not consider conducting emissions inspections if the maximum fee were \$11.50.

RIE, SAAS, OIS, TSIA, and 13 individuals commented on the I/M fee in general, all stating that the maximum fee should be increased, and RIE, SAAS, TSIA, and nine of those individuals recommended fees ranging from \$22 to \$40. OIS, TSIA, and nine individuals expressed concern that the proposed maximum inspection fee will not

cover the costs associated with conducting the inspections. One individual commented that the previous TCEQ inspection fee survey indicated that the current fee rates are inadequate. The same individual indicated they participated in multiple inspection fee surveys and claimed that Texas has the lowest inspection fee in the United States.

OIS and two individuals commented on the consequences of not setting an adequate fee for emissions inspections in Texas. OIS and one individual warned that stations would stop offering inspections, which would lead to longer wait times and frustrated vehicle owners. One individual went on to describe a scenario in which inspection stations close on January 1, 2025, the end date for state vehicle safety inspections, and the long lines and angry vehicle owners result in negative media coverage holding TCEQ accountable for the situation. The individual indicated that the described outcome can be avoided by increasing the emissions inspection fee for all counties in the I/M program.

The commission adopts a maximum vehicle emissions inspection fee of \$18.50 for the Bexar County I/M program. This amount was changed from the proposed fee of \$11.50. The adopted fee of \$18.50 for Bexar County is comparable to the maximum OBD fee of \$18.50 for the Houston-Galveston-Brazoria (HGB) and Dallas-Fort-Worth (DFW) program areas. This amount is also consistent with the *Bexar County Inspection and Maintenance Program Study Final Report* (Bexar County I/M Study) that recommended an OBD fee for all program areas between \$18 and \$22. The Bexar County I/M Study is available at <https://wayback.archive-it.org/414/20210528194434/https://www.tceq.texas.gov/assets/public/implementation/air/ms/IM/2020%20Bexar%20County%20IM%20Prog%20Study%20Report.pdf>.

Under THSC, §382.202(f), the commission is required to review the vehicle emissions fee for the I/M program every two years. The next fee study is planned for Fiscal Year 2024. The upcoming study will include a review of changes in costs associated with conducting emissions inspections and could include a review of fees in other states. If additional changes to the fee are determined to be necessary, rulemaking could be recommended for the commission's consideration.

AACOG, OIS, TSIA, and two individuals referenced TCEQ's biennial fee analysis studies to assess the adequacy of the vehicle emissions inspection fee. In addition to the 2020 fee study, TCEQ conducted a separate program study to explore the efforts needed to implement I/M in Bexar County (Bexar County I/M Study). AACOG, OIS, TSIA, and the individuals referenced the proposed fee of \$11.50 in comparison to the 2020 studies' recommendations. AACOG supported the decision, and OIS, TSIA, and the two individuals disagreed with it.

The commission adopts a maximum vehicle emissions inspection fee of \$18.50 for the Bexar County I/M program. As mentioned above, this amount was changed from the proposed fee of \$11.50 and is comparable to the maximum OBD fee of \$18.50 for the HGB and DFW program areas. The adopted fee of \$18.50 is also consistent with the Bexar County I/M Study that recommended a fee between \$18 and \$22. As previously mentioned, the 2024 fee study will specifically consider whether fees in all program areas, including Bexar County, should be changed in light of the elimination of the vehicle safety inspection program.

The commission appreciates previous participation and looks forward to continued participation in studies regarding the vehicle emissions inspection fee.

OIS commented that TCEQ is not statutorily required to set a price for emissions testing and that doing so enables potential legal action. OIS suggested that inspection stations be allowed to set their own fees and that specific signage could be prominently displayed for public view indicating the inspection fee at each station.

Emissions inspection fee authority is granted to the commission under Tex. Health & Safety Code (THSC), §382.202. While the statute provides some discretionary authority, the intent of the legislature is clear that the commission exercise authority to set emission inspection fees.

Additionally, since states are required under federal regulations to demonstrate adequate resources to implement their inspection and maintenance programs, and since Texas chose to implement a decentralized emission testing program, the commission's predecessor agencies submitted its fee authority and the fee rules to the EPA as part of its demonstration that the program would have adequate resources for implementation. EPA published approval of the Texas enhanced inspection and maintenance program, including the fees and resource demonstration, on November 14, 2001 (66 FR 57261). That approval made TCEQ's fee authority federally enforceable. No changes were made in response to this comment.

TSIA and 10 individuals commented in support of increasing the inspection fee in various counties other than Bexar County or statewide. One of these individuals commented that there is a significant demand for inspections compared to available inspection stations and without a fee increase, a significant amount of current stations, including three of their own, will close, making it harder for consumers to inspect and register their vehicles. The same individual commented that the higher fees charged in Dallas and Houston are allowing some stations to offer discounts in those areas, so supply and demand are more in balance at a \$25.50 fee.

Revising the maximum vehicle emissions inspection fee charged by stations outside of Bexar County is beyond the scope of this rulemaking. No change was made in response to this comment.

OIS commented that TCEQ plans on eliminating 50% of inspection stations, recommending only 458 locations for Bexar County, which would cause motorists to drive further to locate an inspection station and wait four times as long.

The commission does not set the number of inspection stations in emissions testing areas. The Bexar County I/M Study suggested that the county would need approximately 458 inspection stations to adequately test the vehicle fleet for an I/M program. No change was made in response to this comment.

OIS and four individuals provided comments against the end of state safety inspections for noncommercial vehicles. One individual station owner stated their business would close, and OIS commented that the inspection industry will be

dismantled when safety inspections end in 2025. An individual station owner offered that their customers are concerned that ending the safety inspection program will result in more cars being left alongside the road, and another individual commented that the safety inspection program helps avoid accidents. That individual went on to suggest that organizations should protest the statutory repeal of the program and keep roads and air safe.

One individual commented that the safety inspection program has contributed to Texas' greatness for 70 years. Another individual conveyed that inspection customers are frustrated by the current system and suggested that the answer is to improve it by modernizing and streamlining the testing process. The same individual provided an example suggestion of eliminating the emergency brake system test.

These comments are outside the scope of this rulemaking, which addresses requirements in the FCAA and 40 CFR Part 51, as amended, to implement a basic vehicle emissions I/M program in the Bexar County 2015 ozone NAAQS nonattainment area. This program is separate from the state's vehicle safety inspection program that will end on January 1, 2025 as a result of HB 3297, 88th Texas Legislature, Regular Session. No changes were made in response to this comment.

Comments were received from AACOG, DPS, OIS, TSIA, and two individuals concerning the proposed start of I/M in Bexar County, November 1, 2026. AACOG commented that it was critical to have as much time as possible to disseminate information about and to implement the program due to the planned end of state safety inspections on January 1, 2025. DPS suggested a start date of January 1, 2025 for vehicle emissions inspections in Bexar County to align with the end of non-commercial safety inspections. DPS commented that safety-only vehicle inspection stations will close and exit the program before January 1, 2025, creating a shortage of available stations when the emissions inspection program begins in 2026. DPS also commented that the proposed start date of November 1, 2026 would potentially have a negative impact on existing safety stations, the process of closing inspection stations to then open up new stations several months later would be a significant increase in workload for the agency, and that the complexity of educating citizens on the inspection process for the next three years could cause significant confusion. OIS, TSIA, and an individual commented that starting I/M on the proposed date of November 1, 2026 would leave an inspections gap once safety inspections end that would be difficult for stations to endure financially. OIS and TSIA commented that the Bexar County I/M start date should be as close to the end date for safety inspections as possible. OIS went on to comment that there is no statutory requirement or mandate requiring TCEQ to establish a specific start date for I/M in Bexar County, including the proposed November 1, 2026 start date. OIS stated that TCEQ may choose to implement I/M in Bexar County starting January 1, 2025, eliminating the inspections gap, which would preserve the workforce, clean the air, and save lives. OIS added that San Antonio is a poor city but a growing city with poor air quality that needs to be cleaned up.

Under the FCAA, §182(i), states generally must meet new requirements associated with a reclassification according to the schedules prescribed in connection with such requirements. The I/M rules in 40 CFR Part 51, Subpart S allow areas newly

required to establish programs up to four years after the effective date of reclassification, 40 CFR §§51.373(b), 51.352(c) and (e)(2). In its final reclassification rule published October 7, 2022 (87 FR 60897), EPA also took comment on, and established, the I/M program implementation deadline of no later than four years after the effective date of reclassification (November 7, 2026). The commission adopts this rulemaking with its proposed November 1, 2026 start date to ensure adequate time for delivery and setup of vehicle emissions inspection equipment and to work with partner agencies to develop and implement a public awareness plan. The commission is aware that the end of state safety inspections will occur before I/M starts in Bexar County and will work with DPS on the transition from safety-only inspections to emissions and commercial safety inspections. No changes were made in response to this comment.