

Technical Support Document

Texas SIP Revisions

EPA's Evaluation of Three Submitted Revisions to the Texas State Implementation Plan (SIP) Addressing Motor Vehicle Inspection and Maintenance (I/M) Rules for Bexar County

EPA-R06-OAR-2023-0647

Revisions submitted December 18, 2023:

Texas Amendments to 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapters A and C; Sections 114.1, 114.2, 114.50, 114.53, 114.82

January 30, 2024

No material in this submittal was designated as Confidential Business Information.

FOR FURTHER INFORMATION CONTACT:

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I. Executive Summary

This Technical Support Document (TSD) reviews three submitted revisions to the Texas State Implementation Plan (SIP) submitted to the Environmental Protection Agency (EPA) by the Texas Commission on Environmental Quality (TCEQ or State) on December 18, 2023. The EPA reviewed the SIP submittals based on the SIP completeness criteria found in 40 CFR 51, Appendix V and the EPA found the SIP submittal to be complete on March 11, 2024.¹ The revisions address amended and new sections of the Texas Administrative Code (TAC) to implement the federal Clean Air Act (CAA or Act) requirements for Inspection/Maintenance (I/M) programs.

The three submitted Texas SIP revisions include the Expansion of the State's existing Inspection/Maintenance (I/M) Program into Bexar County (TCEQ Rule Project No. 2022-027-SIP-NR and Rule Project No. 2022-026-114-AI) and Senate Bill 604 I/M Updates Revision (TCEQ Rule Project No. 2021-029-114-AI). These SIP revisions include amendments to Title 30 TAC §§114.1, 114.2, 114.50, 114.53, 114.82, and 114.309.

This action does not address revisions to Subchapter H (30 TAC 114.309) – the State's Low RVP Program (from TCEQ Rule Project No. 2022-026-114-AI). These submitted revisions are severable and will be addressed in a separate EPA action.

II. Background

Section 110 of the CAA requires states to develop air pollution regulations and control strategies to ensure that air quality meets the NAAQS established by EPA. Such air pollution rules and control strategies are contained in the State's SIP. The SIP is a clean air plan that protects air quality primarily by addressing air pollution at its point of origin. The SIP can be extensive, including enforceable documents and supporting information such as emissions inventories, monitoring networks, and modeling demonstrations. After approval by EPA, the SIP is federally enforceable, and any changes to the SIP must be submitted to the EPA for approval. For more information on SIPs, please visit <https://www.epa.gov/air-quality-implementation-plans>.

A. Legal Authority

The TCEQ or "Commission" is the Texas state environmental agency and is designated as the administrative agency for the Texas Clean Air Act (TCAA), pursuant to Article 4477-5, Vernon's Texas Civil Statutes. The TCEQ has established that the statutory authorities and responsibilities concerning air quality shall be handled by its Office of Air Quality Division (AQD). The AQD has the authority to carry out all duties, requirements, and responsibilities necessary for implementation of the TCAA and fulfilling the requirements of the Federal CAA, pursuant to both the Texas Water Code (TWC) and the TCAA.

¹ Letter from Mr. David Garcia, Director EPA Region 6 Air and Radiation Division, to Mr. Jon Niermann, Chairman, Texas Commission on Environmental Quality (TCEQ), dated March 11, 2024. A copy of the letter is included in the docket for this proposed action.

The general authority of the TCEQ is found in TCAA Chapter 382 and TWC, Chapter 5 and enforcement authority is provided by TWC, Chapter 7. Subchapters G and H of the TCAA specifically authorize the 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; fund and authorize participating counties to implement vehicle repair assistance, retrofit, and accelerated vehicle retirement programs.

Prior to their submittal to EPA, the revisions under review here went through a public notice and comment period. TCEQ held public hearings on each of the revisions. The revisions under evaluation here were adopted by the Commission after public hearings that occurred between 2022 and 2023.² Both written and oral testimony was provided in each of the hearings; and was subsequently evaluated and addressed by TCEQ.³ The proceedings for each of these revisions were published in the Texas Register.

We initially distinguish the Texas SIP revisions by the dates they were adopted by the Commission, and by their respective state project numbers (see Executive Summary above). Readers can find each of these submittals in the docket for this rulemaking. Our evaluation of each submittal is provided in Section III below.

The authority to propose and adopt SIP revisions is derived from the following sections of Texas Health and Safety Code (THSC), Chapter 382, 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.

² The public hearing for Senate Bill 604 I/M Updates Revision (TCEQ Rule Project No. 2021-029-114-AI) was held January 4, 2022. The public hearing for the Bexar County Inspection/Maintenance (I/M) SIP Revision (TCEQ Rule Project No. 2022-027-SIP-NR) and for the Expansion of I/M to Bexar County and Removal of six DFW counties from Low RVP Program Revision (TCEQ Rule Project No. 2022-026-114-AI) was held July 13, 2023.

³ See the "Written and Oral Testimony" and "Evaluation of Testimony" sections of the State's SIP submission. A copy of the State's SIP submissions are included in the docket for this rulemaking.

The State has the necessary legal authority under State law to adopt and implement these revisions.

B. Brief Overview and Summary of the ~~Three~~ SIP Revisions

The CAA requires an I/M program in ozone nonattainment areas classified as Moderate and above (CAA Section 182(b)(4)). The I/M requirements are found at 40 CFR Part 51 Subpart S.

Texas first established a centralized vehicle emissions testing program on January 1, 1995, for Dallas, Tarrant, El Paso, Denton, Collin, and Harris Counties. Later that year, as the result of amendments to the federal I/M rule, which granted additional I/M program design flexibilities, Texas revised its I/M program network type to decentralized.⁴

I/M testing began in Collin, Dallas, Denton, Harris, and Tarrant Counties on May 1, 2002, and in Brazoria, Ellis, Fort Bend, Galveston, Johnson, Kaufman, Montgomery, Parker, and Rockwall Counties on May 1, 2003.⁵ Travis and Williamson Counties implemented I/M on September 1, 2005.⁶ El Paso County started inspections on January 1, 2007.⁷

On March 1, 2015, the State of Texas stopped issuing vehicle inspection stickers and transitioned to a “Two Steps, One Sticker” vehicle inspection and registration program. Vehicles were required to pass the annual safety inspection before registration renewal.

Consistent with EPA’s requirements for I/M Programs, the Texas SIP describes the applicable areas implementing the I/M program in detail. The I/M program has been implemented in 15 counties in the Dallas-Fort Worth, Houston-Galveston-Brazoria, and El Paso nonattainment areas, and in Travis and Williamson Counties in the Austin-Round Rock area.

The Texas I/M program now requires, among other things, annual onboard diagnostics (OBD) checks of gasoline-powered vehicles between 2–24 years old in the affected counties. Vehicles must be inspected through Department of Public Safety–certified inspection stations.

Effective November 7, 2022, the EPA finalized an action to reclassify the San Antonio ozone nonattainment area from Marginal to Moderate.⁸ The EPA finalized the I/M SIP submission deadline of January 1, 2023, and implementation of the I/M program is required by November 7, 2026. A Basic vehicle I/M SIP is required for urbanized Moderate nonattainment areas under the 2015 ozone NAAQS. I/M programs ensure that vehicles are operating according to the EPA’s vehicle emissions standards and adequately protect public health. On November 29,

⁴ The centralized emissions inspection program administered by TCEQ started on January 1, 1995. (See: www.tceq.texas.gov/airquality/mobilesource/im.html) In early February 1995, the centralized emissions inspection program was terminated by the 74th Texas Legislature in favor of a decentralized program. The Texas Motorist’s Choice Program (TMCP) is a decentralized program that was authorized by Senate Bill 178 and established in November 1995.

⁵ 66 FR 57261 (November 14, 2001).

⁶ Travis and Williamson counties were not required by the CAA to implement an I/M program but chose to do so to help reduce ozone precursor emissions in the area. 70 FR 45542 (August 8, 2005).

⁷ 79 FR 43264 (July 25, 2014).

⁸ 87 FR 60897 (October 7, 2022).

2023, the TCEQ adopted revisions to the Texas Inspection and Maintenance (I/M) SIP, titled the *Bexar County I/M SIP Revision* (TCEQ Non-rule Project No. 2022-027-SIP-NR), which implements a vehicle I/M program for the 2015 eight-hour ozone National Ambient Air Quality Standards (NAAQS) in the San Antonio nonattainment area.⁹ This SIP revision adds program-related definitions, identifies vehicles in Bexar County that would be subject to vehicle emissions inspections; requires emissions inspection stations in Bexar County to perform the OBD test pursuant to the federal I/M regulations (40 CFR 51 Subpart S), and establishes 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 (PSM) for Bexar County.¹⁰

The TCEQ amended the state's I/M program rules to be consistent with the different forms of proof of compliance allowed by the Texas Department of Public Safety (DPS) and the Texas Department of Motor Vehicles (DMV). The SIP revision implements the applicable sections of Texas Senate Bill (SB) 604, 86th Texas Legislature, 2019. This revision (TCEQ Rule Project No. 2021-029-114-AI) allows 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.

III. Technical Evaluation

This TSD will address the following revisions to 30 TAC Chapter 114 included in the December 18, 2023, submittals:

A. Analysis of Submitted Revisions to TAC 114

This TSD addresses the following revisions to 30 TAC Chapter 114 included in the SIP revisions submitted to EPA on December 18, 2023.

- Subchapter A
 - Section 114.1 and
 - Section 114.2.
- Subchapter C
 - Section 114.50,
 - Section 114.53, and
 - Section 114.82.

⁹ The San Antonio nonattainment area includes all of Bexar County and is referred to as the "Bexar County nonattainment area" in these Texas SIP revisions.

¹⁰ TCEQ's PSM demonstration may be found in the docket: *Attachment B, Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the Proposed I/M Program in the Bexar County 2015 Ozone Nonattainment Area, 2026 Program Implementation Year, Proposed Program Assessment*. Our discussion of and review of TCEQ's performance standard modeling (PSM) analysis can be found in section III (B.) of the accompanying Notice of Proposed Rulemaking (NPRM).

Our analysis presents the submitted revisions in table form, including the submitted revisions and our evaluation of each. We're including underline (depicts new text) and ~~strikeout~~ (depicts deleted text) annotations of the submitted rules to show how each section of the rule is revised. Our comments include an explanation for how each revision meets the requirements for SIP approval.

1. Analysis of Submitted Revisions to TAC Chapter 114, Subchapter A: Definitions.

Background of TAC Chapter 114, Subchapter A: Definitions.

The Texas SIP includes the following provisions from TAC Chapter 114, Subchapter A: Definitions:

- Section 114.1, Definitions, as adopted by the TCEQ on February 12, 2014, submitted to EPA on June 9, 2015. The EPA approved this provision at 81 FR 69684, October 7, 2016.
- Section 114.2, Inspection and Maintenance Definitions, as adopted by the TCEQ on April 29, 2015, submitted to EPA on June 11, 2015. The EPA approved this provision at 81 FR 69684, October 7, 2016.
- Subsection 114.5, Transportation Planning Definition, as adopted by the TCEQ on May 3, 2000. The EPA approved this provision at 67 FR 72382, December 5, 2002.
- Section 114.6, Low Emission Fuel Definitions, as adopted by the TCEQ on August 22, 2012. The EPA approved this provision at 78 FR 26255, May 6, 2013.

The December 18, 2023, submittal includes revisions to TAC Chapter 114, Subchapter A, Sections 114.1 and 114.2. Table 1 includes EPA's evaluation of the submitted revisions to TAC Chapter 114, Subchapter A: Definitions.

Table 1 – Analysis of Submitted Revisions to TAC Chapter 114, Subchapter A: Definitions

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
Section 114.1, Definitions	<p>Unless specifically defined in Texas Health and Safety Code, Chapter 382, also known as the Texas Clean Air Act (TCAA) or in the rules of the commission, the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by the TCAA, the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.</p> <p>(1) Dual-fuel vehicle--Any motor vehicle or motor vehicle engine engineered and designed to be operated on two different fuels, but not a mixture of the two.</p> <p>(2) Emergency vehicle--A vehicle defined as an authorized emergency vehicle according to Texas Transportation Code, Section 541.201(1).</p> <p>(3) Emissions--The emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, particulate, or any combination of these substances.</p> <p>(4) First safety inspection certificate--Initial Texas Department of Public Safety (DPS) certificates issued through DPS-certified inspection stations for every new vehicle found to be in compliance with the rules and regulations governing safety inspections. Beginning on the single sticker transition date as defined in this section, the safety inspection certificates will no longer be used.</p> <p>(5) First vehicle registration--Initial</p>	<p>Unless specifically defined in Texas Health and Safety Code, Chapter 382, also known as the Texas Clean Air Act (TCAA) or in the rules of the commission, the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by the TCAA, the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.</p> <p>(1) Dual-fuel vehicle--Any motor vehicle or motor vehicle engine engineered and designed to be operated on two different fuels, but not a mixture of the two.</p> <p>(2) Emergency vehicle--A vehicle defined as an authorized emergency vehicle according to Texas Transportation Code, Section 541.201(1).</p> <p>(3) Emissions--The emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, particulate, or any combination of these substances.</p> <p>(4) First safety inspection certificate--Initial Texas Department of Public Safety (DPS) certificates issued through DPS-certified inspection stations for every new vehicle found to be in compliance with the rules and regulations governing safety inspections. Beginning on the single sticker transition date as defined in this section, the safety inspection certificates will no longer be used.</p> <p>(5) First vehicle registration--Initial vehicle registration insignia sticker issued</p>	<p>The submitted Revisions to Section 114.1 are approvable.</p> <p>The revisions remove obsolete definitions in this section that are no longer necessary and update the mail code in the Texas Inspection and Maintenance State Implementation Plan definition. The obsolete definitions were associated with repealed agency programs and are not used in or applicable to current rules in Chapter 114. The definitions removed are: Heavy-duty vehicle, Inherently low emission vehicle, Light-duty vehicle, Loaded mode inspection and maintenance test, Low emission vehicle, Mass transit authority, Reformulated gasoline, Tier I federal emission standards, Ultra low emission vehicle, and Zero emission vehicle. The remaining definitions are renumbered as appropriate.</p> <p>The definition for vehicle registration sticker included language that it be affixed on the windshield of a vehicle. The adopted revisions remove the restrictive language and add language to allow for alternative forms of proof of compliance with I/M requirements provided for DPS or the DMV. This edit makes the necessary changes to reflect the current Texas process and organizational structure. This change does not make substantive changes to the</p>

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	<p>vehicle registration insignia sticker issued through the Texas Department of Motor Vehicles for every new vehicle found to be in compliance with the rules and regulations governing vehicle registration prior to the single sticker transition date as defined in this section and vehicle registration and safety inspections beginning on the single sticker transition date.</p> <p>(6) Gross vehicle weight rating--The value specified by the manufacturer as the maximum design loaded weight of a vehicle. This is the weight as expressed on the vehicle's registration, and includes the weight the vehicle can carry or draw.</p> <p>(7) Heavy-duty vehicle--Any passenger vehicle or truck capable of transporting people, equipment, or cargo, that has a gross vehicle weight rating (GVWR) greater than 8,500 pounds, and is required to be registered under Texas Transportation Code, Section 502.002. For purposes of the mobile emission reduction credit trading program the heavy-duty class is divided into the following subclasses:</p> <p>(A) Light heavy-duty vehicle--Any passenger vehicle or truck capable of transporting people, equipment, or cargo that has a GVWR greater than 8,500 pounds, but less than or equal to 10,000 pounds.</p> <p>(B) Medium heavy-duty vehicle--Any passenger vehicle or truck capable of transporting people, equipment, or cargo that has a GVWR greater than 10,000 pounds, but less than or equal to 19,500</p>	<p>through the Texas Department of Motor Vehicles for every new vehicle found to be in compliance with the rules and regulations governing vehicle registration prior to the single sticker transition date as defined in this section and vehicle registration and safety inspections beginning on the single sticker transition date.</p> <p>(6) Gross vehicle weight rating--The value specified by the manufacturer as the maximum design loaded weight of a vehicle. This is the weight as expressed on the vehicle's registration, and includes the weight the vehicle can carry or draw.</p> <p>(7) Heavy-duty vehicle--Any passenger vehicle or truck capable of transporting people, equipment, or cargo, that has a gross vehicle weight rating (GVWR) greater than 8,500 pounds, and is required to be registered under Texas Transportation Code, Section 502.002. For purposes of the mobile emission reduction credit trading program the heavy-duty class is divided into the following subclasses:</p> <p>————(A) Light heavy-duty vehicle--Any passenger vehicle or truck capable of transporting people, equipment, or cargo that has a GVWR greater than 8,500 pounds, but less than or equal to 10,000 pounds.</p> <p>————(B) Medium heavy-duty vehicle--Any passenger vehicle or truck capable of transporting people, equipment, or cargo that has a GVWR greater than 10,000 pounds, but less than or equal to 19,500 pounds.</p>	<p>Texas SIP or interfere with EPA regulatory requirements.</p>

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	<p>pounds.</p> <p>(C) Heavy heavy-duty vehicle--Any passenger vehicle or truck capable of transporting people, equipment, or cargo that has a GVWR greater than 19,500 pounds.</p> <p>(8) Inherently low emission vehicle--A vehicle as defined by 40 Code of Federal Regulations Part 88.</p> <p>(9) Law enforcement vehicle--Any vehicle controlled by a local government and primarily operated by a civilian or military police officer or sheriff, or by state highway patrols, or other similar law enforcement agencies, and used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities.</p> <p>(10) Light-duty vehicle--Any passenger vehicle or truck capable of transporting people, equipment, or cargo that has a gross vehicle weight rating (GVWR) less than or equal to 8,500 pounds and registered or required to be registered under Texas Transportation Code, Section 502.002. For purposes of the mobile emission reduction credit trading program the light-duty class is divided into the following subclasses:</p> <p>(A) Light-duty vehicle--Any passenger vehicle capable of seating 12 or fewer passengers that has a GVWR less than or equal to 6,000 pounds.</p> <p>(B) Light-duty truck 1--Any passenger truck capable of transporting</p>	<p>————(C) Heavy heavy-duty vehicle—Any passenger vehicle or truck capable of transporting people, equipment, or cargo that has a GVWR greater than 19,500 pounds.</p> <p>————(8) Inherently low emission vehicle—A vehicle as defined by 40 Code of Federal Regulations Part 88.</p> <p>————(9) Law enforcement vehicle--Any vehicle controlled by a local government and primarily operated by a civilian or military police officer or sheriff, or by state highway patrols, or other similar law enforcement agencies, and used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged in or potentially engaged in unlawful activities.</p> <p>————(10) Light-duty vehicle—Any passenger vehicle or truck capable of transporting people, equipment, or cargo that has a gross vehicle weight rating (GVWR) less than or equal to 8,500 pounds and registered or required to be registered under Texas Transportation Code, Section 502.002. For purposes of the mobile emission reduction credit trading program the light-duty class is divided into the following subclasses:</p> <p>————(A) Light-duty vehicle—Any passenger vehicle capable of seating 12 or fewer passengers that has a GVWR less than or equal to 6,000 pounds.</p> <p>————(B) Light-duty truck 1—Any passenger truck capable of transporting</p>	

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	<p>people, equipment, or cargo that has a GVWR less than or equal to 6,000 pounds.</p> <p>(C) Light-duty truck 2--Any passenger truck capable of transporting people, equipment, or cargo that has a GVWR greater than 6,000 pounds but less than or equal to 8,500 pounds.</p> <p>(11) Loaded mode inspection and maintenance test--A measurement of the tailpipe exhaust emissions of a vehicle while the drive wheel rotates on a dynamometer, which simulates the full weight of the vehicle driving down a level roadway. Loaded test equipment specifications must meet United States Environmental Protection Agency requirements for acceleration simulation mode equipment.</p> <p>(12) Low emission vehicle (LEV)--A vehicle in a class or category of vehicles that has been certified by the United States Environmental Protection Agency for any model year to meet:</p> <p>(A) the LEV standards applicable under 42 United States Code, Part C, Subchapter II, Section 7581 <i>et seq.</i>; or</p> <p>(B) emission limits at least as stringent as the applicable LEV standards for the Federal Clean Fuel Fleet program under 40 Code of Federal Regulations Section 88.104-94, 88.105-94, and 88.311-93, as published in the <i>Federal Register</i> on September 30, 1994 (59 FR 50042).</p> <p>(13) Mass transit authority--A transportation or transit authority or department established under Chapter 141, 63rd Legislature (1973), as defined in</p>	<p>people, equipment, or cargo that has a GVWR less than or equal to 6,000 pounds.</p> <p>——(C) Light duty truck 2— Any passenger truck capable of transporting people, equipment, or cargo that has a GVWR greater than 6,000 pounds but less than or equal to 8,500 pounds.</p> <p>——(11) Loaded mode inspection and maintenance test— A measurement of the tailpipe exhaust emissions of a vehicle while the drive wheel rotates on a dynamometer, which simulates the full weight of the vehicle driving down a level roadway. Loaded test equipment specifications must meet United States Environmental Protection Agency requirements for acceleration simulation mode equipment.</p> <p>——(12) Low emission vehicle (LEV)— A vehicle in a class or category of vehicles that has been certified by the United States Environmental Protection Agency for any model year to meet:</p> <p>——(A) the LEV standards applicable under 42 United States Code, Part C, Subchapter II, Section 7581 <i>et seq.</i>; or</p> <p>——(B) emission limits at least as stringent as the applicable LEV standards for the Federal Clean Fuel Fleet program under 40 Code of Federal Regulations Section 88.104-94, 88.105-94, and 88.311-93, as published in the <i>Federal Register</i> on September 30, 1994 (59 FR 50042).</p> <p>——(13) Mass transit authority— A transportation or transit authority or department established under Chapter 141, 63rd Legislature (1973), as defined in</p>	

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	<p>Texas Transportation Code, Chapters 451 - 453 (relating to Metropolitan Rapid Transit Authorities, Regional Transportation Authorities, and Municipal Transit Departments) that operates a mass transit system under any of those laws.</p> <p>(14) Reformulated gasoline--Gasoline that has been certified as a reformulated gasoline under the federal certification regulations adopted in accordance with 42 United States Code, Section 7545(k).</p> <p>(15) Single sticker transition date--The transition date of the single sticker system is the later of March 1, 2015 or the date that the Texas Department of Motor Vehicles and the Texas Department of Public Safety concurrently implement the single sticker system required by Texas Transportation Code, Section 502.047.</p> <p>(16) Texas Inspection and Maintenance State Implementation Plan--The portion of the Texas state implementation plan that includes the procedures and requirements of the vehicle emissions inspection and maintenance program as adopted by the commission May 29, 1996 in accordance with 40 Code of Federal Regulations Part 51, Subpart S, issued November 5, 1992; the United States Environmental Protection Agency flexibility amendments dated September 18, 1995; and the National Highway Systems Designation Act of 1995. A copy of the Texas Inspection and Maintenance State Implementation Plan is available at the Texas Commission on Environmental Quality, 12100 Park 35 Circle, Austin,</p>	<p>Texas Transportation Code, Chapters 451–453 (relating to Metropolitan Rapid Transit Authorities, Regional Transportation Authorities, and Municipal Transit Departments) that operates a mass transit system under any of those laws.</p> <p>—(14) Reformulated gasoline—Gasoline that has been certified as a reformulated gasoline under the federal certification regulations adopted in accordance with 42 United States Code, Section 7545(k).</p> <p>—(15) (8) Single sticker transition date--The transition date of the single sticker system is the later of March 1, 2015 or the date that the Texas Department of Motor Vehicles and the Texas Department of Public Safety concurrently implement the single sticker system required by Texas Transportation Code, Section 502.047.</p> <p>(16) Texas Inspection and Maintenance State Implementation Plan--The portion of the Texas state implementation plan that includes the procedures and requirements of the vehicle emissions inspection and maintenance program as adopted by the EPAcommission May 29, 1996 in accordance with 40 Code of Federal Regulations Part 51, Subpart S, issued November 5, 1992; the United States Environmental Protection Agency flexibility amendments dated September 18, 1995; and the National Highway Systems Designation Act of 1995. A copy of the Texas Inspection and Maintenance State Implementation Plan is available at the Texas Commission on Environmental Quality, 12100 Park 35 Circle, Austin,</p>	

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	<p>Texas, 78753; mailing address: P.O. Box 13087, MC 166, Austin, Texas 78711-3087.</p> <p>(17) Tier I federal emission standards--The standards are defined in 42 United States Code, Section 7521, and in 40 Code of Federal Regulations Part 86. The phase-in of these standards began in model year 1994.</p> <p>(18) Ultra low emission vehicle--A vehicle as defined by 40 Code of Federal Regulations Part 88.</p> <p>(19) Vehicle registration--Vehicle characteristics, corresponding owner information, and registration expiration date contained in the Texas Department of Motor Vehicles registration system.</p> <p>(20) Vehicle registration insignia sticker--The sticker issued through the Texas Department of Motor Vehicles (DMV) or county tax assessor-collector to be affixed on the windshield of a vehicle compliant with the 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 inspection and maintenance program requirements, the DMV’s rules and regulations governing vehicle registration, and the Texas Department of Public Safety’s rules and regulations governing safety inspections.</p> <p>(21) Zero emission vehicle--A vehicle as defined by 40 Code of Federal Regulations Part 88.</p>	<p>Texas, 78753; mailing address: P.O. Box 13087, MC 466206, Austin, Texas 78711-3087.</p> <p>(17) Tier I federal emission standards--The standards are defined in 42 United States Code, Section 7521, and in 40 Code of Federal Regulations Part 86. The phase-in of these standards began in model year 1994.</p> <p>—(18) Ultra low emission vehicle--A vehicle as defined by 40 Code of Federal Regulations Part 88.</p> <p>(19) Vehicle registration--Vehicle characteristics, corresponding owner information, and registration expiration date contained in the Texas Department of Motor Vehicles registration system.</p> <p>(20) Vehicle registration insignia sticker--The sticker issued through the Texas Department of Motor Vehicles (DMV) or county tax assessor-collector to be affixed on the windshield of a vehicle compliant with the DMV regulations. Beginning on the single sticker transition date as defined in this section, the vehicle registration insignia sticker, a current valid VIR, or other form of proof authorized by the DPS or the DMV will be used as proof of compliance with inspection and maintenance program requirements, the DMV’s rules and regulations governing vehicle registration, and the Texas Department of Public Safety’s rules and regulations governing safety inspections.</p> <p>—(21) Zero emission vehicle--A vehicle as defined by 40 Code of Federal Regulations Part 88.</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
<p>Section 114.2, Inspection and Maintenance Definitions</p>	<p>Unless specifically defined in Texas Health and Safety Code, Chapter 382, also known as the Texas Clean Air Act (TCAA), or in the rules of the commission, the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms that are defined by the TCAA, the following words and terms, when used in Subchapter C of this chapter (relating to Vehicle Inspection and Maintenance; Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program; and Early Action Compact Counties), have the following meanings, unless the context clearly indicates otherwise.</p> <p>(1) Acceleration simulation mode (ASM-2) test--An emissions test 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-2 vehicle emissions test is comprised of two phases:</p> <p>(A) the 50/15 mode--in which the vehicle is tested for 90 seconds upon reaching and maintaining a constant speed of 15 miles per hour (mph) on a dynamometer that simulates acceleration at a rate of 3.3 mph per second by using 50% of the vehicle available horsepower; and</p> <p>(B) the 25/25 mode--in which the vehicle is tested for 90 seconds upon reaching and maintaining a constant speed</p>	<p>Unless specifically defined in Texas Health and Safety Code, Chapter 382, also known as the Texas Clean Air Act (TCAA), or in the rules of the commission, the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms that are defined by the TCAA, the following words and terms, when used in Subchapter C of this chapter (relating to Vehicle Inspection and Maintenance; Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program; and Early Action Compact Counties), have the following meanings, unless the context clearly indicates otherwise.</p> <p>(1) Acceleration simulation mode (ASM-2) test--An emissions test 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-2 vehicle emissions test is comprised of two phases:</p> <p>(A) the 50/15 mode--in which the vehicle is tested for 90 seconds upon reaching and maintaining a constant speed of 15 miles per hour (mph) on a dynamometer that simulates acceleration at a rate of 3.3 mph per second by using 50% of the vehicle available horsepower; and</p> <p>(B) the 25/25 mode--in which the vehicle is tested for 90 seconds upon reaching and maintaining a constant speed</p>	<p>Revisions to Section 114.2 submitted on December 18, 2023, are approvable.</p> <p>The revisions add new language under the definition for Program area to reflect that the new San Antonio area I/M program which Texas refers to as the Bexar County program area, consists of Bexar County. This is consistent with the EPA action to reclassify the San Antonio nonattainment area to Moderate. EPA regulations require a Basic vehicle I/M program for urbanized Moderate nonattainment areas under the 2015 ozone NAAQS.</p>

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
	<p>of 25 mph on a dynamometer that simulates acceleration at a rate of 3.3 mph per second by using 25% of the vehicle available horsepower.</p> <p>(2) Consumer price index--The consumer price index for any calendar year is the average of the consumer price index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of the calendar year.</p> <p>(3) Controller area network (CAN)--A vehicle manufacturer's communications protocol that connects to the various electronic modules in a vehicle. CAN provides one protocol that collects information from the vehicle's electronic systems including the on-board diagnostics (OBD) emissions testing system. The United States Environmental Protection Agency requires the CAN protocol to be installed in OBD-compliant vehicles beginning with some model year 2003 vehicles and phasing in to all OBD-compliant vehicles by the 2008 model year.</p> <p>(4) Low-volume emissions inspection station--A vehicle emissions inspection station that meets all criteria for obtaining a low-volume waiver from the Texas Department of Public Safety.</p> <p>(5) Motorist--A person or other entity responsible for the inspection, repair, and maintenance of a motor vehicle, which may include, but is not limited to, owners and lessees.</p> <p>(6) On-board diagnostic (OBD)</p>	<p>of 25 mph on a dynamometer that simulates acceleration at a rate of 3.3 mph per second by using 25% of the vehicle available horsepower.</p> <p>(2) Consumer price index--The consumer price index for any calendar year is the average of the consumer price index for all-urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of the calendar year.</p> <p>(3) Controller area network (CAN)--A vehicle manufacturer's communications protocol that connects to the various electronic modules in a vehicle. CAN provides one protocol that collects information from the vehicle's electronic systems including the on-board diagnostics (OBD) emissions testing system. The United States Environmental Protection Agency requires the CAN protocol to be installed in OBD-compliant vehicles beginning with some model year 2003 vehicles and phasing in to all OBD-compliant vehicles by the 2008 model year.</p> <p>(4) Low-volume emissions inspection station--A vehicle emissions inspection station that meets all criteria for obtaining a low-volume waiver from the Texas Department of Public Safety.</p> <p>(5) Motorist--A person or other entity responsible for the inspection, repair, and maintenance of a motor vehicle, which may include, but is not limited to, owners and lessees.</p> <p>(6) On-board diagnostic (OBD)</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA's Applicable Regulation(s) and EPA's Evaluation
	<p>system--The computer system installed in a vehicle by the manufacturer that monitors the performance of the vehicle emissions control equipment, fuel metering system, and ignition system for the purpose of detecting malfunction or deterioration in performance that would be expected to cause the vehicle not to meet emissions standards. All references to OBD should be interpreted to mean the second generation of this equipment, sometimes referred to as OBD II.</p> <p>(7) On-road test--Utilization of remote sensing technology to identify vehicles operating within the inspection and maintenance program areas that have a high probability of being high-emitters.</p> <p>(8) Out-of-cycle test--Required emissions test not associated with vehicle safety inspection testing cycle.</p> <p>(9) Primarily operated--Use of a motor vehicle greater than 60 calendar days per testing cycle in an affected county. Motorists shall comply with emissions requirements for such counties. It is presumed that a vehicle is primarily operated in the county in which it is registered.</p> <p>(10) Program area--County or counties in which the Texas Department of Public Safety, in coordination with the commission, administers the vehicle emissions inspection and maintenance program contained in the Texas Inspection and Maintenance State Implementation Plan. These program areas include:</p> <p>(A) the Dallas-Fort Worth program</p>	<p>system--The computer system installed in a vehicle by the manufacturer that monitors the performance of the vehicle emissions control equipment, fuel metering system, and ignition system for the purpose of detecting malfunction or deterioration in performance that would be expected to cause the vehicle not to meet emissions standards. All references to OBD should be interpreted to mean the second generation of this equipment, sometimes referred to as OBD II.</p> <p>(7) On-road test--Utilization of remote sensing technology to identify vehicles operating within the inspection and maintenance program areas that have a high probability of being high-emitters.</p> <p>(8) Out-of-cycle test--Required emissions test not associated with vehicle safety inspection testing cycle.</p> <p>(9) Primarily operated--Use of a motor vehicle greater than 60 calendar days per testing cycle in an affected county. Motorists shall comply with emissions requirements for such counties. It is presumed that a vehicle is primarily operated in the county in which it is registered.</p> <p>(10) Program area--County or counties in which the Texas Department of Public Safety, in coordination with the commission, administers the vehicle emissions inspection and maintenance program contained in the Texas Inspection and Maintenance State Implementation Plan. These program areas include:</p> <p>(A) the Dallas-Fort Worth program</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
	<p>area, consisting of the following counties: Collin, Dallas, Denton, and Tarrant;</p> <p>(B) the El Paso program area, consisting of El Paso County;</p> <p>(C) the Houston-Galveston-Brazoria program area, consisting of Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties; and</p> <p>(D) the extended Dallas-Fort Worth program area, consisting of Ellis, Johnson, Kaufman, Parker, and Rockwall Counties. These counties became part of the program area as of May 1, 2003.</p> <p>(11) Retests--Successive vehicle emissions inspections following the failing of an initial test by a vehicle during a single testing cycle.</p> <p>(12) Testing cycle--Before the single sticker transition date as defined in Section 114.1 of this title (relating to Definitions), the annual cycle commencing with the first safety inspection certificate expiration date for which a motor vehicle is subject to a vehicle emissions inspection or beginning on the single sticker transition date, the annual cycle commencing with the first vehicle registration expiration date for which a motor vehicle is subject to a vehicle emissions inspection.</p> <p>(13) Two-speed idle (TSI) inspection and maintenance test--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.</p> <p>(14) Uncommon part--A part that takes more than 30 days for expected delivery and installation where a motorist</p>	<p>area, consisting of the following counties: Collin, Dallas, Denton, and Tarrant;</p> <p>(B) the El Paso program area, consisting of El Paso County;</p> <p>(C) the Houston-Galveston-Brazoria program area, consisting of Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties; and</p> <p>(D) the extended Dallas-Fort Worth program area, consisting of Ellis, Johnson, Kaufman, Parker, and Rockwall Counties. These counties became part of the program area as of May 1, 2003; <u>and</u></p> <p><u>(E) the Bexar County program area, consisting of Bexar County.</u></p> <p>(11) Retests--Successive vehicle emissions inspections following the failing of an initial test by a vehicle during a single testing cycle.</p> <p>(12) Testing cycle--Before the single sticker transition date as defined in Section 114.1 of this title (relating to Definitions), the annual cycle commencing with the first safety inspection certificate expiration date for which a motor vehicle is subject to a vehicle emissions inspection or beginning on the single sticker transition date, the annual cycle commencing with the first vehicle registration expiration date for which a motor vehicle is subject to a vehicle emissions inspection.</p> <p>(13) Two-speed idle (TSI) inspection and maintenance test--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.</p> <p>(14) Uncommon part--A part that</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA's Applicable Regulation(s) and EPA's Evaluation
	<p>can prove that a reasonable attempt made to locate necessary emission control parts by retail or wholesale part suppliers will exceed the remaining time prior to expiration of:</p> <p>(A) the vehicle safety inspection certificate prior to the single sticker transition date as defined in Section 114.1 of this title (relating to Definitions);</p> <p>(B) the vehicle registration beginning on the single sticker transition date as defined in Section 114.1 of this title;</p> <p>or</p> <p>(C) the 30-day period following an out-of-cycle inspection.</p>	<p>takes more than 30 days for expected delivery and installation where a motorist can prove that a reasonable attempt made to locate necessary emission control parts by retail or wholesale part suppliers will exceed the remaining time prior to expiration of:</p> <p>(A) the vehicle safety inspection certificate prior to the single sticker transition date as defined in Section 114.1 of this title (relating to Definitions);</p> <p>(B) the vehicle registration beginning on the single sticker transition date as defined in Section 114.1 of this title;</p> <p>or</p> <p>(C) the 30-day period following an out-of-cycle inspection.</p>	

* Submitted revisions from Project 2022-026-114-A1 are indicated with a red font.

** Submitted revisions from Project 2021-029-114-AI are indicated by yellow highlighted text

2. Analysis of Submitted Revisions to TAC Chapter 114, Subchapter C: Division 1 (Vehicle Inspection and Maintenance) and 3 (Early Action Compact Counties)

Background of TAC Chapter 114, Subchapter C, Divisions 1 and 2

The Texas SIP includes the following provisions from TAC Chapter 114, Subchapter C, Division 1: Vehicle Inspection and Maintenance:

- Section 114.50, Vehicle Emissions Inspection Requirements, as adopted by the TCEQ on February 12, 2014, submitted to EPA on June 9, 2015. The EPA approved this provision at 81 FR 69679, October 7, 2016.
- Section 114.51, Equipment Evaluation Procedures for Vehicle Gas Analyzers, as adopted by the TCEQ on November 18, 2010, submitted to EPA on December 22, 2010. The EPA approved this provision at 79 FR 43264, July 25, 2014.
- Section 114.53, Inspection and Maintenance Fees, as adopted by the TCEQ on April 29, 2015, submitted to EPA on June 11, 2015. The EPA approved this provision at 81 FR 69679, October 7, 2016.

and the following provisions from TAC Chapter 114, Subchapter C, Division 3: Early Action Compact Counties:

- Section 114.80, Applicability, as adopted by the TCEQ on November 17, 2004, submitted to EPA on December 6, 2004. The EPA approved this provision at 70 FR 45542, August 8, 2005.
- Section 114.81, Vehicle Emissions Inspection Requirements, as adopted by the TCEQ on November 17, 2004, submitted to EPA on December 6, 2004. The EPA approved this provision at 70 FR 45542, August 8, 2005.
- Section 114.82, Control Requirements, as adopted by the TCEQ on February 12, 2014, submitted to EPA on June 9, 2015. The EPA approved this provision at 81 FR 69679, October 7, 2016.
- Section 114.83, Waivers and Extensions, as adopted by the TCEQ on February 12, 2014, submitted to EPA on June 9, 2015. The EPA approved this provision at 81 FR 69679, October 7, 2016.
- Section 114.84, Prohibitions, as adopted by the TCEQ on February 12, 2014, submitted to EPA on June 9, 2015. The EPA approved this provision at 81 FR 69679, October 7, 2016.
- Section 114.85, Equipment Evaluation Procedures for Vehicle Exhaust Gas Analyzers, as adopted by the TCEQ on November 17, 2004, submitted to EPA on December 6, 2004. The EPA approved this provision at 70 FR 45542, August 8, 2005.
- Section 114.87, Inspection and Maintenance Fees, as adopted by the TCEQ on April 29, 2015, submitted to EPA on June 11, 2015. The EPA approved this provision at 81 FR 69679, October 7, 2016.

The December 18, 2023, submittal included revisions to TAC Chapter 114, Subchapter C, Sections 114.50, 114.53 and 114.82. Table 2 includes EPA's evaluation of the December 18, 2023, submitted revisions to TAC Chapter 114, Subchapter C.

Table 2 – Analysis of Submitted Revisions to TAC Chapter 114, Subchapter C

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
<p>Section 114.50, Vehicle Emissions Inspection Requirements</p>	<p>(a) Applicability. The requirements of this section and those contained in the Texas Inspection and Maintenance (I/M) State Implementation Plan (SIP) must be applied to all gasoline-powered motor vehicles 2 - 24 years old and subject to an annual emissions inspection beginning with the first safety inspection. Military tactical vehicles, motorcycles, diesel-powered vehicles, dual-fueled vehicles that cannot operate using gasoline, and antique vehicles registered with the Texas Department of Motor Vehicles are excluded from the program. Safety inspection facilities and inspectors certified by the Texas Department of Public Safety (DPS) must inspect all subject vehicles in the following program areas as defined in Section 114.2 of this title (relating to Inspection and Maintenance Definitions), in accordance with the following schedule.</p> <p>(1) This paragraph applies to all vehicles registered and primarily operated in the Dallas-Fort Worth (DFW) program area.</p> <p>(A) Beginning May 1, 2002, all 1996 and newer model year vehicles registered and primarily operated in Collin, Dallas, Denton, and Tarrant Counties equipped with on-board diagnostic (OBD) systems must be tested using United States Environmental Protection Agency (EPA)-approved OBD test procedures.</p> <p>(B) Beginning May 1, 2002, all pre-1996 model year vehicles registered and primarily operated in Collin, Dallas,</p>	<p>(a) Applicability. The requirements of this section and those contained in the Texas Inspection and Maintenance (I/M) State Implementation Plan (SIP) must be applied to all gasoline-powered motor vehicles 2 - 24 years old and subject to an annual emissions inspection beginning with the first safety inspection. Military tactical vehicles, motorcycles, diesel-powered vehicles, dual-fueled vehicles that cannot operate using gasoline, and antique vehicles registered with the Texas Department of Motor Vehicles are excluded from the program. Safety inspection facilities and inspectors certified by the Texas Department of Public Safety (DPS) must inspect all subject vehicles in the following program areas as defined in Section 114.2 of this title (relating to Inspection and Maintenance Definitions), in accordance with the following schedule.</p> <p>(1) This paragraph applies to all vehicles registered and primarily operated in the Dallas-Fort Worth (DFW) program area.</p> <p>(A) Beginning May 1, 2002, all 1996 and newer model year vehicles registered and primarily operated in Collin, Dallas, Denton, and Tarrant Counties equipped with on-board diagnostic (OBD) systems must be tested using United States Environmental Protection Agency (EPA)-approved OBD test procedures.</p> <p>(B) Beginning May 1, 2002, all pre-1996 model year vehicles registered and primarily operated in Collin, Dallas,</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*,**	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
	<p>Denton, and Tarrant Counties must be tested using an acceleration simulation mode (ASM-2) test or a vehicle emissions test approved by the EPA.</p> <p>(C) All vehicle emissions inspection stations in affected program areas must offer both the ASM-2 test and the OBD test except low volume emissions inspection stations. If an owner or operator wishes to have his or her station classified as a low volume emissions inspection station, the station owner or operator shall petition the DPS in accordance with the rules and procedures established by the DPS.</p> <p>(2) This paragraph applies to all vehicles registered and primarily operated in the extended DFW (EDFW) program area.</p> <p>(A) Beginning May 1, 2003, all 1996 and newer model year vehicles registered and primarily operated in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties equipped with OBD systems must be tested using EPA-approved OBD test procedures.</p> <p>(B) Beginning May 1, 2003, all pre-1996 model year vehicles registered and primarily operated in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties must be tested using an ASM-2 test or a vehicle emissions test approved by the EPA.</p> <p>(C) All vehicle emissions inspection stations in affected program areas must offer both the ASM-2 test and the OBD test except low volume emissions</p>	<p>Denton, and Tarrant Counties must be tested using an acceleration simulation mode (ASM-2) test or a vehicle emissions test approved by the EPA.</p> <p>(C) All vehicle emissions inspection stations in affected program areas must offer both the ASM-2 test and the OBD test except low volume emissions inspection stations. If an owner or operator wishes to have his or her station classified as a low volume emissions inspection station, the station owner or operator shall petition the DPS in accordance with the rules and procedures established by the DPS.</p> <p>(2) This paragraph applies to all vehicles registered and primarily operated in the extended DFW (EDFW) program area.</p> <p>(A) Beginning May 1, 2003, all 1996 and newer model year vehicles registered and primarily operated in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties equipped with OBD systems must be tested using EPA-approved OBD test procedures.</p> <p>(B) Beginning May 1, 2003, all pre-1996 model year vehicles registered and primarily operated in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties must be tested using an ASM-2 test or a vehicle emissions test approved by the EPA.</p> <p>(C) All vehicle emissions inspection stations in affected program areas must offer both the ASM-2 test and the OBD test except low volume emissions</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA's Applicable Regulation(s) and EPA's Evaluation
	<p>inspection stations. If an owner or operator wishes to have his or her station classified as a low volume emissions inspection station, the station owner or operator shall petition the DPS in accordance with the rules and procedures established by the DPS.</p> <p>(3) This paragraph applies to all vehicles registered and primarily operated in the Houston-Galveston-Brazoria (HGB) program area.</p> <p>(A) Beginning May 1, 2002, all 1996 and newer model year vehicles registered and primarily operated in Harris County equipped with OBD systems must be tested using EPA-approved OBD test procedures.</p> <p>(B) Beginning May 1, 2002, all pre-1996 model year vehicles registered and primarily operated in Harris County must be tested using an ASM-2 test or a vehicle emissions test approved by the EPA.</p> <p>(C) All vehicle emissions inspection stations in affected program areas must offer both the ASM-2 test and the OBD test except low volume emissions inspection stations. If an owner or operator wishes to have his or her station classified as a low volume emissions inspection station, the station owner or operator shall petition the DPS in accordance with the rules and procedures established by the DPS.</p> <p>(D) Beginning May 1, 2003, all 1996 and newer model year vehicles equipped with OBD systems and registered</p>	<p>inspection stations. If an owner or operator wishes to have his or her station classified as a low volume emissions inspection station, the station owner or operator shall petition the DPS in accordance with the rules and procedures established by the DPS.</p> <p>(3) This paragraph applies to all vehicles registered and primarily operated in the Houston-Galveston-Brazoria (HGB) program area.</p> <p>(A) Beginning May 1, 2002, all 1996 and newer model year vehicles registered and primarily operated in Harris County equipped with OBD systems must be tested using EPA-approved OBD test procedures.</p> <p>(B) Beginning May 1, 2002, all pre-1996 model year vehicles registered and primarily operated in Harris County must be tested using an ASM-2 test or a vehicle emissions test approved by the EPA.</p> <p>(C) All vehicle emissions inspection stations in affected program areas must offer both the ASM-2 test and the OBD test except low volume emissions inspection stations. If an owner or operator wishes to have his or her station classified as a low volume emissions inspection station, the station owner or operator shall petition the DPS in accordance with the rules and procedures established by the DPS.</p> <p>(D) Beginning May 1, 2003, all 1996 and newer model year vehicles equipped with OBD systems and registered</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA's Applicable Regulation(s) and EPA's Evaluation
	<p>and primarily operated in Brazoria, Fort Bend, Galveston, and Montgomery Counties must be tested using EPA-approved OBD test procedures.</p> <p>(E) Beginning May 1, 2003, all pre-1996 model year vehicles registered and primarily operated in Brazoria, Fort Bend, Galveston, and Montgomery Counties must be tested using the ASM-2 test procedures or a vehicle emissions test approved by the EPA.</p> <p>(4) This paragraph applies to all vehicles registered and primarily operated in the El Paso program area.</p> <p>(A) All vehicles must be tested using a two-speed idle (TSI) test through December 31, 2006.</p> <p>(B) Beginning January 1, 2007, all 1996 and newer model year vehicles equipped with OBD systems must be tested using EPA-approved OBD test procedures.</p> <p>(C) Beginning January 1, 2007, all pre-1996 model year vehicles must be tested using a TSI test.</p> <p>(D) Beginning January 1, 2007, all vehicle emissions inspection stations in the El Paso program area must offer both the TSI test and OBD test.</p> <p>(b) Control requirements.</p> <p>(1) No person or entity may operate, or allow the operation of, a motor vehicle registered in the DFW, EDFW, HGB, and El Paso program areas that does not comply with:</p> <p>(A) all applicable air pollution emissions control-related requirements</p>	<p>and primarily operated in Brazoria, Fort Bend, Galveston, and Montgomery Counties must be tested using EPA-approved OBD test procedures.</p> <p>(E) Beginning May 1, 2003, all pre-1996 model year vehicles registered and primarily operated in Brazoria, Fort Bend, Galveston, and Montgomery Counties must be tested using the ASM-2 test procedures or a vehicle emissions test approved by the EPA.</p> <p>(4) This paragraph applies to all vehicles registered and primarily operated in the El Paso program area.</p> <p>(A) All vehicles must be tested using a two-speed idle (TSI) test through December 31, 2006.</p> <p>(B) Beginning January 1, 2007, all 1996 and newer model year vehicles equipped with OBD systems must be tested using EPA-approved OBD test procedures.</p> <p>(C) Beginning January 1, 2007, all pre-1996 model year vehicles must be tested using a TSI test.</p> <p>(D) Beginning January 1, 2007, all vehicle emissions inspection stations in the El Paso program area must offer both the TSI test and OBD test.</p> <p><u>(5) This paragraph applies to all vehicles registered and primarily operated in the Bexar County program area.</u></p> <p><u>(A) Beginning November 1, 2026, all 2 - 24 year old subject vehicles equipped with OBD systems must be tested using EPA-approved OBD test procedures.</u></p> <p><u>(B) Beginning November 1, 2026, all vehicle emissions inspection stations in</u></p>	<p>The new paragraph (5) specifies the program start dates and model year vehicles and thus, is approvable. OBD testing is a required element of the Basic I/M performance standard pursuant to 40 CFR 51.352(c) and thus, this revision is approvable.</p>

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
	<p>included in the annual vehicle safety inspection requirements administered by the DPS as evidenced prior to the single sticker transition date as defined in Section 114.1 of this title (relating to Definitions) by a current valid inspection certificate affixed to the vehicle windshield, a current valid vehicle inspection report (VIR), or other form of proof authorized by the DPS;</p> <p>(B) beginning on the single sticker transition date, all applicable air pollution emissions control-related requirements included in the annual vehicle safety inspection requirements administered by the DPS, as evidenced by a current valid vehicle registration insignia sticker affixed to the vehicle windshield, a current valid VIR, or other form of proof authorized by the DPS; and</p> <p>(C) the vehicle emissions I/M requirements contained in this subchapter.</p> <p>(2) All federal government agencies must require a motor vehicle operated by any federal government agency employee on any property or facility under the jurisdiction of the federal government agency and located in a program area to comply with all vehicle emissions I/M requirements specified in Texas Health and Safety Code, Subchapter G, Section 382.201 - 382.216 (concerning Vehicle Emissions), and this chapter. Commanding officers or directors of federal facilities shall certify annually to the executive director, or appointed designee, that all subject vehicles have been tested and are in compliance with the Federal Clean Air Act</p>	<p><u>the Bexar County program area must offer the OBD test.</u></p> <p>(b) Control requirements.</p> <p>(1) No person or entity may operate, or allow the operation of, a motor vehicle registered in the DFW, EDFW, HGB, and El Paso, <u>and Bexar County</u> program areas that does not comply with:</p> <p>(A) all applicable air pollution emissions control-related requirements included in the annual vehicle safety inspection requirements administered by the DPS as evidenced prior to the single sticker transition date as defined in Section 114.1 of this title (relating to Definitions) by a current valid inspection certificate affixed to the vehicle windshield, a current valid vehicle inspection report (VIR), or other form of proof authorized by the DPS;</p> <p>(B) beginning on the single sticker transition date, all applicable air pollution emissions control-related requirements included in the annual vehicle safety inspection requirements administered by the DPS, as evidenced by a current valid vehicle registration insignia sticker <u>affixed to the vehicle windshield</u>, a current valid VIR, or other form of proof authorized by the DPS <u>or the DMV</u>; and</p> <p>(C) the vehicle emissions I/M requirements contained in this subchapter.</p> <p>(2) All federal government agencies must require a motor vehicle operated by any federal government agency employee on any property or facility under the jurisdiction of the federal government</p>	<p>Adding Bexar County here is consistent with CAA section 182(b)(4) and 40 CFR 51.350(a)(8), which requires implementation of Basic I/M in urbanized ozone nonattainment areas reclassified to Moderate. Therefore, these revisions are approvable.</p> <p>These revisions, to remove language for affixing the vehicle registration insignia sticker to the vehicle windshield and add the DMV, provide clarity and are approvable.</p>

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	<p>(42 United States Code, Section 7401 et seq.). This requirement will not apply to visiting federal government agency, employee, or military personnel vehicles as long as such visits do not exceed 60 calendar days per year.</p> <p>(3) Any motorist in the DFW, EDFW, HGB, or El Paso program areas who has received a notice from an emissions inspection station that there are recall items unresolved on his or her motor vehicle should furnish proof of compliance with the recall notice prior to the next vehicle emissions inspection, such as a written statement from the dealership or leasing agency indicating that emissions repairs have been completed.</p> <p>(4) A motorist whose vehicle has failed an emissions test may request a challenge retest through the DPS. If the retest is conducted within 15 days of the initial inspection, the retest is free.</p> <p>(5) A motorist whose vehicle has failed an emissions test and has not requested a challenge retest or whose vehicle has failed a challenge retest shall have emissions-related repairs performed and submit a properly completed vehicle repair form (VRF) in order to receive a retest. In order to receive a waiver or time extension, the motorist shall submit a VRF or applicable documentation as deemed necessary by the DPS.</p> <p>(6) A motorist whose vehicle is registered in the DFW, EDFW, HGB, or El Paso program areas or in any county adjacent to a program area and whose</p>	<p>agency and located in a program area to comply with all vehicle emissions I/M requirements specified in Texas Health and Safety Code, Subchapter G, Section 382.201 -382.216 (concerning Vehicle Emissions), and this chapter. Commanding officers or directors of federal facilities shall certify annually to the executive director, or appointed designee, that all subject vehicles have been tested and are in compliance with the Federal Clean Air Act (42 United States Code, Section 7401 et seq.). This requirement will not apply to visiting federal government agency, employee, or military personnel vehicles as long as such visits do not exceed 60 calendar days per year.</p> <p>(3) Any motorist in the DFW, EDFW, HGB, El Paso, <u>or Bexar County</u> program areas who has received a notice from an emissions inspection station that there are recall items unresolved on his or her motor vehicle should furnish proof of compliance with the recall notice prior to the next vehicle emissions inspection, such as a written statement from the dealership or leasing agency indicating that emissions repairs have been completed.</p> <p>(4) A motorist whose vehicle has failed an emissions test may request a challenge retest through the DPS. If the retest is conducted within 15 days of the initial inspection, the retest is free.</p> <p>(5) A motorist whose vehicle has failed an emissions test and has not requested a challenge retest or whose vehicle has failed a challenge retest shall</p>	<p>Adding Bexar County here is consistent with CAA section 182(b)(4) and 40 CFR 51.350(8), which requires implementation of Basic I/M in urbanized ozone nonattainment areas reclassified to Moderate. Therefore, these revisions are approvable.</p>

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	<p>vehicle has failed an on-road test administered by the DPS shall:</p> <p>(A) submit the vehicle for an out-of-cycle vehicle emissions inspection within 30 days of written notice by the DPS; and</p> <p>(B) satisfy all inspection, extension, or waiver requirements of the vehicle emissions I/M program specified in 37 TAC Chapter 23, Subchapter E (relating to Vehicle Emissions Inspection And Maintenance Program).</p> <p>(7) A subject vehicle registered in a county without an I/M program that meets the applicability criteria of subsection (a) of this section and the ownership of which has changed through a retail sale as defined by Texas Occupations Code, Section 2301.002, is not eligible for title receipt or registration in a county with an I/M program unless proof is presented that the vehicle has passed an approved vehicle emissions inspection within 90 days before the title transfer. The evidence of proof required may be in the form of the vehicle inspection report (VIR) or another proof of the program compliance as authorized by the DPS. All 1996 and newer model year vehicles with less than 50,000 miles are exempt from the test-on-resale requirements of this paragraph.</p> <p>(8) State, governmental, and quasi-governmental agencies that fall outside the normal registration or inspection process must comply with all vehicle emissions I/M requirements for vehicles primarily operated in I/M program areas.</p>	<p>have emissions-related repairs performed and submit a properly completed vehicle repair form (VRF) in order to receive a retest. In order to receive a waiver or time extension, the motorist shall submit a VRF or applicable documentation as deemed necessary by the DPS.</p> <p>(6) A motorist whose vehicle is registered in the DFW, EDFW, HGB, or El Paso, or Bexar County program areas or in any county adjacent to a program area and whose vehicle has failed an on-road test administered by the DPS shall:</p> <p>(A) submit the vehicle for an out-of-cycle vehicle emissions inspection within 30 days of written notice by the DPS; and</p> <p>(B) satisfy all inspection, extension, or waiver requirements of the vehicle emissions I/M program specified in 37 TAC Chapter 23, Subchapter E (relating to Vehicle Emissions Inspection and Maintenance Program).</p> <p>(7) A subject vehicle registered in a county without an I/M program that meets the applicability criteria of subsection (a) of this section and the ownership of which has changed through a retail sale as defined by Texas Occupations Code, Section 2301.002, is not eligible for title receipt or registration in a county with an I/M program unless proof is presented that the vehicle has passed an approved vehicle emissions inspection within 90 days before the title transfer. The evidence of proof required may be in the form of the vehicle inspection report (VIR) or another proof of the program compliance as authorized by</p>	<p>Adding Bexar County here is consistent with CAA section 182(b)(4) and 40 CFR 51.350(8), which requires implementation of Basic I/M in urbanized ozone nonattainment areas reclassified to Moderate. Therefore, these revisions are approvable.</p>

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	<p>(c) Waivers and extensions. A motorist may apply to the DPS for a waiver or an extension as specified in 37 TAC Chapter 23, Subchapter E, which defers the need for full compliance with vehicle emissions standards for a specified period of time after failing a vehicle emissions inspection.</p> <p>(d) Prohibitions.</p> <p>(1) No person may issue or allow the issuance of a VIR, as authorized by the DPS unless all applicable air pollution emissions control-related requirements of the annual vehicle safety inspection and the vehicle emissions I/M requirements are completely and properly performed in accordance with the rules and regulations adopted by the DPS and the commission. Prior to taking any enforcement action regarding this provision, the commission must consult with the DPS.</p> <p>(2) Before the single sticker transition date as defined in Section 114.1 of this title, no person may allow or participate in the preparation, duplication, sale, distribution, or use of false, counterfeit, or stolen safety inspection certificates, VIRs, VRFs, vehicle emissions repair documentation, or other documents that may be used to circumvent applicable vehicle emissions I/M requirements and to commit an offense specified in Texas Transportation Code, Section 548.603 (concerning Fictitious or Counterfeit Inspection Certificate or Insurance Document). Beginning on the single sticker transition date, no person may allow or participate in the preparation,</p>	<p>the DPS. All 1996 and newer model year vehicles with less than 50,000 miles are exempt from the test-on-resale requirements of this paragraph.</p> <p>(8) State, governmental, and quasi-governmental agencies that fall outside the normal registration or inspection process must comply with all vehicle emissions I/M requirements for vehicles primarily operated in I/M program areas.</p> <p>(c) Waivers and extensions. A motorist may apply to the DPS for a waiver or an extension as specified in 37 TAC Chapter 23, Subchapter E, which defers the need for full compliance with vehicle emissions standards for a specified period of time after failing a vehicle emissions inspection.</p> <p>(d) Prohibitions.</p> <p>(1) No person may issue or allow the issuance of a VIR, as authorized by the DPS unless all applicable air pollution emissions control-related requirements of the annual vehicle safety inspection and the vehicle emissions I/M requirements are completely and properly performed in accordance with the rules and regulations adopted by the DPS and the commission. Prior to taking any enforcement action regarding this provision, the commission must consult with the DPS.</p> <p>(2) Before the single sticker transition date as defined in Section 114.1 of this title, no person may allow or participate in the preparation, duplication, sale, distribution, or use of false, counterfeit, or stolen safety inspection certificates, VIRs, VRFs, vehicle emissions repair documentation, or other</p>	

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	<p>duplication, sale, distribution, or use of false, counterfeit, or stolen vehicle registration insignia stickers, VIRs, VRFs, vehicle emissions repair documentation, or other documents that may be used to circumvent applicable vehicle emissions I/M requirements and to commit an offense specified in Texas Transportation Code, Section 548.603.</p> <p>(3) No organization, business, person, or other entity may represent itself as an emissions inspector certified by the DPS unless such certification has been issued under the certification requirements and procedures contained in Texas Transportation Code, Section 548.401 - 548.404.</p> <p>(4) No person may act as or offer to perform services as a Recognized Emissions Repair Technician of Texas, as designated by the DPS, without first obtaining and maintaining DPS recognition.</p>	<p>documents that may be used to circumvent applicable vehicle emissions I/M requirements and to commit an offense specified in Texas Transportation Code, Section 548.603 (concerning Fictitious or Counterfeit Inspection Certificate or Insurance Document). Beginning on the single sticker transition date, no person may allow or participate in the preparation, duplication, sale, distribution, or use of false, counterfeit, or stolen vehicle registration insignia stickers, VIRs, VRFs, vehicle emissions repair documentation, or other documents that may be used to circumvent applicable vehicle emissions I/M requirements and to commit an offense specified in Texas Transportation Code, Section 548.603.</p> <p>(3) No organization, business, person, or other entity may represent itself as an emissions inspector certified by the DPS unless such certification has been issued under the certification requirements and procedures contained in Texas Transportation Code, Section 548.401 - 548.404.</p> <p>(4) No person may act as or offer to perform services as a Recognized Emissions Repair Technician of Texas, as designated by the DPS, without first obtaining and maintaining DPS recognition.</p>	
Section 114.53, Inspection and Maintenance Fee	(a) The following fees must be paid for an emissions inspection of a vehicle at an inspection station. This fee must include one free retest should the vehicle fail the emissions inspection provided that the motorist has the retest performed at the	(a) The following fees must be paid for an emissions inspection of a vehicle at an inspection station. This fee must include one free retest should the vehicle fail the emissions inspection provided that the motorist has the retest performed at the	

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	<p>same station where the vehicle originally failed and submits, prior to the retest, a properly completed vehicle repair form showing that emissions-related repairs were performed and the retest is conducted within 15 days of the initial emissions test.</p> <p>(1) In El Paso County beginning May 1, 2002 and ending on the day before the single sticker transition date as defined in Section 114.1 of this title (relating to Definitions), any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(4)(A), (B), or (C) of this title (relating to Vehicle Emissions Inspection Requirements) must collect a fee of \$14 and remit \$2.50 to the Texas Department of Public Safety (DPS). If the El Paso County Commissioners Court adopts a resolution that is approved by the commission to participate in the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP), the emissions inspection station in El Paso County must collect a fee of \$16 and remit to the DPS \$4.50 beginning upon the date specified by the commission and ending on the day before the single sticker transition date. Beginning on the single sticker transition date, any emissions inspection station in El Paso County required to conduct an emissions test in accordance with Section 114.50(a)(4)(A), (B), or (C) of this title must collect a fee not to exceed \$11.50.</p> <p>(2) In the Dallas-Fort Worth program area beginning May 1, 2002 and ending on</p>	<p>same station where the vehicle originally failed and submits, prior to the retest, a properly completed vehicle repair form showing that emissions-related repairs were performed and the retest is conducted within 15 days of the initial emissions test.</p> <p>(1) In El Paso County beginning May 1, 2002 and ending on the day before the single sticker transition date as defined in Section 114.1 of this title (relating to Definitions), any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(4)(A), (B), or (C) of this title (relating to Vehicle Emissions Inspection Requirements) must collect a fee of \$14 and remit \$2.50 to the Texas Department of Public Safety (DPS). If the El Paso County Commissioners Court adopts a resolution that is approved by the commission to participate in the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP), the emissions inspection station in El Paso County must collect a fee of \$16 and remit to the DPS \$4.50 beginning upon the date specified by the commission and ending on the day before the single sticker transition date. Beginning on the single sticker transition date, any emissions inspection station in El Paso County required to conduct an emissions test in accordance with Section 114.50(a)(4)(A), (B), or (C) of this title must collect a fee not to exceed \$11.50.</p> <p>(2) In the Dallas-Fort Worth program area beginning May 1, 2002 and ending on</p>	

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	<p>the day before the single sticker transition date as defined in Section 114.1 of this title, any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(1)(A) or (B) of this title and in the extended Dallas-Fort Worth program area beginning May 1, 2003 and ending on the day before the single sticker transition date, any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(2)(A) or (B) of this title must collect a fee not to exceed \$27. Beginning May 1, 2002 and ending on the day before the single sticker transition date in the Dallas-Fort Worth and the extended Dallas-Fort Worth program areas, the emissions inspection station must remit to the DPS \$2.50 for each acceleration simulation mode (ASM-2) test and \$8.50 for each on-board diagnostics (OBD) test. Beginning on the single sticker transition date in the Dallas-Fort Worth and the extended Dallas-Fort Worth program areas, any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(1)(A) or (B) and (2)(A) or (B) of this title must collect a fee not to exceed \$24.50 for each ASM-2 test and \$18.50 for each OBD test.</p> <p>(3) In the Houston-Galveston-Brazoria program area beginning May 1, 2002 and ending on the day before the single sticker transition date as defined in Section 114.1 of this title, any emissions inspection station in Harris County required to conduct an emissions test in accordance</p>	<p>the day before the single sticker transition date as defined in Section 114.1 of this title, any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(1)(A) or (B) of this title and in the extended Dallas-Fort Worth program area beginning May 1, 2003 and ending on the day before the single sticker transition date, any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(2)(A) or (B) of this title must collect a fee not to exceed \$27. Beginning May 1, 2002 and ending on the day before the single sticker transition date in the Dallas-Fort Worth and the extended Dallas-Fort Worth program areas, the emissions inspection station must remit to the DPS \$2.50 for each acceleration simulation mode (ASM-2) test and \$8.50 for each on-board diagnostics (OBD) test. Beginning on the single sticker transition date in the Dallas-Fort Worth and the extended Dallas-Fort Worth program areas, any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(1)(A) or (B) and (2)(A) or (B) of this title must collect a fee not to exceed \$24.50 for each ASM-2 test and \$18.50 for each OBD test.</p> <p>(3) In the Houston-Galveston-Brazoria program area beginning May 1, 2002 and ending on the day before the single sticker transition date as defined in Section 114.1 of this title, any emissions inspection station in Harris County required to conduct an emissions test in accordance</p>	

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	<p>with Section 114.50(a)(3)(A) or (B) of this title and beginning May 1, 2003 and ending on the day before the single sticker transition date, any emissions inspection station in Brazoria, Fort Bend, Galveston, and Montgomery Counties required to conduct an emissions test in accordance with Section 114.50(a)(3)(D) or (E) of this title must collect a fee not to exceed \$27. Beginning May 1, 2002 and ending on the day before the single sticker transition date in Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties, the emissions inspection station must remit to the DPS \$2.50 for each ASM-2 test and \$8.50 for each OBD test. Beginning on the single sticker transition date in Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties, any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(3)(A), (B), (D), or (E) of this title must collect a fee not to exceed \$24.50 for each ASM-2 test and \$18.50 for each OBD test.</p> <p>(b) The per-vehicle fee and the amount the inspection station remits to the DPS for a challenge test at an inspection station designated by the DPS, must be the same as the amounts set forth in subsection (a) of this section. The challenge fee must not be charged if the vehicle is retested within 15 days of the initial test.</p> <p>(c) Inspection stations performing out-of-cycle vehicle emissions inspections for the state's remote sensing element must</p>	<p>with Section 114.50(a)(3)(A) or (B) of this title and beginning May 1, 2003 and ending on the day before the single sticker transition date, any emissions inspection station in Brazoria, Fort Bend, Galveston, and Montgomery Counties required to conduct an emissions test in accordance with Section 114.50(a)(3)(D) or (E) of this title must collect a fee not to exceed \$27. Beginning May 1, 2002 and ending on the day before the single sticker transition date in Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties, the emissions inspection station must remit to the DPS \$2.50 for each ASM-2 test and \$8.50 for each OBD test. Beginning on the single sticker transition date in Brazoria, Fort Bend, Galveston, Harris, and Montgomery Counties, any emissions inspection station required to conduct an emissions test in accordance with Section 114.50(a)(3)(A), (B), (D), or (E) of this title must collect a fee not to exceed \$24.50 for each ASM-2 test and \$18.50 for each OBD test.</p> <p><u>(4) In the Bexar County program area beginning November 1, 2026, any emissions inspection station in Bexar County required to conduct an emissions test in accordance with Section 114.50(a)(5)(A) or (B) of this title must collect a fee not to exceed \$11.50.</u></p> <p>(b) The per-vehicle fee and the amount the inspection station remits to the DPS for a challenge test at an inspection station designated by the DPS, must be the same as the amounts set forth in subsection (a) of</p>	<p>EPA’s I/M program requirements at 40 CFR 51, Subpart S, allow for the collection of a test fee or separately assessed per vehicle fee, but does not require the establishment of a test fee if the state chooses to fund the program in some other manner (40 CFR 51.354(a)). Therefore, the revision to add new paragraph (4) to establish the maximum fee of \$11.50 that Bexar County Program area emissions inspection stations may charge for the OBD test is consistent with EPA’s rules and is approvable. In</p>

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	<p>charge a motorist for an out-of-cycle emissions inspection in the amount specified in subsection (a) of this section resulting from written notification that subject vehicle failed on-road testing. If the vehicle passes the vehicle emissions inspection, the vehicle owner may request reimbursement from the DPS.</p> <p>(d) Beginning on the single sticker transition date as defined in Section 114.1 of this title, vehicle owners shall remit as part of the annual vehicle registration fee collected by the Texas Department of Motor Vehicles (DMV) or county tax assessor-collector the amount of the vehicle emissions inspection fee that is required to be remitted to the state.</p> <p>(1) In El Paso County, the following requirements apply.</p> <p>(A) If participating in the LIRAP, vehicle owners shall remit \$4.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee. Of the \$4.50 remitted, \$2.00 constitutes the LIRAP fee as defined in Section 114.7 of this title (relating to Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program Definitions).</p> <p>(B) If participating in the LIRAP and in the process of opting out, vehicle owners shall remit \$4.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax assessor-collector</p>	<p>this section. The challenge fee must not be charged if the vehicle is retested within 15 days of the initial test.</p> <p>(c) Inspection stations performing out-of-cycle vehicle emissions inspections for the state’s remote sensing element must charge a motorist for an out-of-cycle emissions inspection in the amount specified in subsection (a) of this section resulting from written notification that subject vehicle failed on-road testing. If the vehicle passes the vehicle emissions inspection, the vehicle owner may request reimbursement from the DPS.</p> <p>(d) Beginning on the single sticker transition date as defined in Section 114.1 of this title, vehicle owners shall remit as part of the annual vehicle registration fee collected by the Texas Department of Motor Vehicles (DMV) or county tax assessor-collector the amount of the vehicle emissions inspection fee that is required to be remitted to the state.</p> <p>(1) In El Paso County, the following requirements apply.</p> <p>(A) If participating in the LIRAP, vehicle owners shall remit \$4.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee. Of the \$4.50 remitted, \$2.00 constitutes the LIRAP fee as defined in Section 114.7 of this title (relating to Low Income Vehicle Repair</p>	<p>addition, the maximum fee of \$11.50 for the Bexar County I/M program is comparable to the existing fee in the similar program areas of Austin-Round Rock and El Paso County and will help minimize costs to the public.</p>

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	<p>at the time of annual vehicle registration as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in Section 114.7 of this title. Of the \$4.50 remitted, \$2.00 constitutes the LIRAP fee as defined in Section 114.7 of this title. Upon the LIRAP fee termination effective date, vehicle owners shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(C) If not participating in the LIRAP, vehicle owners shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(2) In the Dallas-Fort Worth and the extended Dallas-Fort Worth program areas, the following requirements apply.</p> <p>(A) Vehicle owners in counties participating in the LIRAP shall remit \$2.50 for motor vehicles subject to ASM-2 tests and \$8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee. Of the \$8.50 remitted for OBD tests, \$6.00 constitutes the LIRAP fee as defined in Section 114.7 of this title.</p> <p>(B) Vehicle owners in counties participating in the LIRAP that are in the process of opting out shall remit \$2.50 for</p>	<p>Assistance, Retrofit, and Accelerated Vehicle Retirement Program Definitions).</p> <p>(B) If participating in the LIRAP and in the process of opting out, vehicle owners shall remit \$4.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in Section 114.7 of this title. Of the \$4.50 remitted, \$2.00 constitutes the LIRAP fee as defined in Section 114.7 of this title. Upon the LIRAP fee termination effective date, vehicle owners shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(C) If not participating in the LIRAP, vehicle owners shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(2) In the Dallas-Fort Worth and the extended Dallas-Fort Worth program areas, the following requirements apply.</p> <p>(A) Vehicle owners in counties participating in the LIRAP shall remit \$2.50 for motor vehicles subject to ASM-2 tests and \$8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle</p>	

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	<p>motor vehicles subject to ASM-2 tests and \$8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in Section 114.7 of this title. Of the \$8.50 remitted for OBD tests, \$6.00 constitutes the LIRAP fee as defined in Section 114.7 of this title. Upon the LIRAP fee termination effective date, vehicle owners in participating counties that are in the process of opting out of the LIRAP shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(C) Vehicle owners in counties not participating in the LIRAP shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(3) In the Houston-Galveston-Brazoria program area, the following requirements apply.</p> <p>(A) Vehicle owners in counties participating in the LIRAP shall remit \$2.50 for motor vehicles subject to ASM-2 tests and \$8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee. Of the \$8.50</p>	<p>emissions inspection fee. Of the \$8.50 remitted for OBD tests, \$6.00 constitutes the LIRAP fee as defined in Section 114.7 of this title.</p> <p>(B) Vehicle owners in counties participating in the LIRAP that are in the process of opting out shall remit \$2.50 for motor vehicles subject to ASM-2 tests and \$8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in Section 114.7 of this title. Of the \$8.50 remitted for OBD tests, \$6.00 constitutes the LIRAP fee as defined in Section 114.7 of this title. Upon the LIRAP fee termination effective date, vehicle owners in participating counties that are in the process of opting out of the LIRAP shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(C) Vehicle owners in counties not participating in the LIRAP shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(3) In the Houston-Galveston-Brazoria program area, the following requirements apply.</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AD)*,**	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
	<p>remitted for OBD tests, \$6.00 constitutes the LIRAP fee as defined in Section 114.7 of this title.</p> <p>(B) Vehicle owners in counties participating in the LIRAP that are in the process of opting out shall remit \$2.50 for motor vehicles subject to ASM-2 tests and \$8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in Section 114.7 of this title. Of the \$8.50 remitted for OBD tests, \$6.00 constitutes the LIRAP fee as defined in Section 114.7 of this title. Upon the LIRAP fee termination effective date, vehicle owners in participating counties that are in the process of opting out of the LIRAP shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(C) Vehicle owners in counties not participating in the LIRAP shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p>	<p>(A) Vehicle owners in counties participating in the LIRAP shall remit \$2.50 for motor vehicles subject to ASM-2 tests and \$8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee. Of the \$8.50 remitted for OBD tests, \$6.00 constitutes the LIRAP fee as defined in Section 114.7 of this title.</p> <p>(B) Vehicle owners in counties participating in the LIRAP that are in the process of opting out shall remit \$2.50 for motor vehicles subject to ASM-2 tests and \$8.50 for motor vehicles subject to OBD tests to the DMV or county tax assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee until the LIRAP fee termination effective date as defined in Section 114.7 of this title. Of the \$8.50 remitted for OBD tests, \$6.00 constitutes the LIRAP fee as defined in Section 114.7 of this title. Upon the LIRAP fee termination effective date, vehicle owners in participating counties that are in the process of opting out of the LIRAP shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p>(C) Vehicle owners in counties not participating in the LIRAP shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AD)*, **	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
		<p>county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</p> <p><u>(4) In the Bexar County program area, vehicle owners shall remit \$2.50 for motor vehicles subject to vehicle emissions inspections to the DMV or county tax-assessor-collector at the time of annual vehicle registration as part of the vehicle emissions inspection fee.</u></p>	<p>As mentioned above, the collection of fees is consistent with EPA’s I/M program requirements at 40 CFR 51 Subpart S. Therefore, the revision to add new paragraph (4) to remit \$2.50 at the time of annual vehicle registration for vehicles subject to I/M is approvable.</p>
Section 114.82, Control Requirements	<p>(a) No person or entity may operate, or allow the operation of, a motor vehicle registered in the affected early action compact (EAC) counties that does not comply with:</p> <p>(1) all applicable air pollution emissions control-related requirements included in the annual vehicle safety inspection requirements administered by the Texas Department of Public Safety (DPS) as evidenced prior to the single sticker transition date as defined in §114.1 of this title (relating to Definitions) by a current valid inspection certificate affixed to the vehicle windshield, a current valid vehicle inspection report (VIR), or other form of proof authorized by the DPS;</p> <p>(2) beginning on the single sticker transition date, all applicable air pollution emissions control-related requirements included in the annual vehicle safety inspection requirements administered by the DPS as evidenced by a current valid vehicle registration insignia sticker affixed to the vehicle windshield or a current valid VIR, or other form of proof authorized by the DPS; and</p>	<p>(a) No person or entity may operate, or allow the operation of, a motor vehicle registered in the affected early action compact (EAC) counties that does not comply with:</p> <p>(1) all applicable air pollution emissions control-related requirements included in the annual vehicle safety inspection requirements administered by the Texas Department of Public Safety (DPS) as evidenced prior to the single sticker transition date as defined in §114.1 of this title (relating to Definitions) by a current valid inspection certificate affixed to the vehicle windshield, a current valid vehicle inspection report (VIR), or other form of proof authorized by the DPS;</p> <p>(2) beginning on the single sticker transition date, all applicable air pollution emissions control-related requirements included in the annual vehicle safety inspection requirements administered by the DPS as evidenced by a current valid vehicle registration insignia sticker affixed to the vehicle windshield or a current valid VIR, or other form of proof authorized by the DPS or the DMV; and</p>	<p>These edits provide clarity and are approvable.</p>

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AD)*, **	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
	<p>(3) the vehicle emissions inspection and maintenance (I/M) requirements contained in this subchapter.</p> <p>(b) All federal government agencies must require a motor vehicle operated by any federal government agency employee on any property or facility under the jurisdiction of the agency and located in an affected EAC county to comply with all vehicle emissions I/M requirements contained in the Austin Area Early Action Compact Ozone State Implementation Plan Revision. Commanding officers or directors of federal facilities shall certify annually to the executive director, or appointed designee, that all subject vehicles have been tested and are in compliance with the Federal Clean Air Act (42 United States Code, §§7401 et seq.). This requirement does not apply to visiting agency, employee, or military personnel vehicles as long as such visits do not exceed 60 calendar days per year.</p> <p>(c) A motorist in an affected EAC county who has received a notice from an emissions inspection station that there are unresolved recall items on the motor vehicle shall furnish proof of compliance with the recall notice prior to the next vehicle emissions inspection, such as a written statement from the dealership or leasing agency indicating that emissions repairs have been completed.</p> <p>(d) A motorist whose vehicle has failed an emissions test may request a challenge retest through DPS. If the retest is</p>	<p>(3) the vehicle emissions inspection and maintenance (I/M) requirements contained in this subchapter.</p> <p>(b) All federal government agencies must require a motor vehicle operated by any federal government agency employee on any property or facility under the jurisdiction of the agency and located in an affected EAC county to comply with all vehicle emissions I/M requirements contained in the Austin Area Early Action Compact Ozone State Implementation Plan Revision. Commanding officers or directors of federal facilities shall certify annually to the executive director, or appointed designee, that all subject vehicles have been tested and are in compliance with the Federal Clean Air Act (42 United States Code, §§7401 et seq.). This requirement does not apply to visiting agency, employee, or military personnel vehicles as long as such visits do not exceed 60 calendar days per year.</p> <p>(c) A motorist in an affected EAC county who has received a notice from an emissions inspection station that there are unresolved recall items on the motor vehicle shall furnish proof of compliance with the recall notice prior to the next vehicle emissions inspection, such as a written statement from the dealership or leasing agency indicating that emissions repairs have been completed.</p> <p>(d) A motorist whose vehicle has failed an emissions test may request a challenge retest through DPS. If the retest is</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AD)*, **	Discussion of EPA’s Applicable Regulation(s) and EPA’s Evaluation
	<p>conducted within 15 days of the initial inspection, the cost of the retest is free.</p> <p>(e) A motorist whose vehicle has failed an emissions test and has not requested a challenge retest or has failed a challenge retest shall have emissions-related repairs performed and submit a properly completed vehicle repair form in order to receive a retest. In order to receive a waiver or time extension, the motorist shall submit a vehicle repair form or applicable documentation as considered necessary by the DPS.</p> <p>(f) A motorist whose vehicle is registered in an affected EAC county, or in any county adjacent to an affected EAC county, and has failed an on-road test administered by the DPS shall:</p> <p>(1) submit the vehicle for an out-of-cycle vehicle emissions inspection within 30 days of written notice by the DPS; and</p> <p>(2) satisfy all inspection, extension, or waiver requirements of the vehicle emissions I/M program contained in the Austin Area Early Action Compact Ozone State Implementation Plan Revision.</p> <p>(g) A vehicle registered in a county without an I/M program that meets the applicability criteria of §114.80(c) of this title (relating to Applicability), and the ownership of which has changed through a retail sale as defined by Texas Motor Vehicle Commission Code, Article 4413(36), §1.03 (moved to Texas Occupations Code, §2301.002, effective June 1, 2003), is not eligible for title receipt or registration in an affected EAC program</p>	<p>conducted within 15 days of the initial inspection, the cost of the retest is free.</p> <p>(e) A motorist whose vehicle has failed an emissions test and has not requested a challenge retest or has failed a challenge retest shall have emissions-related repairs performed and submit a properly completed vehicle repair form in order to receive a retest. In order to receive a waiver or time extension, the motorist shall submit a vehicle repair form or applicable documentation as considered necessary by the DPS.</p> <p>(f) A motorist whose vehicle is registered in an affected EAC county, or in any county adjacent to an affected EAC county, and has failed an on-road test administered by the DPS shall:</p> <p>(1) submit the vehicle for an out-of-cycle vehicle emissions inspection within 30 days of written notice by the DPS; and</p> <p>(2) satisfy all inspection, extension, or waiver requirements of the vehicle emissions I/M program contained in the Austin Area Early Action Compact Ozone State Implementation Plan Revision.</p> <p>(g) A vehicle registered in a county without an I/M program that meets the applicability criteria of §114.80(c) of this title (relating to Applicability), and the ownership of which has changed through a retail sale as defined by Texas Motor Vehicle Commission Code, Article 4413(36), §1.03 (moved to Texas Occupations Code, §2301.002, effective June 1, 2003), is not eligible for title receipt or registration in an affected EAC program</p>	

TAC Chapter 114, Citation	SIP-Approved Provisions	Revisions Submitted December 18, 2023 (See Rule Project No. 2021-29-114-AI)*, **	Discussion of EPA's Applicable Regulation(s) and EPA's Evaluation
	<p>county with an I/M program unless proof is presented that the vehicle has passed an approved vehicle emissions inspection within 90 days before the title transfer. The evidence of proof required may be in the form of the vehicle inspection report or another proof of the program compliance as authorized by the DPS. All 1996 and newer model year vehicles with less than 50,000 miles are exempt from the test-on-resale requirements of this subsection.</p> <p>(h) State, governmental, and quasi-governmental agencies that fall outside the normal registration or inspection process must comply with all vehicle emissions I/M requirements contained in the Austin Area Early Action Compact Ozone State Implementation Plan Revision for vehicles primarily operated in I/M program areas.</p>	<p>county with an I/M program unless proof is presented that the vehicle has passed an approved vehicle emissions inspection within 90 days before the title transfer. The evidence of proof required may be in the form of the vehicle inspection report or another proof of the program compliance as authorized by the DPS. All 1996 and newer model year vehicles with less than 50,000 miles are exempt from the test-on-resale requirements of this subsection.</p> <p>(h) State, governmental, and quasi-governmental agencies that fall outside the normal registration or inspection process must comply with all vehicle emissions I/M requirements contained in the Austin Area Early Action Compact Ozone State Implementation Plan Revision for vehicles primarily operated in I/M program areas.</p>	

* Submitted revisions from Project 2022-026-114-A1 are indicated with a red font.

** Submitted revisions from Project 2021-029-114-AI are indicated by yellow highlighted text

B. Evaluation of the revisions to the Texas SIP with response to the San Antonio I/M Program Requirements

On November 29, 2023, the Commission adopted revisions to 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, and to the Texas I/M SIP implementing a new I/M program in Bexar County that will start on November 1, 2026. The rule and SIP revisions require all vehicle emissions inspection stations in Bexar County to offer On-Board Diagnostics (OBD) tests and set a maximum fee of \$18.50 for a vehicle emissions inspection conducted in Bexar County. The rule and SIP revisions maintained the current I/M program requirements for other areas.

Table 4 – Analysis of I/M SIP Requirements for the San Antonio Area

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
<p>51.350 Applicability.</p> <p>(d) <i>SIP requirements.</i> The SIP shall describe the applicable areas in detail and, consistent with § 51.372 of this subpart, shall include the legal authority or rules necessary to establish program boundaries.</p>	<p>The SIP Narrative adds the “Bexar County Program Area” and Sections 1.2 and 2.4.5 of the submitted SIP Narrative are updated to reflect expansion of the I/M program boundary into Bexar County.</p> <p>The submitted revisions to 30 TAC 114.2 add Bexar County to the Program area – the county or counties in which the Texas Department of Public Safety, in coordination with the TCEQ, administers the I/M program.</p> <p>Chapter 2 of the SIP Narrative, entitled “Applicability,” covers the “Legal Authority,” “Area Designations,” “Performance Standard,” and “Applicable Areas” in its respective subsections:</p> <ul style="list-style-type: none"> • Section 2.1 indicates that text from the 2009 I/M SIP Revision¹¹ remains current and unchanged—the legal authority for the Commission and the DPS to implement the I/M program is granted by the Texas Health and Safety Code, §§382.202 - 382.208, and the Texas Transportation Code, Chapters 502 and 548. This authority is not limited by Sunset provisions. • Section 2.2 notes that the CAA and 40 CFR, Part 51 Subpart S require a Basic vehicle emissions inspection program in ozone nonattainment areas classified as Moderate. • Section 2.3 indicates that Texas elected to develop an I/M program in each area that meets or exceeds the EPA’s Basic performance standard. • TCEQ’s performance standard modeling (PSM) analysis, included with these

¹¹ See page 21 of the Adopted SIP Revision: Inspection/Maintenance (I/M), Project No. 2009-035-114-SIP-NR (11/18/2010); EPA Approval: 7/25/2014, 79 FR 43264. <https://wayback.archive-it.org/414/20210529044543/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2009-035-IM/09035SIP-ado-rtc.pdf>

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
	<p>submissions, shows that the Bexar County I/M program, as detailed in section 3.2.2 of this SIP submission, meets or exceeds the emission reductions achieved by the model Basic I/M program of 40 CFR 51.352(e). TCEQ’s PSM analysis may be found in the docket and a further discussion of EPA’s review of the PSM may be found in the proposal for this action. As mentioned previously, Section 2.4 was updated to include the expansion of the Texas I/M Program into Bexar County (Subsection 2.4.5).</p> <p>This chapter satisfies all applicable requirements of 51.350.</p>
<p>51.352 Basic I/M performance standard.</p> <p><i>(e) Basic performance standard for areas designated non-attainment for the 8-hour ozone standard.</i></p>	<p>51.352(e) defines the Basic Performance Standard for 8-hour ozone NAAQS areas. The Basic I/M performance standard applies to the expansion of the Texas I/M program into Bexar County and is addressed via performance standard modeling (PSM) in the SIP.</p> <p>As mentioned above, Chapter 3, Section 3.2.2 of the Narrative entitled “Current Performance Standard Modeling” indicates that TCEQ performed the required PSM 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 MOVES Mobile Source Emissions Model” (EPA-420-B-22-034, October 2022). TCEQ specifically used the Basic performance standard that reflects the program design elements as specified in 51.352(e). The demonstration was conducted using the most current version of MOVES at the time of the analysis and a 2026 analysis year—the Bexar County program implementation year under the 2015 ozone NAAQS. The analysis was performed for Bexar County—which comprises the Bexar County 2015 ozone NAAQS nonattainment area.</p> <p>The State’s analysis demonstrates that the Bexar County area I/M program emissions are lower than the performance standard benchmark emissions.</p> <p>Note: The State does not need to have each and every I/M program design element of the Basic performance standard benchmark program of 51.352(e). They only need to design a program which meets or exceeds the emission reductions of the Basic performance standard as demonstrated by PSM. The Basic performance standard is achievable with an I/M program that does OBD testing of both Light Duty Vehicles (LDVs) and Light Duty Trucks (LDTs) because the Basic performance standard benchmark program is based only</p>

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
	<p>on OBD testing of LDVs (cars); and thus, the testing of trucks gives some flexibilities.</p> <p>This chapter satisfies all applicable requirements of 51.352, demonstrating that the Bexar County area I/M program performance requirement is met.¹²</p>
<p>51.353 Network type and program evaluation.</p> <p><i>(d) SIP requirements.</i></p> <p>(1) The SIP shall include a description of the network to be employed, the required legal authority, and, in the case of areas making claims under paragraph (b) of this section, the required demonstration.</p> <p>(2) The SIP shall include a description of the evaluation schedule and protocol, the sampling methodology, the data collection and analysis system, the resources and personnel for evaluation, and related details of the evaluation program, and the legal authority enabling the evaluation program.</p>	<p>Section 4.1 of the SIP Narrative provides a description of Texas’ I/M program as a “decentralized inspection and maintenance 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.”</p> <p>This chapter satisfies all applicable requirements of 51.353.</p>
<p>51.354 Adequate tools and resources.</p> <p><i>(d) SIP requirements</i></p> <p>(1) The SIP shall include a detailed budget plan which describes the source of funds for personnel, program administration, program enforcement, purchase of necessary equipment (such as vehicles for undercover audits), and any other requirements discussed throughout, for the period prior to the next biennial self-evaluation required in § 51.366 of this subpart.</p> <p>(2) The SIP shall include a description of personnel resources. The plan shall include the number of personnel dedicated to overt and covert auditing, data analysis, program administration, enforcement, and other necessary functions and the training attendant to each function.</p>	<p>Existing text from Chapter 5 of the 2005 I/M SIP Revision Narrative¹³ remains current and unchanged. The Narrative provides a detailed breakdown of the funding and personnel resources provided for the State’s I/M Program.</p> <p>Article 6 in the General Appropriations Act specifically earmarked funds available to develop, administer, evaluate, and maintain the vehicle emissions I/M program, including federally required reporting measures to demonstrate compliance with applicable federal and state laws.</p> <p>The Commission will maintain the administrative resources, personnel, and equipment necessary to perform all program functions and meet program requirements for all program areas.</p>

¹² 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 Proposed I/M Program in the Bexar County 2015 Ozone Nonattainment Area, 2026 Program Implementation Year, Proposed Program Assessment.*

¹³ See pages 11-12 of the of the Adopted SIP Revision: Inspection/Maintenance (I/M) El Paso SIP, Project No. 2005-026-114-EN (10/26/2005); EPA Approval: 7/25/2014, 79 FR 43264. <https://wayback.archive-it.org/414/20210529044602/https://www.tceq.texas.gov/assets/public/implementation/air/sip/ruledocs/im/05026114adoclean.pdf>

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
	This chapter satisfies all applicable requirements of 51.354.
<p>51.355 Test frequency and convenience.</p> <p>(a) The performance standards for I/M programs assume an annual test frequency; other schedules may be approved if the required emission targets are achieved. The SIP shall describe the test schedule in detail, including the test year selection scheme if testing is other than annual. The SIP shall include the legal authority necessary to implement and enforce the test frequency requirement and explain how the test frequency will be integrated with the enforcement process.</p>	<p>Existing text from Chapter 6 of the 2005 I/M SIP Revision Narrative ¹⁴ remains current and unchanged.</p> <p>Section 6.1 of the Narrative indicates that an annual emissions and gas cap integrity test is required for all subject vehicles as part of the annual safety inspection program. Test frequency implementation is detailed in 30 TAC §114.50.</p> <p>Section 6.2 covers “Test-on-Resale” of a vehicle, specifying that all vehicles registered in a county without an I/M program, then resold (change of ownership) into an affected county are not eligible for title receipt or registration unless proof is presented that the vehicle has passed an approved vehicle emissions test within 90 days before the title transfer.</p> <p>Section 6.3 covers “Testing Convenience.” The Texas I/M program utilizes existing, local businesses for the performance of emissions testing. Businesses in I/M program areas that wish to participate in the I/M program must upgrade existing or purchase new equipment certified by the TCEQ. The utilization of local businesses in the Texas I/M Program provides testing convenience for motorists who are able to have emissions and gas cap integrity tests performed on their vehicles at the same facilities that they have been accustomed to utilizing for state safety inspections.</p> <p>Vehicle inspection stations are required to test any subject vehicle presented for a test during the facility's testing hours. Testing hours must be at least eight hours per day, five days per week, for a minimum of 40 hours per week.</p> <p>Enforcement of the vehicle inspection program is further discussed in our analysis of 51.361 Motorist Compliance Enforcement (see below in this table).</p> <p>This chapter satisfies all applicable requirements of 51.355.</p>
<p>51.356 Vehicle coverage.</p> <p>(b) <i>SIP requirements</i></p> <p>(1) The SIP shall include a detailed description of the number and types of vehicles to be covered by the program, and a plan for how those vehicles are</p>	<p>Section 7.1 of the accompanying SIP Narrative adds vehicles registered and primarily operated in Bexar County to the list of subject vehicles required to have annual emissions inspections as part of the expansion of the I/M program into the San Antonio/Bexar County area.</p>

¹⁴ Ibid, See pages 13-14.

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
<p>to be identified, including vehicles that are routinely operated in the area but may not be registered in the area.</p> <p>(2) The SIP shall include a description of any special exemptions which will be granted by the program, and an estimate of the percentage and number of subject vehicles which will be impacted. Such exemptions shall be accounted for in the emission reduction analysis.</p> <p>(3) The SIP shall include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement.</p>	<p>The Narrative provides a table with the estimated number of subject vehicles by county based on the DMVs 2022 registration database (Bexar County’s number of subject vehicles is reported at 1, 337,139 vehicles).</p> <p>Existing text from Section 7.1.1 of the 2013 I/M SIP Revision Narrative¹⁵ covering “Compliance” remains current and unchanged—Subject vehicles must pass an emissions inspection at a facility certified to perform safety and emissions inspections by the DPS and receive a valid vehicle inspection report. Failure to pass I/M program requirements results in noncompliance of a vehicle.</p> <p>Section 7.1.2 of the Narrative covers “Remote Compliance,” and the issue of reciprocity with other I/M programs for vehicles that are registered in one Texas I/M program area, but are operated in another, noting that remote compliance becomes effective in the Bexar County program area on November 1, 2026.</p> <p>Existing text from Section 7.2 of the 2005 I/M SIP Revision Narrative¹⁶ covering “Exempt Vehicles” remains current and unchanged—the Texas Health and Safety Code exempts motorcycles, slow moving vehicles, military tactical vehicles, and diesel-powered vehicles, vehicles less than two years old, and vehicles 25 years old or older from emissions testing. Antique vehicles are also excluded from the I/M program, since they are 25 years old or older.</p> <p>Section 7.1.3 of the Narrative covers “Federal Vehicles.” Under CAA, §118(c), federal vehicles, except those identified as military tactical vehicles, operated in I/M program areas are required to comply with all provisions of the I/M program. This section was updated to note that the provision will apply to federal vehicles operating in the Bexar County program area on November 1, 2026.</p>

¹⁵ See pages 37-38 of the Adopted SIP Revision: Inspection and Maintenance (I/M) Program, Dallas-Fort Worth, Houston-Galveston-Brazoria, El Paso, Austin-Round Rock, Project No. 2013-041-SIP-NR (2/12/2014); EPA Approval 10/7/2016, 81 FR 69684. https://wayback.archive-it.org/414/20210529044527/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2013-035-IM/13041SIP_ado.pdf

¹⁶ See pages 17-18 of the Adopted SIP Revision: Inspection/Maintenance (I/M) El Paso SIP, Project No. 2005-026-114-EN (10/26/2005); EPA Approval: 7/25/2014, 79 FR 43264. <https://wayback.archive-it.org/414/20210529044602/https://www.tceq.texas.gov/assets/public/implementation/air/sip/ruledocs/im/05026114adoclean.pdf>

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
	<p>Existing text from Section 7.4 of the 2005 I/M SIP Revision Narrative ¹⁷ covering “U.S. Armed Forces Privately Owned Vehicles (POVs)” remains current and unchanged— The Soldiers and Sailors Relief Act of 1940, amended in 1974, allows a nonresident owner of a vehicle registered in another state, who is an active member of the U.S. armed forces, to operate the vehicle in Texas without being registered in Texas. Vehicles meeting these criteria are exempt from Texas registration, and therefore would not be subject to any respective I/M Program area requirements.</p> <p>Enforcement of the vehicle inspection program is further discussed in our analysis of 51.361 Motorist Compliance Enforcement (see below in this table).</p> <p>This chapter satisfies all applicable requirements of 51.356.</p>
<p>51.357 Test procedures and standards.</p> <p>(e) <i>SIP requirements.</i> The SIP shall include a description of each test procedure used. The SIP shall include the rule, ordinance or law describing and establishing the test procedures.</p>	<p>The requirements of 51.357 and 51.358 are addressed in Chapter 8, “Test Procedures, Standards, and Test Equipment,” of the accompanying SIP Narrative.</p> <p>Section 8.1 of the chapter identifies the requirements contained in 40 CFR §51.358 and remains current and unchanged from the 2009 I/M SIP Revision.¹⁸</p>
<p>51.358 Test equipment.</p> <p>(c) <i>SIP requirements.</i> The SIP shall include written technical specifications for all test equipment used in the program and shall address each of the above requirements (as applicable). The specifications shall describe the testing process, the necessary test equipment, the required features, and written acceptance testing criteria and procedures.</p>	<p>Section 8.2 of the Narrative concerning “Inspection Process and Standards” addresses the requirements of 51.357 and was updated to include the addition of Bexar County beginning on November 1, 2026.</p> <p>Section 8.3 of the Narrative concerning “Inspection Equipment and Required Features,” remains current and unchanged from the 2009 I/M SIP Revision.¹⁹</p> <p>Section 8.3.2 “TSI Inspection Equipment,” Section 8.3.3 “ASM Inspection Equipment,” and Section 8.3.4 “OBD Inspection Equipment” were updated with new verbiage and hyperlinks for accessing the most recent specifications for the test equipment online and otherwise remains unchanged from the 2009 I/M SIP Revision.</p>

¹⁷ Ibid, See pages 18-19.

¹⁸ See page 28 of the Adopted SIP Revision: Inspection/Maintenance (I/M), Project No. 2009-035-114-SIP-NR (11/18/2010); EPA Approval: 7/25/2014, 79 FR 43264. <https://wayback.archive-it.org/414/20210529044543/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2009-035-IM/09035SIP-ado-rtc.pdf>

¹⁹ Ibid, See pages 29-30.

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
	<p>Section 8.4 of the Narrative concerning “Acceptance Test Procedures,” remains current and unchanged from the 2009 I/M SIP Revision.²⁰</p> <p>Section 8.5 of the Narrative concerning “Inspection Equipment Certification Requirements,” was updated to include new hyperlinks and otherwise remains unchanged from the 2009 I/M SIP Revision.²¹</p> <p>Additionally, Sections 8.6 (“Detection Methods, Instrument Ranges, Accuracy and Repeatability”) and 8.7 (“References”) remain current and unchanged from the 2009 I/M SIP Revision.²²</p> <p>This chapter satisfies all applicable requirements of 51.357 and 51.358.</p>
<p>51.359 Quality control.</p> <p>(f) <i>SIP requirements.</i> The SIP shall include a description of quality control and record keeping procedures. The SIP shall include the procedure manual, rule, ordinance or law describing and establishing the quality control procedures and requirements.</p>	<p>Chapter 9 of the SIP Narrative, “Quality Control” remains current and unchanged from the 2009 I/M SIP Revision,²³ save for Section 9.1 being updated to include new hyperlinks.</p> <p>This chapter satisfies all applicable requirements of 51.359.</p>
<p>51.360 Waivers and compliance via diagnostic inspection.</p> <p>(d) <i>SIP requirements.</i></p> <p>(1) The SIP shall include a maximum waiver rate expressed as a percentage of initially failed vehicles. This waiver rate shall be used for estimating emission reduction benefits in the modeling analysis.</p> <p>(2) The State shall take corrective action if the waiver rate exceeds that committed to in the SIP or revise the SIP and the emission reductions claimed.</p> <p>(3) The SIP shall describe the waiver criteria and procedures, including cost limits, quality assurance methods and measures, and administration.</p>	<p>Existing text from Chapter 10 of the 2013 I/M SIP Revision Narrative²⁴ covering “Waivers and Time Extensions” addresses all requirements of 51.360 and remains current and unchanged— The Commission has adopted criteria for waivers which are issued by DPS in accordance with DPS procedures. Waivers are considered a form of compliance for vehicles that do not meet established emissions standards, but which do meet other specific criteria. Currently, the two types of waivers are the low-mileage vehicle waiver and the individual vehicle waiver.</p> <p>Each waiver has specific requirements for the vehicle and/or motorist which must be met prior it’s issuance. Waivers are issued only to vehicles which meet these requirements after they have failed the initial emissions inspection. Provided that the necessary criteria are met,</p>

²⁰ Ibid, See pages 32-38.

²¹ Ibid, See page 38.

²² Ibid, See pages 38-39.

²³ Ibid, See Pages 40-41.

²⁴ See pages 42-43 of the Adopted SIP Revision: Inspection and Maintenance (I/M) Program, Dallas-Fort Worth, Houston-Galveston-Brazoria, El Paso, Austin-Round Rock, Project No. 2013-041-SIP-NR (2/12/2014); EPA Approval: 10/7/2016, 81 FR 69684. https://wayback.archive-it.org/414/20210529044527/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2013-035-IM/13041SIP_ado.pdf

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
<p>(4) The SIP shall include the necessary legal authority, ordinance, or rules to issue waivers, set and adjust cost limits as required in paragraph (a)(5) of this section, and carry out any other functions necessary to administer the waiver system, including enforcement of the waiver provisions.</p>	<p>a vehicle that has received a waiver during one test cycle may receive another waiver during subsequent test cycles. Waivers will not be issued for more than one year.</p> <p>This chapter satisfies all applicable requirements of 51.360.</p>
<p>51.361 Motorist compliance enforcement.</p> <p>(c) <i>SIP requirements.</i></p> <p>(1) The SIP shall provide information concerning the enforcement process, including:</p> <p>(i) A description of the existing compliance mechanism if it is to be used in the future and the demonstration that it is as effective or more effective than registration-denial enforcement;</p> <p>(ii) An identification of the agencies responsible for performing each of the applicable activities in this section;</p> <p>(iii) A description of and accounting for all classes of exempt vehicles; and</p> <p>(iv) A description of the plan for testing fleet vehicles, rental car fleets, leased vehicles, and any other subject vehicles, e.g., those operated in (but not necessarily registered in) the program area.</p> <p>(2) The SIP shall include a determination of the current compliance rate based on a study of the system that includes an estimate of compliance losses due to loopholes, counterfeiting, and unregistered vehicles. Estimates of the effect of closing such loopholes and otherwise improving the enforcement mechanism shall be supported with detailed analyses.</p> <p>(3) The SIP shall include the legal authority to implement and enforce the program.</p>	<p>The Federal requirements for “Motorist Compliance and Enforcement” as they pertain to the Texas I/M program are described in detail in Chapter 11 of the Narrative.</p> <p>Existing text from Section 11.1 of the 2009 I/M SIP Revision Narrative²⁵ covering the “General” remains current and unchanged— Compliance is ensured through a re-registration denial and a sticker-based enforcement system. The I/M program is expected to achieve a compliance rate of 96 percent.</p> <p>Existing text from Section 11.2 of the 2013 I/M SIP Revision Narrative²⁶ covering the “Registration Denial” remains current and unchanged— ...the DPS is required to manage a database to contain emissions inspection data and transmit the vehicle inspection data and make it accessible to the DMV. The DMV is required to verify a vehicle’s compliance using the database to register a vehicle and notify the vehicle owner... Registered vehicle owners of non-compliant vehicles that do not comply with the I/M program are denied registration until the vehicle has complied with I/M program requirements.</p> <p>Section 11.3 of the Narrative concerning “Sticker-Based Enforcement” was updated to address Senate Bill 604 of the 86th Texas Legislature, 2019 which allowed for the display of a vehicle’s registration insignia for certain commercial fleet or governmental vehicles on a digital license plate in lieu of attaching the registration insignia to the vehicle’s windshield. The submitted revisions to 30 TAC 114.1 and 114.82 add provisions to this effect.</p>

²⁵ See page 43 of the Adopted SIP Revision: Inspection/Maintenance (I/M), Project No. 2009-035-114-SIP-NR (11/18/2010); EPA Approval: 7/25/2014, 79 FR 43264. <https://wayback.archive-it.org/414/20210529044543/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2009-035-IM/09035SIP-ado-rtc.pdf>

²⁶ See page 44 of the Adopted SIP Revision: Inspection and Maintenance (I/M) Program, Dallas-Fort Worth, Houston-Galveston-Brazoria, El Paso, Austin-Round Rock, Project No. 2013-041-SIP-NR (2/12/2014); EPA Approval: 10/7/2016, 81 FR 69684. https://wayback.archive-it.org/414/20210529044527/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2013-035-IM/13041SIP_ado.pdf

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(4) The SIP shall include a commitment to an enforcement level to be used for modeling purposes and to be maintained, at a minimum, in practice.	<p>Existing text from Section 11.4 of the 2009 I/M SIP Revision Narrative²⁷ covering the “Additional Enforcement Activities” remains current and unchanged.</p> <p>This chapter satisfies all applicable requirements of 51.361.</p>
<p>51.362 Motorist compliance enforcement program oversight.</p> <p>(c) <i>SIP requirements.</i> The SIP shall include a description of enforcement program oversight and information management activities.</p>	<p>Existing text from Chapter 12 of the 2013 I/M SIP Revision Narrative²⁸ covering “Enforcement Program Oversight” addresses all requirements of 51.362 and remains current and unchanged. In the 2013 Revision, Section 12.3, “Inspection Report” was renamed and updated.</p> <p>The Narrative Section in Chapter 12 on the “General” tenets of the Motorist Compliance Enforcement Program Oversight operations refers to the description given in the 2005 I/M SIP.²⁹</p> <p>The Narrative Section in Chapter 12 entitled, “Procedures” also refers to the description given in the 2005 I/M SIP Revision,³⁰ noting that these procedures are consistent with 40 CFR §51.362 and state law.</p> <p>Section 12.3 (previously mentioned) describes the Texas I/M program’s use of vehicle inspection reports (VIR) are designed to prevent vehicle registration insignia sticker counterfeiting and fraud.</p> <p>The Narrative sections on “Oversight,” “Computerized Testing,” and “Database” remain current and unchanged from their 2005 I/M SIP Revision iterations.³¹</p> <p>This chapter satisfies all applicable requirements of 51.362.</p>

²⁷ See page 44 of the Adopted SIP Revision: Inspection/Maintenance (I/M), Project No. 2009-035-114-SIP-NR (11/18/2010); EPA Approval: 7/25/2014, 79 FR 43264. <https://wayback.archive-it.org/414/20210529044543/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2009-035-IM/09035SIP-ado-rtc.pdf>

²⁸ See page 46 of the Adopted SIP Revision: Inspection and Maintenance (I/M) Program, Dallas-Fort Worth, Houston-Galveston-Brazoria, El Paso, Austin-Round Rock, Project No. 2013-041-SIP-NR (2/12/2014); EPA Approval: 10/7/2016, 81 FR 69684. https://wayback.archive-it.org/414/20210529044527/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2013-035-IM/13041SIP_ado.pdf

²⁹ See page 42 of the Adopted SIP Revision: Inspection/Maintenance (I/M) El Paso SIP, Project No. 2005-026-114-EN (10/26/2005); EPA Approval: 7/25/2014, 79 FR 43264. <https://wayback.archive-it.org/414/20210529044602/https://www.tceq.texas.gov/assets/public/implementation/air/sip/ruledocs/im/05026114adoclean.pdf>

³⁰ Ibid.

³¹ Ibid, pages 43-44.

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
<p>51.363 Quality assurance.</p> <p>(e) SIP requirements. The SIP shall include a description of the quality assurance program, and written procedures manuals covering both overt and covert performance audits, record audits, and equipment audits. This requirement does not include materials or discussion of details of enforcement strategies that would ultimately hamper the enforcement process.</p>	<p>Existing text from Chapter 13 of the 2013 I/M SIP Revision Narrative³² covering “Enforcement Program Oversight” addresses all requirements of 51.363 and remains current and unchanged.</p> <p>The Sections covering the “Overview” and “Performance Audits” (sections 13.1 and 13.2 respectively) in Chapter 13 refer to the previously approved description given in the 2005 I/M SIP Revision.³³ The DPS conducts overt and covert performance audits, record audits, and equipment audits at each emissions inspection lane or test bay (analyzer). In addition to scheduled audits, the DPS may perform random audits based on tips or complaints from consumers. The quality assurance (QA) procedures include operation and progress reports, in addition to overt and covert audits of emissions inspectors and stations.</p> <p>Section 13.3 of the 2013 I/M SIP Revision Narrative covers the topic of “Records Audits”—Vehicle inspection station and inspector records are reviewed at least monthly... An electronic database is used to perform computer analyses of emissions data in order to identify statistically inconsistent information, discrepancies, patterns, and unusual entries.</p> <p>The Sections covering the “Equipment Audits” and “Auditor Training and Proficiency” (sections 13.4 and 13.5 respectively) in Chapter 13 refer to the previously approved description given in the 2005 I/M SIP Revision.³⁴</p> <p>This chapter satisfies all applicable requirements of 51.363.</p>
<p>51.364 Enforcement against contractors, stations and inspectors.</p> <p>(d) <i>SIP requirements.</i></p>	<p>The accompanying SIP Narrative indicates that the existing text from Chapter 14 of the 2005 I/M SIP Revision Narrative, “Enforcement Against Contractors, Stations and Inspectors,”³⁵ remains current and unchanged—covering penalties, fines and the associated</p>

³² See page 47 of the Adopted SIP Revision: Inspection and Maintenance (I/M) Program, Dallas-Fort Worth, Houston-Galveston-Brazoria, El Paso, Austin-Round Rock, Project No. 2013-041-SIP-NR (2/12/2014)); EPA Approval: 10/7/2016, 81 FR 69684. https://wayback.archive-it.org/414/20210529044527/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2013-035-IM/13041SIP_ado.pdf

³³ Ibid, pages 45-47.

³⁴ Ibid, pages 47-48.

³⁵ See pages 49-50 of the Adopted SIP Revision: Inspection/Maintenance (I/M) El Paso SIP, Project No. 2005-026-114-EN (10/26/2005); EPA Approval: 7/25/2014, 79 FR 43264. <https://wayback.archive-it.org/414/20210529044602/https://www.tceq.texas.gov/assets/public/implementation/air/sip/ruledocs/im/05026114adoclean.pdf>

I/M SIP Requirements: 40 CFR Part 51 Subpart S	EPA’s Evaluation of the Submitted SIP Revisions
<p>(1) The SIP shall include the penalty schedule and the legal authority for establishing and imposing penalties, civil fines, license suspension, and revocations.</p> <p>(2) In the case of State constitutional impediments to immediate suspension authority, the State Attorney General shall furnish an official opinion for the SIP explaining the constitutional impediment as well as relevant case law.</p> <p>(3) The SIP shall describe the administrative and judicial procedures and responsibilities relevant to the enforcement process, including which agencies, courts, and jurisdictions are involved; who will prosecute and adjudicate cases; and other aspects of the enforcement of the program requirements, the resources to be allocated to this function, and the source of those funds. In States without immediate suspension authority, the SIP shall demonstrate that sufficient resources, personnel, and systems are in place to meet the three day case management requirement for violations that directly affect emission reductions.</p>	<p>administrative process and legal authority to adjudicate and assess them.</p> <p>This chapter satisfies all applicable requirements of 51.364.</p>
<p>51.366 Data analysis and reporting.</p> <p>(f) <i>SIP requirements.</i> The SIP shall describe the types of data to be collected.</p>	<p>The accompanying SIP Narrative indicates that the existing text from Chapter 16 of the 2005 I/M SIP Revision Narrative, “Data Analysis and Reporting,”³⁶ remains current and unchanged.</p> <p>This chapter satisfies all applicable requirements of 51.366.</p>
<p>51.367 Inspector training and licensing or certification.</p> <p>(c) <i>SIP requirements.</i> The SIP shall include a description of the training program, the written and hands-on tests, and the licensing or certification process.</p>	<p>The accompanying SIP Narrative indicates that the existing text from Chapter 17 of the 2005 I/M SIP Revision Narrative, “Inspector Licensing and Certification,”³⁷ remains current and unchanged.</p> <p>This chapter satisfies all applicable requirements of 51.367.</p>
<p>51.369 Improving repair effectiveness.</p> <p>(d) <i>SIP requirements.</i> The SIP shall include a description of the technical assistance program to be implemented, a description of the procedures and criteria to be used in meeting the performance monitoring requirements of this section, and a</p>	<p>The accompanying SIP Narrative indicates that the existing text from Chapter 19 of the 2005 I/M SIP Revision Narrative, “Inspector Licensing and Certification,”³⁸ remains current and unchanged.</p> <p>This chapter satisfies all applicable requirements of 51.369.</p>

³⁶ Ibid, See pages 53-57.

³⁷ Ibid, See pages 58-63.

³⁸ Ibid, See pages 68-70.

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description of the repair technician training resources available in the community.	
<p>51.371 On-road testing.</p> <p>(b) <i>SIP requirements.</i></p> <p>(1) The SIP shall include a detailed description of the on-road testing program, including the types of testing, test limits and criteria, the number of vehicles (the percentage of the fleet) to be tested, the number of employees to be dedicated to the on-road testing effort, the methods for collecting, analyzing, utilizing, and reporting the results of on-road testing and, the portion of the program budget to be dedicated to on-road testing.</p> <p>(2) The SIP shall include the legal authority necessary to implement the on-road testing program, including the authority to enforce off-cycle inspection and repair requirements (where applicable).</p> <p>(3) Emission reduction credit for on-road testing programs shall be granted for a program designed to obtain measurable emission reductions over and above those already predicted to be achieved by other aspects of the I/M program. Emission reduction credit will only be granted to those programs which require out-of-cycle repairs for confirmed high-emitting vehicles identified under the on-road testing program. The SIP shall include technical support for the claimed additional emission reductions.</p>	<p>Chapter 21 of the SIP Narrative, “On-Road Testing,” indicates that the existing text from the 2005 I/M SIP Revision³⁹ remains current and unchanged.</p> <p>The SIP Narrative notes, “Basic I/M programs are not required to use remote sensing; however, TCEQ and DPS may review its use in Bexar County in the future” (See page 21-1 of the Narrative).</p> <p>This chapter satisfies all applicable requirements of 51.371.</p>
<p>51.372 State Implementation Plan submissions.</p> <p>(a) <i>SIP submittals.</i> <i>The SIP shall address each of the elements covered in this subpart, including, but not limited to:...</i></p> <p>(2) An analysis of emission level targets for the program using the most current EPA mobile source emission model or an alternative approved by the Administrator showing that the program meets the performance standard described in § 51.351 or § 51.352 of this subpart, as applicable;</p>	<p>This table complies with the SIP submission elements required therein.</p> <p>In addition, 51.372(a)(2) requires the applicable performance standard (in this case, the Basic performance standard found at 51.352) be addressed via PSM in the SIP (see above for relevant analysis and evaluation).</p>

³⁹ Ibid, See pages 72-74.

C. Evaluation of the revisions to the Texas SIP with respect to section 110(l) of the CAA

The submitted revisions to TAC Chapter 114 add clarity, consistency, and stringency to the Texas SIP. The proposed I/M Program plan and rulemaking revisions to implement a Basic I/M Program in Bexar County do not relax the current SIP rules and are consistent with federal rules, including, but not limited to 40 CFR 51 Subpart S and 40 CFR 1090.285(b) and (c). We do not expect these revisions to interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Act.⁴⁰ We are proposing to approve these SIP revisions.

IV. Conclusion

The technical analysis provided above addresses the December 18, 2023, submitted revisions to the Texas SIP. Our analysis finds that the submitted revisions are consistent with the CAA and the EPA's policy and guidance on general SIP and I/M program requirements.⁴¹

The EPA is proposing to approve the following revisions to the Texas SIP, submitted to the EPA on December 18, 2023:

- Revisions to TAC Chapter 114, Subchapter A, Section 114.1
- Revisions to TAC Chapter 114, Subchapter A, Section 114.2
- Revisions to TAC Chapter 114, Subchapter C, Section 114.50
- Revisions to TAC Chapter 114, Subchapter C, Section 114.53
- Revisions to TAC Chapter 114, Subchapter C, Section 114.82

⁴⁰ See CAA section 110(l).

⁴¹ See CAA Section 182(b)(4) and 40 CFR part 51, Subpart S