TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 18, 2023

Docket No. 2023-0318-SIP
Project No. 2022-027-SIP-NR

Earthea Nance, PhD, PE
Regional Administrator
U.S. Environmental Protection Agency - Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

Dear Dr. Nance:

On November 29, 2023, the Texas Commission on Environmental Quality (Commission) adopted revisions to the State Implementation Plan (SIP) for the control of ozone air pollution for the Bexar County Inspection and Maintenance (I/M) Program for the 2015 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) Moderate Nonattainment Area (Bexar County I/M SIP Revision).

The Commission adopted the Bexar County I/M SIP Revision to address the federal Clean Air Act requirement for moderate ozone nonattainment areas to implement a basic vehicle I/M program. The adopted SIP revision would implement a vehicle I/M program in the Bexar County 2015 ozone NAAQS nonattainment area. The associated adopted revisions to 30 Texas Administrative Code (TAC) Chapter 114 (Rule Project No. 2022-026-114-AI) expand the existing I/M program into the Bexar County 2015 ozone NAAQS nonattainment area and will be submitted separately. The adopted SIP revision also incorporates minor changes from a previously adopted 30 TAC Chapter 114 rulemaking (Rule Project No. 2021-029-114-AI) that implemented applicable sections of Senate Bill 604, 86th Texas Legislature, 2019 that is being submitted separately but concurrently with this I/M SIP revision.

Enclosed are the proposed revisions to the SIP, a public hearing certification, a complete record of the public hearing, and the accompanying order. I look forward to your expeditious approval of this SIP revision.

Sincerely,

Jon Niermann
Chairman

JN/TS/jz

Enclosures

cc: The Honorable Greg Abbott, Governor of Texas
Ms. Catarina Gonzales, Office of Budget and Policy, Office of the Governor
Ms. Kelly Keel, Interim Executive Director, Texas Commission on Environmental Quality

Texas Commission on Environmental Quality

Docket No. 2023-0318-SIP
Project No. 2022-027-SIP-NR

THE STATE OF TEXAS

COUNTY OF TRAVIS

This is to certify that the attached electronic file is included and that the electronic file is a true and correct copy of documents for a revision to the Texas State Implementation Plan, adopted on November 29, 2023, pursuant to 40 Code of Federal Regulations § 51.104. I am the records administrator for the Air Quality Division of the Texas Commission on Environmental Quality (Commission).

Donna F. Huff
Deputy Director, Air Quality Division
Texas Commission on Environmental Quality

Texas Commission on Environmental Quality
Public Hearing
July 13, 2023

Concerning Revisions to the State Implementation Plan for the Bexar County Inspection and Maintenance Program

Project No. 2022-027-SIP-NR

INTRODUCTION

The Texas Commission on Environmental Quality (TCEQ or commission) scheduled a public hearing in San Antonio, Texas on July 13, 2023, to receive testimony regarding the proposed Bexar County Inspection and Maintenance (I/M) State Implementation Plan (SIP) Revision. The SIP revision implements a vehicle I/M program in the Bexar County 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS) nonattainment area by no later than November 1, 2026. The SIP revision incorporates an associated 30 Texas Administrative Code (TAC) Chapter 114 rulemaking that expands the existing I/M program into the Bexar County 2015 ozone NAAQS nonattainment area. The SIP revision also incorporates minor changes from a prior 30 TAC Chapter 114 rulemaking that implemented applicable sections of Senate Bill 604, 86th Texas Legislature, 2019.

The comment period closed on July 17, 2023. All testimony and comments have been reviewed and seriously considered. This hearing record contains a complete record of the public hearing and is divided into the following four sections:

- Public Notification and Proposal
- Written and Oral Testimony
- Evaluation of Testimony
- Staff Recommendation (including Order)

Additional copies of this hearing record are maintained in the TCEQ central office at 12100 Park 35 Circle, Austin, Texas 78753. For further information, please contact Stephanie Frederick at (512) 239-1001.

PUBLIC NOTICE & PROPOSAL

PUBLIC NOTIFICATION

Notification to the public of the proposed revision was conducted by the following procedures:

1. Publication of notice of the public hearing in the following newspapers on the date listed:

   San Antonio Express News (English & Spanish): June 2, 2023

2. Publication of the Notice of Public Hearing in the June 16, 2023 issue of the *Texas Register* (48 TexReg 3339).

3. Correspondence forwarding the Notice of Public Hearing to the following officials and agencies:

   Alamo Area Council of Governments
   Bexar County Judge
   Capital Area Planning Council
   City of Dallas, Department of Aviation
   City of Dallas, Office of Environmental Quality
   City of El Paso, Environmental Services
   City of Fort Worth, Code Compliance Environmental Section
   City of Houston, Department of Health and Human Services
   City of San Antonio, Mayor's Office
   East Texas Council of Governments
   El Paso Metropolitan Planning Organization
   Federal Highway Administration
   Galveston County Health District
   Harris County Public Health and Environmental Services

Houston-Galveston Area Council

North Central Texas Council of Governments

South East Texas Regional Planning Commission

Texas Department of Transportation

Victoria Metropolitan Planning Organization

Arkansas Department of Pollution Control and Ecology

Central States Air Resource Agencies Association

Louisiana Department of Environmental Quality

New Mexico Environmental Department

Oklahoma Department of Environmental Quality

United States Environmental Protection Agency

EXAMPLE OF NEWSPAPER CLASSIFIED AD

San Antonio Express-News, June 2, 2023

AVISO DE AUDIENCIA PÚBLICA SOBRE LAS REVISIONES PROPUESTAS AL PLAN DE IMPLEMENTACIÓN ESTATAL Y LA NORMATIVA PROPUESTA

La Comisión de Calidad Ambiental de Texas (TCEQ, en inglés) ofrecerá una audiencia pública en San Antonio el 13 de julio de 2023 a las 7:00 p.m. en la sala de juntas del Concejo de Gobiernos del Área del Alamo ubicada en 2700 Northeast Loop 410, Suite 101. La audiencia se ofrece para recibir testimonios sobre las reglas de calidad del aire propuestas y las revisiones propuestas al plan de implementación estatal (SIP, en inglés) que resultan de la reclasificación del área de condado de Bexar de incumplimiento marginal a moderado para el Estándar Nacional de Calidad del Aire Ambiental (NAAQS, en inglés) de ozono de ocho horas de 2015 (Números de proyecto: 2022-026-114-AI, 2022-024-SIP-NR, 2022-025-SIP-NR, y 2022-027-SIP-NR). La audiencia se llevará a cabo en inglés, y los servicios de interpretación en español estarán disponibles. Para obtener más información, visite la página web de Texas SIP Revisions en https://www.tceq.texas.gov/airquality/sip/sipplans.html#prosips.

NOTICE OF PUBLIC HEARING ON PROPOSED REVISIONS TO THE STATE IMPLEMENTATION PLAN AND PROPOSED RULEMAKING

The Texas Commission on Environmental Quality (TCEQ) will offer a public hearing in San Antonio on July 13, 2023 at 7:00 p.m. in the Alamo Area Council of Governments board room located at 2700 Northeast Loop 410, Suite 101. The hearing is offered to receive testimony regarding proposed air quality rules and state implementation plan (SIP) revisions resulting from reclassification of Bexar County from marginal to moderate nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS) (Project Nos.: 2022-026-114-AI, 2022-024-SIP-NR, 2022-025-SIP-NR, and 2022-027-SIP-NR). The hearing will be conducted in English, and Spanish language interpretation services will be made available. For more information, visit the Texas SIP Revisions webpage at https://www.tceq.texas.gov/airquality/sip/sipplans.html#prosips.

30 days after monitoring results from a release detection method indicated a release may have occurred; and 30 TAC §334.50(d)(9)(A)(iv) and §334.72, by failing to report to the TCEQ within 24 hours after monitoring results from a release detection method indicated a release may have occurred; PENALTY: $23,675; STAFF ATTORNEY: Cynthia Sirois, Litigation, MC 175, (512) 239-3392; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202302082
Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: June 6, 2023

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Notice of Public Hearing on Proposed Revisions to the State Implementation Plan

The Texas Commission on Environmental Quality (commission) will offer a public hearing to receive testimony regarding proposed state implementation plan (SIP) revisions resulting from reclassification of the Houston-Galveston-Brazoria (HGB) area from marginal to moderate nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS) under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

The proposed revisions to the SIP include a demonstration that includes a photochemical modeling analysis and a weight-of-evidence assessment that meets EPA modeling guidance (Project No. 2022-022-SIP-NR) and a demonstration that includes an analysis of reasonable further progress (RFP) towards attainment (Project No. 2022-023-SIP-NR). Both proposed SIP revisions include motor vehicle emissions budgets for the 2023 attainment year.

The commission will offer a public hearing on these proposals in Houston on July 11, 2023 at 7:00 p.m. CDT at the Houston-Galveston Area Council, located at 3555 Timmons Lane #100. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

The hearing will be conducted in English, and Spanish language interpretation services will be made available. Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Brad Patterson, Office of the Chief Clerk at (512) 239-1201 or (800) RELAY-TX (TDD). Requests should be made as far in advance as possible.

Written comments may be submitted to Vanessa T. De Arman, MC 206, Office of Air, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to either (512) 239-4804 or *fax4808@tceq.texas.gov.* Electronic comments may be submitted via Public Comment system at: *https://tceq.commentinput.com/.* File size restrictions may apply. All comments should reference the respective project number.

The comment period closes at 11:59 p.m. CDT on July 17, 2023. Information concerning the proposed SIP revisions, including proposal documents and instructions for providing public comment, is available at *https://www.tceq.texas.gov/airquality/sip/hgb/hgb-latest-ozone.* For further information, please contact the project manager for the proposed project: for Project No. 2022-022-SIP-NR, contact Vanessa T. De Arman, at (512) 239-5609 and for Project No. 2022-023-SIP-NR, contact Denine Calvin, at (512) 239-0613.

TRD-202302049
Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: June 2, 2023

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Notice of Public Hearing on Proposed Revisions to the State Implementation Plan

The Texas Commission on Environmental Quality (commission) will offer a public hearing to receive testimony regarding proposed air quality rules and state implementation plan (SIP) revisions resulting from reclassification of Bexar County from marginal to moderate nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS) under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

The proposed rulemaking concerns amendments to 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles (Project No. 2022-026-114-AI). Proposed amendments include implementing a vehicle emissions inspection and maintenance (I/M) program in Bexar County. The proposed revisions to the SIP include: an I/M SIP revision that would expand an I/M program to Bexar County beginning no later than November 1, 2026 (Project 2022-027-SIP-NR); a demonstration that includes a photochemical modeling analysis and a weight-of-evidence assessment that meets EPA modeling guidance (Project No. 2022-025-SIP-NR); and a demonstration that includes an analysis of reasonable further progress (RFP) towards attainment (Project No. 2022-024-SIP-NR). Both the photochemical modeling and RFP demonstration SIP revisions include motor vehicle emissions budgets for the 2023 attainment year.

The commission will offer a public hearing on these proposals in San Antonio on July 13, 2023 at 7:00 p.m. CDT in the Alamo Area Council of Governments board room, located at 2700 NE Loop 410, Suite 101. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposals 30 minutes prior to the hearing.

The hearing will be conducted in English, and Spanish language interpretation services will be made available. Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Brad Patterson, Office of the Chief Clerk at (512) 239-1201 or (800) RELAY-TX (TDD). Requests should be made as far in advance as possible.

Information concerning the proposed rules, including proposal documents and instructions for providing public comment, is available at https://www.tceq.texas.gov/rules/propose_adopt.html. Information concerning the proposed SIP revisions, including proposal documents and instructions for providing public comment, is available at https://www.tceq.texas.gov/airquality/sip/san/san-latest-ozone.

The comment period closes at 11:59 p.m. CDT on July 17, 2023. Written comments will be accepted through the TCEQ's *Public Comment* system at: *https://tceq.commentinput.com/.* File size restrictions may apply. All comments should reference the respective project number. For additional submission methods or information, contact the project

manager for the proposed project: for Project No. 2022-026-114-AI, contact Edgar Gilmore at (512) 239-2069; for Project Nos. 2022-027-SIP-NR and 2022-025-SIP-NR, contact Alison Stokes at (512) 239-4902; and for Project No. 2022-024-SIP-NR, contact Vanessa De Arman at (512) 239-5609.

TRD-202302050
Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: June 2, 2023

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Notice of Public Hearing on Proposed Revisions to the State Implementation Plan

The Texas Commission on Environmental Quality (commission) will offer a public hearing to receive testimony regarding proposed state implementation plan (SIP) revisions resulting from reclassification of the Dallas-Fort Worth (DFW) area from marginal to moderate nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS). The hearing will also be offered to receive testimony regarding proposed air quality rules resulting from reclassification of the DFW area from serious to severe nonattainment for the 2008 eight-hour ozone NAAQS. These proposals are made under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

The proposed revisions to the SIP include a demonstration that includes a photochemical modeling analysis and a weight-of-evidence assessment that meets EPA modeling guidance (Project No. 2022-021-SIP-NR) and a demonstration that includes an analysis of reasonable further progress towards attainment (Project No. 2022-023-SIP-NR). Both proposed SIP revisions include motor vehicle emissions budgets for the 2023 attainment year. The proposed rulemaking concerns amendments to 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles (Project No. 2022-026-114-AI). Proposed amendments include removing Ellis, Johnson, Kaufman, Parker, Rockwall, and Wise Counties from the list of affected counties required to comply with the state's low Reid Vapor Pressure control requirements.

The commission will offer a public hearing on these proposals in Arlington on July 6, 2023 at 7:00 p.m. CDT in the Arlington City Council Chambers, located at 101 West Abrams Street. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

The hearing will be conducted in English, and Spanish language interpretation services will be made available. Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Brad Patterson, Office of the Chief Clerk at (512) 239-1201 or (800) RELAY-TX (TDD). Requests should be made as far in advance as possible.

Written comments may be submitted to Denine Calvin, MC 206, Office of Air, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to either (512) 239-4804 or *fax4808@tceq.texas.gov.* Electronic comments may be submitted via the *Public Comment* system at: *https://tceq.commentinput.com/.* File size restrictions may apply. All comments should reference the respective project number.

The comment period closes at 11:59 p.m. CDT on July 17, 2023. Information concerning the proposed rules, including proposal documents and instructions for providing public comment, is available at https://www.tceq.texas.gov/rules/propose_adopt.html. Information concerning the proposed SIP revisions, including proposal documents and instructions for providing public comment, is available at https://www.tceq.texas.gov/airquality/sip/dfw/dfw-latest-ozone. For further information, please contact the project manager for the proposed project: for Project Nos. 2022-021-SIP-NR and 2022-023-SIP-NR, contact Denine Calvin, at (512) 239-0613 and for Project No. 2022-026-114-AI, contact Edgar Gilmore at (512) 239-2069.

TRD-202302051
Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: June 2, 2023

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Notice of Public Meeting New Permit No. WQ0016247001

APPLICATION. Quadvest, L.P., 26926 Farm-to-Market Road 2978, Magnolia, Texas 77354, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016247001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day. TCEQ received this application on November 14, 2022.

The facility will be located approximately 2.8 miles south of the intersection of Betka Road and Cochran Road, in Waller County, Texas 77484. The treated effluent will be discharged via pipe to a detention pond and channel, thence to an unnamed tributary, thence to an unnamed impoundment, thence to Dodd Lake, thence to an unnamed tributary, thence to Harris Creek, thence to Irons Creek, thence to Brazos River Below Navasota River in Segment No. 1202 of the Brazos River Basin. The unclassified receiving water uses are limited aquatic life use for the detention pond and channel and for the unnamed tributary upstream of the unnamed impoundment, and high aquatic life use for the unnamed impoundment and Dodd Lake and for the unnamed tributary downstream of Dodd Lake. The designated uses for Segment No. 1202 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in the unnamed impoundment, Dodd Lake, and the unnamed tributary downstream of Dodd Lake, which have been identified as having high aquatic life uses. Existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.991666,29.980833&level=18.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

NOTICE OF PUBLIC HEARING ON PROPOSED REVISIONS TO

THE STATE IMPLEMENTATION PLAN

The Texas Commission on Environmental Quality (commission) will offer a public hearing to receive testimony regarding proposed air quality rules and state implementation plan (SIP) revisions resulting from reclassification of Bexar County from marginal to moderate nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS) under the requirements of Texas Health and Safety Code, §382.017; Texas Government Code, Chapter 2001, Subchapter B; and 40 Code of Federal Regulations §51.102 of the United States Environmental Protection Agency (EPA) concerning SIPs.

The proposed rulemaking concerns amendments to 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles (**Project No. 2022-026-114-AI**). Proposed amendments include implementing a vehicle emissions inspection and maintenance (I/M) program in Bexar County. The proposed revisions to the SIP include: an I/M SIP revision that would expand an I/M program to Bexar County beginning no later than November 1, 2026 (**Project 2022-027-SIP-NR**); a demonstration that includes a photochemical modeling analysis and a weight-of-evidence assessment that meets EPA modeling guidance (**Project No. 2022-025-SIP-NR)**; and a demonstration that includes an analysis of reasonable further progress (RFP) towards attainment (**Project No. 2022-024-SIP-NR**). Both the photochemical modeling and RFP demonstration SIP revisions include motor vehicle emissions budgets for the 2023 attainment year.

The commission will offer a public hearing on these proposals in San Antonio on July 13, 2023 at 7:00 p.m. CDT in the Alamo Area Council of Governments board room, located at 2700 NE Loop 410, Suite 101. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposals 30 minutes prior to the hearing.

The hearing will be conducted in English, and Spanish language interpretation services will be made available. Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Brad Patterson, Office of the Chief Clerk at (512) 239-1201 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

Information concerning the proposed rules, including proposal documents and instructions for providing public comment, is available at *https://www.tceq.texas.gov/rules/propose_adopt.html*. Information concerning the proposed SIP revisions, including proposal documents and instructions for providing public comment, is available at *https://www.tceq.texas.gov/airquality/sip/san/san-latest-ozone*.

The comment period closes at 11:59 p.m. CDT on July 17, 2023. Written comments will be accepted through the TCEQ's *Public Comment* system at: *https://tceq.commentinput.com/*. File size restrictions may apply. All comments should reference the respective project number. For additional submission methods or information, contact the project manager for the proposed

project: for **Project No. 2022-026-114-AI**, contact Edgar Gilmore at (512) 239-2069; for **Project Nos. 2022-027-SIP-NR** and **2022-025-SIP-NR**, contact Alison Stokes at (512) 239-4902; and for **Project No. 2022-024-SIP-NR**, contact Vanessa De Arman at (512) 239-5609.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

NOTIFICACION DE AUDIENCIA PUBLICA SOBRE LA REVISION PROPUESTA

DEL PLAN DE IMPLEMENTACION ESTATAL

La Comisión de Calidad Ambiental de Texas (comisión) ofrecerá una audiencia pública para recibir testimonios sobre las reglas de calidad del aire propuestas y las revisiones del plan de implementación estatal (SIP) resultantes de la reclasificación del condado de Bexar de incumplimiento marginal a moderado para el Estándar Nacional de Calidad del Aire Ambiental (NAAQS) de ozono de ocho horas de 2015, bajo los requisitos del Código de Salud y Seguridad de Texas, §382.017; Código de Gobierno de Texas, Capítulo 2001, Subcapítulo B; y 40 Código de Regulaciones Federales §51.102 de la Agencia de Protección Ambiental de los Estados Unidos (EPA) con respecto a los SIP.

La reglamentación propuesta se refiere a las enmiendas al 30 Código Administrativo de Texas (TAC), Capítulo 114, Control de la Contaminación del Aire por Vehículos Motorizados (**Proyecto de Regla No. 2022-026-114-AI**). Las enmiendas propuestas incluyen la implementación de un programa de inspección y mantenimiento (I/M) de emisiones de vehículos en el condado de Bexar. Las revisiones propuestas al SIP incluyen: una revisión del SIP I/M que expandiría un programa I/M al condado de Bexar a partir del 1 de noviembre de 2026 a más tardar (**Proyecto No. 2022-027-SIP-NR**); una demostración que incluye un análisis de modelado fotoquímico y una evaluación del peso de la evidencia que cumple con la guía de modelado de la EPA (**Proyecto No. 2022-025-SIP-NR**); y una demostración que incluye un análisis del progreso adicional razonable (RFP) hacia el logro (**Proyecto No. 2022-024-SIP-NR**). Tanto el modelado fotoquímico como las revisiones SIP de demostración de RFP incluyen presupuestos de emisiones de vehículos motorizados para el año de cumplimiento 2023.

La comisión ofrecerá una audiencia pública sobre estas propuestas en San Antonio el 13 de julio de 2023 a las 7:00 p. m. CDT en la sala de juntas del Consejo de Gobiernos del Área de Alamo, ubicada en 2700 NE Loop 410, Suite 101. La audiencia está estructurada para recibir comentarios orales o escritos de las personas interesadas. Los particulares podrán presentar declaraciones orales cuando sean llamados por orden de inscripción. No se permitirá la discusión abierta durante la audiencia; sin embargo, los miembros del personal de la comisión estarán disponibles para discutir las propuestas 30 minutos antes de la audiencia.

La audiencia se llevará a cabo en inglés y se pondrán a disposición servicios de interpretación en español. Las personas que tienen necesidades especiales de comunicación u otras adaptaciones que planean asistir a la audiencia deben comunicarse con Brad Patterson, Oficina del Secretario Principal al (512) 239-1201 o 1-800-RELAY-TX (TDD). Las solicitudes deben hacerse con la mayor anticipación posible.

La información sobre las reglas propuestas, incluidos los documentos de la propuesta y las instrucciones para proporcionar comentarios públicos, está disponible en *https://www.tceq.texas.gov/rules/propose_adopt.html*. La información sobre las revisiones propuestas del SIP, incluidos los documentos de la propuesta y las instrucciones para proporcionar comentarios públicos, está disponible en *https://www.tceq.texas.gov/airquality/sip/san/san-latest-ozone*.

El período de comentarios cierra a las 11:59 p.m. CDT el 17 de julio de 2023. Se aceptarán comentarios escritos a través del sistema de comentarios públicos de la TCEQ en: *https://tceq.commentinput.com/*. Pueden aplicarse restricciones de tamaño de archivo. Todos los comentarios deben hacer referencia al número de proyecto respectivo. Para obtener información o métodos de presentación adicionales, comuníquese con el gerente del proyecto para el proyecto propuesto: para el **Proyecto No. 2022-026-114-AI**, comuníquese con Edgar Gilmore al (512) 239-2069; para los **Proyectos Nos. 2022-027-SIP-NR** y **2022-025-SIP-NR**, comuníquese con Alison Stokes al (512) 239-4902; y para el **Proyecto No. 2022-024-SIP-NR**, comuníquese con Vanessa De Arman al (512) 239-5609.

REVISIONS TO THE STATE IMPLEMENTATION PLAN FOR
MOBILE SOURCE STRATEGIES

TEXAS INSPECTION AND MAINTENANCE STATE
IMPLEMENTATION PLAN

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

BEXAR COUNTY INSPECTION AND MAINTENANCE STATE IMPLEMENTATION PLAN REVISION

PROJECT NUMBER 2022-027-SIP-NR

Proposal
May 31, 2023

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EXECUTIVE SUMMARY

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

This I/M SIP revision is being proposed in conjunction with the 30 Texas Administrative Code (TAC) Chapter 114 rulemaking concerning the Expansion of Vehicle I/M to Bexar County and Removal of Six Dallas-Fort Worth (DFW) Counties from the Regional Low Reid Vapor Pressure (RVP) Gasoline Program (Project No. 2022-026-114-AI). This proposed SIP revision would incorporate into the SIP rules that would amend 30 TAC Chapter 114, Subchapters A and C, to add program-related definitions, identify vehicles in Bexar County that would be subject to vehicle emissions inspections, require emissions inspection stations in Bexar County to offer the on-board diagnostics (OBD) test approved by the EPA, and establish the maximum fee that Bexar County emissions inspection stations may charge for the OBD test.

This proposed SIP revision would also include I/M performance standard modeling for Bexar County as required by the EPA.

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

SECTION V: LEGAL AUTHORITY

General

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

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

Originally, the TCAA stated that the Texas Air Control Board (TACB) was the state air pollution control agency and was the principal authority in the state on matters relating to the quality of air resources. In 1991, the legislature abolished the TACB effective September 1, 1993, and its powers, duties, responsibilities, and functions were transferred to the Texas Natural Resource Conservation Commission (TNRCC). In 2001, the 77th Texas Legislature continued the existence of the TNRCC until September 1, 2013 and changed the name of the TNRCC to the TCEQ. In 2009, the 81st Texas Legislature, during a special session, amended section 5.014 of the Texas Water Code, changing the expiration date of the TCEQ to September 1, 2011, unless continued in existence by the Texas Sunset Act. In 2011, the 82nd Texas Legislature continued the existence of the TCEQ until 2023.

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

Local government authority is found in Subchapter E of the TCAA. Local governments have the same power as the TCEQ to enter property and make inspections. They also may make recommendations to the commission concerning any action of the TCEQ

that affects their territorial jurisdiction, may bring enforcement actions, and may execute cooperative agreements with the TCEQ or other local governments. In addition, a city or town may enact and enforce ordinances for the control and abatement of air pollution not inconsistent with the provisions of the TCAA and the rules or orders of the commission.

In addition, Subchapters G and H of the TCAA authorize 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; and fund and authorize participating counties to implement vehicle repair assistance, retrofit, and accelerated vehicle retirement programs.

Applicable Law

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

Statutes

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

TEXAS HEALTH & SAFETY CODE, Chapter 382	September 1, 2021
TEXAS WATER CODE	September 1, 2021

Chapter 5: Texas Natural Resource Conservation Commission
- Subchapter A: General Provisions
- Subchapter B: Organization of the Texas Natural Resource Conservation Commission
- Subchapter C: Texas Natural Resource Conservation Commission
- Subchapter D: General Powers and Duties of the Commission
- Subchapter E: Administrative Provisions for Commission
- Subchapter F: Executive Director (except §§5.225, 5.226, 5.227, , 5.231, 5.232, and 5.236)
- Subchapter H: Delegation of Hearings
- Subchapter I: Judicial Review
- Subchapter J: Consolidated Permit Processing
- Subchapter L: Emergency and Temporary Orders (§§5.514, 5.5145, and 5.515 only)
- Subchapter M: Environmental Permitting Procedures (§5.558 only)

Chapter 7: Enforcement
- Subchapter A: General Provisions (§§7.001, 7.002, 7.0025, 7.004, and 7.005 only)
- Subchapter B: Corrective Action and Injunctive Relief (§7.032 only)
- Subchapter C: Administrative Penalties
- Subchapter D: Civil Penalties (except §7.109)
- Subchapter E: Criminal Offenses and Penalties: (§§7.177, 7.178-7.183 only)

Rules

All of the following rules are found in 30 Texas Administrative Code, as of the following latest effective dates:

Chapter 7: Memoranda of Understanding, §§7.110 and 7.119
December 13, 1996 and May 2, 2002, respectively

Chapter 19: Electronic Reporting — March 15, 2007
Subchapter A: General Provisions
Subchapter B: Electronic Reporting Requirements

Chapter 39: Public Notice
Subchapter H: Applicability and General Provisions, §§39.402(a)(1) – (a)(6), (a)(8), and (a)(10) – (a)(12); §§39.405(f)(3) and (g), (h)(1)(A), (h)(2) – (h)(4), (h)(6), (h)(8) – (h)(11), (i) and (j), §39.407; §39.409; §§39.411(a), (e)(1) - (4)(A)(i) and (iii), (4)(B), (e)(5) introductory paragraph, (e)(5)(A),(e)(5)(B), (e)(6) – (e)(10), (e)(11)(A)(i), (e)(11)(A)(iii)- (vi), (e)(11)(B) - (F), (e)(13) and (e)(15), (e)(16), (f) introductory paragraph, (f)(1) - (8), (g) and (h);39.418(a), (b)(2)(A), (b)(3), and (c); §39.419(e);39.420 (c)(1)(A) - (D)(i)(I) and (II), (c)(1)(D)(ii), (c)(2), (d) - (e), and (h), and Subchapter K: Public Notice of Air Quality Permit Applications, §§39.601 - 39.605 — September 16, 2021

Chapter 55: Requests for Reconsideration and Contested Case Hearings; Public Comment, all of the chapter, except §55.125(a)(5) and (a)(6) — September 16, 2021

Chapter 101: General Air Quality Rules — May 14, 2020

Chapter 106: Permits by Rule, Subchapter A — April 17, 2014

Chapter 111: Control of Air Pollution from Visible Emissions and Particulate Matter — November 12, 2020

Chapter 112: Control of Air Pollution from Sulfur Compounds — October 27, 2022

Chapter 114: Control of Air Pollution from Motor Vehicles — April 21, 2022

Chapter 115: Control of Air Pollution from Volatile Organic Compounds — July 22, 2021

Chapter 116: Control of Air Pollution by Permits for New Construction or Modification — July 1, 2021

Chapter 117: Control of Air Pollution from Nitrogen Compounds — March 26, 2020

Chapter 118: Control of Air Pollution Episodes — March 5, 2000

Chapter 122: Federal Operating Permits Program
§122.122: Potential to Emit — February 23, 2017

SECTION VI: CONTROL STRATEGY

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

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LIST OF ACRONYMS

ASM	acceleration simulation mode
BAR	Bureau of Automotive Repair
CFR	Code of Federal Regulations
CO	carbon monoxide
DFW	Dallas-Fort Worth
DMV	Texas Department of Motor Vehicles
DPS	Texas Department of Public Safety
EPA	United States Environmental Protection Agency
EDFW	extended Dallas-Fort Worth
FCAA	Federal Clean Air Act
FR	Federal Register
FTE	full-time equivalent
GVWR	gross vehicle weight rating
HB	House Bill
HC	hydrocarbon
HGB	Houston-Galveston-Brazoria
I/M	inspection and maintenance
METT	Mass Emissions Transient Testing
mph	miles per hour
NAAQS	National Ambient Air Quality Standard
NO_x	nitrogen oxides
OBD	on-board diagnostics
PSM	Performance Standard Modeling
QC	quality control
SB	Senate Bill
SIP	state implementation plan
TAC	Texas Administrative Code
TACB	Texas Air Control Board
TCAA	Texas Clean Air Act
TCEQ	Texas Commission on Environmental Quality (commission)
TMCP	Texas Motorist's Choice Program
TNRCC	Texas Natural Resource Conservation Commission

TSI	two-speed idle
TTC	Texas Transportation Code
TWC	Texas Water Code
VID	Vehicle Identification Database
VIR	Vehicle Inspection Report
VOC	volatile organic compounds
VRF	Vehicle Repair Form

LIST OF COMMONLY USED TERMS

Acceleration Simulated Mode (ASM) Inspection

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

Austin-Round Rock Program Area

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

Bexar County Program Area

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

Candidate Analyzer

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

Dallas-Fort Worth (DFW) Program Area

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

El Paso Program Area

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

Emissions Tune-Up

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

Exhaust Gas Analyzer

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

Fleet Vehicle

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

Full-Time Equivalent (FTE) Employee

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

Gas Cap Integrity Inspection

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

High Emitter

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

Houston-Galveston-Brazoria (HGB) Program Area

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

I/M Program

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

Low-Volume Emissions Inspection Station

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

Minor Non-Programmatic Modifications

Minor non-programmatic modifications to the analyzer specifications include but are not limited to updates to accommodate new technology vehicles, enhancements

to the method of collecting inspection data, and updates to internal reference tables. Modifications resulting in additional costs to vehicle inspection station owners will not be considered minor non-programmatic modifications.

On-Board Diagnostics (OBD)

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

Single Sticker Transition Date

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

Two-Speed Idle (TSI) Inspection

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

Texas Department of Motor Vehicles (DMV)

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

Vehicle Emissions Inspection Station

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

Vehicle Identification Database (VID)

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

Vehicle Inspection Report (VIR)

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

Vehicle Registration

Vehicles that meet the registration requirements of the DMV in 43 Texas Administrative Code §217.22 relating to Motor Vehicle Registration or Texas Transportation Code Chapter 502 relating to Registration of Vehicles.

Vehicle Registration Insignia Sticker

The sticker issued through the DMV to be affixed on the windshield of a vehicle compliant with DMV regulations. Beginning on the single sticker transition date, as defined in this section, the vehicle registration insignia sticker will be used as proof of compliance with I/M program requirements, the DMV's rules and regulations governing vehicle registration, and the DPS's rules and regulations governing safety inspections.

Vehicle Repair Form (VRF)

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

IDENTIFICATION OF PREVIOUSLY ADOPTED SIP REVISIONS

This document references specific state implementation plan (SIP) revisions that were previously adopted by the commission and submitted to the United States Environmental Protection Agency. The following list identifies how these SIP revisions are referenced within this document and contains the project number, adoption date, full title, and a hyperlink for each SIP revision.

2013 I/M SIP Revision (TCEQ Project No. 2013-041-SIP-NR, adopted February 12, 2014) Inspection and Maintenance (I/M) SIP Revision (https://wayback.archive-it.org/414/20210529044527/https:/www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2013-035-IM/13041SIP_ado.pdf)

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

2005 I/M SIP Revision (TCEQ Project No. 2005-026-SIP-EN, adopted October 26, 2005) Inspection and Maintenance (I/M) SIP Revision (https://wayback.archive-it.org/414/20210529044555/https://www.tceq.texas.gov/assets/public/implementation/air/sip/sipdocs/2005-026-IM/05026114imsipado.pdf)

LIST OF TABLES

LIST OF APPENDICES

Appendix	Appendix Name
Appendix A	*Federal Register Part VII*, United States Environmental Protection Agency, 40 Code of Federal Regulations Part 51, Inspection/Maintenance Program Requirements; Final Rule, November 5, 1992, and Flexibility Amendments, September 18, 1995 (No change)
Appendix B	Texas Health and Safety Code, Subtitle C, Air Quality, Revised 78th Texas Legislature, 2003 (No change)
Appendix C	House Bill 2134 by 77th Texas Legislature amendment to the Texas Health and Safety Code. Chapter 382, Health and Safety Code, was amended by adding Subchapter G, and §382.037 to §382.039 Health and Safety Code, were transferred to new Subsection G and renumbered as §§382.202 - 382.208 (No change)
Appendix D	Texas Commission on Environmental Quality (TCEQ) Regulation, 30 Texas Administrative Code, Chapter 114, Control of Air Pollution From Motor Vehicles, Adopted (No change)
Appendix E	TCEQ Appropriations for Fiscal Years 2004 and 2005. Texas Department of Public Safety, Appropriations for Fiscal Years 2004 and 2005. State of Texas, Text of Conference Committee Report, House Bill 1 (General Appropriations Act), 78th Legislature, Regular Session (No change)
Appendix F	TCEQ, Request for Offer for the Design, Construction, and Operation of the Texas Information Management System for the State of Texas, June 22, 2001 (No change)
Appendix G	Reserved (No change)
Appendix H	Texas Transportation Code, §547.604 and §547.605 and Chapter 548, Compulsory Inspection of Vehicles (No change)
Appendix I	Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, Texas Department of Public Safety, January 1, 2003 (No change)
Appendix J	Texas Department of Transportation, Vehicle Titles and Registration Division, 2000 Summer Research Project Parking Lot Survey Report, March 2003 (No change)
Appendix K	Reserved (No change)
Appendix L	Texas Natural Resources Conservation Commission and Texas Department of Public Safety Memorandum of Understanding, January 22, 1997 (No change)

Note: The narrative from the 2005 SIP revision refers to an Appendix M (Technical Supplement), but it was included in that SIP revision as Attachment A. Refer to Attachment A for information about the Technical Supplement.

LIST OF ATTACHMENTS

Attachment	Attachment Name
Attachment A	Technical Supplement: Inspection and Maintenance Performance Standards for Low-Enhanced Program Areas (No change)
Attachment B	Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the Proposed I/M Program in the Bexar County 2015 Ozone Nonattainment Area (New)

CHAPTER 1: GENERAL

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

1.2 BACKGROUND (UPDATED)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.3 HEALTH EFFECTS (UPDATED)

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

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

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

1.4 PUBLIC HEARING AND COMMENT INFORMATION (UPDATED)

The commission will hold a public hearing for this proposed SIP revision at the following time and location:

Table 1-1: Public Hearing Information

City	Date	Time	Location
San Antonio	July 13, 2023	7:00 pm	Alamo Area Council of Governments 2700 NE Loop 410, Suite 101 San Antonio, TX 78217

The public comment period will open on June 16, 2023 and close on July 17, 2023. Written comments will be accepted via mail, fax, or through the TCEQ Public Comment system (https://tceq.commentinput.com/). File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference the "Bexar County I/M SIP Revision" and should reference Project Number 2022-027-SIP-NR. Comments submitted via hard copy may be mailed to Alison Stokes, MC 206, State Implementation Plan Team, Air Quality Division, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. Comments submitted electronically must be submitted through the TCEQ Public Comment system. Comments must be received by 11:59 pm on July 17, 2023.

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

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

CHAPTER 2: APPLICABILITY

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

2.2 AREA DESIGNATIONS (UPDATED)

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

2.3 PERFORMANCE STANDARD (UPDATED)

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

2.4 APPLICABLE AREAS (UPDATED)

2.4.1 Beaumont-Port Arthur (No change)

2.4.2 Dallas-Fort Worth (No change)

2.4.3 Houston-Galveston-Brazoria (No change)

2.4.4 El Paso (No change)

2.4.5 Bexar County (New)

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

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

vehicle emissions inspection stations in Bexar County will be required to offer the OBD inspections.

CHAPTER 3: INSPECTION AND MAINTENANCE PERFORMANCE STANDARDS

3.1 GENERAL (NEW)

The Texas Commission on Environmental Quality (TCEQ) and the Texas Department of Public Safety have implemented an inspection and maintenance (I/M) program that meets or exceeds the low-enhanced I/M performance standard required by 40 Code of Federal Regulations (CFR), Part 51. The I/M program requires on-board diagnostics (OBD) inspections in the Dallas-Fort Worth (DFW), Houston-Galveston-Brazoria (HGB) and El Paso County program areas. On November 1, 2026, pending adoption of this state implementation plan (SIP) revision and associated rulemaking to 30 Texas Administrative Code (TAC) Chapter 114 (Rule Project No. 2022-026-114-AI), the I/M program will begin using OBD inspections in Bexar County.

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

3.2 MODELING REQUIREMENTS (NEW NUMBERING STRUCTURE)

3.2.1 Historical Performance Modeling (New Section, Historic Text)

The commission used the United States Environmental Protection Agency's (EPA) MOBILE6.2 model to produce emissions factors for the EPA low-enhanced performance standards and the emissions factors for each pollutant and applicable evaluation year for the I/M program areas subject to performance standard modeling requirements.[1] The technical supplement for this proposed SIP revision describes modeling run outputs using gram-per-mile calculations for each I/M program area and is contained in Attachment A: *Technical Supplement: Inspection and Maintenance Performance Standards for Low-Enhanced Program Areas*.

3.2.2 Current Performance Standard Modeling (PSM) (New)

On October 7, 2022, the EPA published the final notice of Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) (87 FR 60897). This rule requires states to provide a demonstration that the existing or proposed I/M program for a newly designated or reclassified ozone nonattainment area meets the emissions reduction benchmarks specified for the area's ozone NAAQS classification level. The EPA interprets the I/M performance requirement to mean upon designation or reclassification that a proposed or existing I/M program must meet the I/M performance benchmark.

As part of this proposed SIP revision, the TCEQ is proposing a vehicle emissions testing program for Bexar County to meet the EPA's requirements for I/M programs in

[1] The Austin-Round Rock I/M program is not subject to performance standard modeling requirements because the area is designated attainment/unclassifiable for all NAAQS.
[2] The El Paso I/M program is not subject to performance standard modeling requirements because the area is classified as marginal for the 2015 eight-hour ozone NAAQS.

moderate ozone nonattainment areas. The program implementation year is 2026. Texas I/M program requirements are codified in 30 TAC Chapter 114, Subchapter C.

The TCEQ performed the required performance standard modeling analysis of the Bexar County 2015 ozone NAAQS nonattainment area using the requirements in the EPA guidance document, *Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model* (EPA-420-B-22-034, October 2022). The TCEQ specifically used the basic performance standard that reflects the I/M program design elements as specified in 40 CFR §51.352(e). The assessment uses a 2026 analysis year, the Bexar County program implementation year under the 2015 ozone NAAQS. The PSM analysis was performed for Bexar County, which comprises the Bexar County 2015 ozone NAAQS nonattainment area. A summary of the 2026 I/M PSM analysis is provided in Table 3-1: *Summary of the Performance Standard Evaluation for the Bexar County 2015 Ozone NAAQS Nonattainment Area Proposed I/M Program.*

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

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

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

Pollutant	Proposed I/M Program Emissions	Performance Standard Benchmark Basic I/M Program Emissions	Does Proposed Program Meet I/M Performance Standard?
NO_x	15.01	15.16	Yes
VOC	8.85	9.41	Yes

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

CHAPTER 4: NETWORK TYPE AND PROGRAM EVALUATION

4.1 NETWORK TYPE (UPDATED)

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

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

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

4.2 PROGRAM EVALUATION (UPDATED)

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

(1) Surveys that assess the effectiveness of repairs performed on vehicles that failed the emissions and gas cap integrity test;
(2) Measurement of tampering rates, their change over time, and the change attributable to finding and fixing such tampering as opposed to deterrence effects; and

(3) Results of covert surveys of inspector effectiveness as it relates to identifying vehicles that need repair.

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

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

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

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

CHAPTER 5: ADEQUATE TOOLS AND RESOURCES

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

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

CHAPTER 7: VEHICLE COVERAGE

7.1 SUBJECT VEHICLES (UPDATED)

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

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

Dual-fueled vehicles capable of operating on gasoline and leased vehicles that meet these criteria are also subject to I/M program requirements. Subject vehicles are identified through the registration database provided to the Texas Commission on Environmental Quality (TCEQ) by the Texas Department of Motor Vehicles (DMV). The DMV also provides electronic updates to this database. Table 7.1: *2022 Subject Vehicle Registrations by County* provides an estimate of the number of subject vehicles by county based on the DMV's 2022 registration database.

Table 7-1: 2022 Subject Vehicle Registrations by County

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

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

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

7.1.2 Remote Compliance (Updated)

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

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

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

7.3 FEDERAL VEHICLES (UPDATED)

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

> "A motor vehicle designed to military specifications or a commercially designed motor vehicle which is needed to meet direct transportation support of combat, combat support, combat service support, tactical, or relief operations, or training of personnel for such operations. Commercial designed motor vehicles described above will be subjected to state inspection and maintenance programs regardless of tactical status."

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

7.4 UNITED STATES ARMED FORCES PRIVATELY OWNED VEHICLES (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 8: TEST PROCEDURES, STANDARDS, AND TEST EQUIPEMENT

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

8.2 INSPECTION PROCESS AND STANDARDS (UPDATED)

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

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

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

- Exhaust gas recirculation system;
- Evaporative emissions control system;
- Positive crankcase ventilation system;
- Thermostatic air cleaner;
- Air injection system; and
- Catalytic converter for selected model-years.

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

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

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

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

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

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

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

The DPS uses remote sensing to identify high-emitting vehicles operating in the DFW, HGB, and El Paso program areas. Basic I/M Programs are not required to use remote sensing; however, the commission and DPS may review its use in Bexar County in the future. Remote sensing may also be used as a quality assurance tool for randomly selected or suspect vehicle emissions facilities. Remote sensing screening is conducted according to reliable engineering practices to assure the accuracy of the inspection.

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

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

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

8.3.2 TSI Inspection Equipment (Updated)

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

8.3.3 ASM Inspection Equipment (Updated)

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

The ASM vehicle emissions inspection comprises two phases: (1) the 50/15 mode, where the vehicle is inspected on the dynamometer simulating the use of 50 percent of the vehicle's available horsepower to accelerate at a rate of 3.3 miles per hour (mph)/second at a constant speed of 15 mph; and (2) the 25/25 mode, where the vehicle is inspected on the dynamometer simulating the use of 25 percent of the vehicle's available horsepower to accelerate at a rate 3.3 mph/second at a constant speed of 25 mph. Applicable vehicles that cannot undergo an ASM inspection such as, but not limited to, vehicles that exceed 8,500 pounds gross vehicle weight rating or that are all-wheel drive, will receive a TSI inspection. The most recent version of specifications for ASM equipment is available at the TCEQ's central office or at https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf. Vehicle emissions cut-points used for ASM inspections are located in Appendix S of the TCEQ's "Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Emissions Testing Program."

8.3.4 OBD Inspection Equipment (Updated)

OBD inspection equipment design and operation meets all federal requirements contained in 40 CFR §§85.2207 - 85.2231 and recommended practices contained in the J1962, J1978, and J1979 published by the Society of Automotive Engineers (SAE). The OBD inspection equipment is tethered to the emissions analyzer. The most recent version of specifications for OBD equipment is available at the TCEQ's central office or at https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf.

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

8.5 INSPECTION EQUIPMENT CERTIFICATION REQUIREMENTS (UPDATED)

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

Inspection equipment must be approved by the TCEQ prior to being used in the I/M program. A more detailed description of the certification requirements is available at the TCEQ's central office or at https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf. In order to obtain approval from the TCEQ, the manufacturers shall:

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

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

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

CHAPTER 9: QUALITY CONTROL

9.1 OVERVIEW (UPDATED)

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

Quality control (QC) measures are implemented by the Texas Department of Public Safety (DPS) to ensure that Texas meets its commitment to provide motorists with consistent and accurate vehicle emissions inspection results. Vehicle inspection site personnel ensure that emissions measurement equipment is calibrated and maintained properly and that inspection records, calibration records, and control charts or graphs are accurately created, recorded, and maintained. Calibration practices and procedures for two-speed idle (TSI) and acceleration simulation mode (ASM) inspection equipment are performed in accordance with requirements specified by Appendix A of Subpart S of 40 Code of Federal Regulations (CFR), Part 51 and may incorporate the United States Environmental Protection Agency's (EPA) policy or subsequent policies and/or procedures. The most recent versions of TSI and ASM inspection equipment specifications, formerly referenced in the appendices of the inspection and maintenance (I/M) state implementation plan (SIP), are now available at the Texas Commission on Environmental Quality's (TCEQ) central office or at https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf.

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

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

- Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;
- Secure from tampering and/or abuse;
- Based upon written specifications; and
- Capable of simultaneously sampling dual-exhaust vehicles.

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

9.2 EQUIPMENT CALIBRATION AND MAINTENANCE (NO CHANGE FROM 2009 I/M SIP REVISION)

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

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

CHAPTER 11: MOTORIST COMPLIANCE ENFORCEMENT

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

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

11.2 REGISTRATION DENIAL (NO CHANGE FROM 2013 I/M SIP REVISION)

11.3 STICKER-BASED ENFORCEMENT (UPDATED)

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

Beginning on the single sticker transition date, vehicle registration insignia stickers, which are affixed on the windshield, indicate the subject vehicle is compliant with the I/M program. I/M program compliance can also be indicated through other forms of proof authorized by the Texas Department of Public Safety (DPS) and Texas Department of Motor Vehicles (DMV) including, but not limited to, digital license plates that displays the DMV's registration insignia.

All Vehicle Inspection Reports (VIR) are printed with a unique serial number. The DPS may adopt rules regarding the issuance of VIRs, including rules providing for the format of the reports. The DPS may add additional security features to deter counterfeiters. The DPS is required to track inspection report numbers with assistance from the vehicle identification database and the Texas Commission on Environmental Quality's "Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Emissions Testing Program" (http://www.tceq.state.tx.us/assets/public/implementation/air/ms/IM/txvehanlspecs.pdf).

Motorists are issued citations by local and state law enforcement officials for driving a vehicle with an expired or invalid inspection certificate or for evading the emissions inspection or inspection outside of the affected area. These violations of the Texas Transportation Code (TTC), §548.602 (Class C misdemeanor) and §548.603 (Class B misdemeanor) are punishable by a fine starting at $200 and not exceeding $2,000 for each occurrence. The owner is subject to an additional citation every time the vehicle is driven. Violators are given notification that they shall comply with the I/M program requirements. Noncompliance will result in delivery of additional citations and fines that may accumulate to more than the expense of a minimum expenditure waiver.

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

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

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

CHAPTER 12: ENFORCEMENT PROGRAM OVERSIGHT (NO CHANGE FROM 2013 I/M SIP REVISION)

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

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

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

CHAPTER 16: DATA ANALYSIS AND REPORTING (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 17: INSPECTOR LICENSING AND CERTIFICATION (NO CHANGE FROM 2005 I/M SIP REVISION)

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

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

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

CHAPTER 21: ON-ROAD TESTING

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

CHAPTER 22: STATE IMPLEMENTATION PLAN SUBMISSION

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

Bexar County Program Area

Certify Bexar County program area (Bexar County) with OBD testing.	11/01/26

Appendices Available Upon Request

Brian Foster
brian.foster@tceq.texas.gov
512.239.1930

WRITTEN AND ORAL TESTIMONY

INDEX OF WRITTEN TESTIMONY

REFERENCE NUMBER	SUBMITTED BY
W-1	Diane Rath, Alamo Area Council of Governments (similar to oral testimony)
W-2	Aijaz Almani
W-3	Robert Blevins
W-4	Lea Ann Castleschouldt
W-5	Brad Cotton
W-6	Rod Elrifai
W-7	Melanie Magee, U.S. Environmental Protection Agency, Region 6
W-8	Daniel Lozano
W-9	Ruben Meiss
W-10	Amir Mirza
W-11	Faheem Nawaz
W-12	Charissa E. Barnes, Official Inspection Station (similar to oral testimony and includes handout received from Barnes at public hearing)
W-13	Steve Ortiz
W-14	Chris Prokopeas
W-15	Rema Investment Group, LLC

REFERENCE NUMBER	SUBMITTED BY
W-16	San Antonio Auto Service, LLC
W-17	William Schwartz (similar to oral testimony)
W-18	Texas State Inspection Association (handout received from JoJo Heselmeyer at July 13, 2023 public hearing)
W-19	Wayne Mueller, Texas Department of Public Safey (comment submitted after close of comment period)
W-20	John Valerio
W-21	Mona Wakim
W-22	Joan Woodruff

Diane Rath

AACOG comments are attached

AACOG
Alamo Area Council of Governments

June 28, 2023

Alison Stokes, MC 206
State Implementation Plan Team
Air Quality Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Attn: The Honorable Jon Niermann

RE: Bexar County I/M SIP Revision, Project Number 2022-027-SIP-NR

Dear Chairman Niermann:

The Alamo Area Council of Governments (AACOG) appreciates the opportunity to provide comments in response to the proposed Bexar County Inspection and Maintenance (I/M) State Implementation Plan (SIP) Revision and associated 30 Texas Administrative Code (TAC) Chapter 114 rulemaking.

AACOG was established in 1967 as a political subdivision of the State of Texas, under Chapter 391 of the Local Government Code. AACOG is a voluntary association of local governments and organizations that serves its members through planning, information, and coordination activities. AACOG serves State Planning Region 18, covering Atascosa, Bandera, Bexar, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina, McMullen and Wilson counties. The AACOG Board of Directors is the governing body for the agency, and formally authorizes the submittal of this comment letter.

On November 7, 2022, Bexar County's moderate ozone nonattainment classification took effect, setting a four-year timetable to implement a vehicle emissions I/M program. The proposed SIP Revision and associated proposed rulemaking sets the start date of Bexar County's I/M program as November 1, 2026, and establishes a maximum $11.50 fee for the inspection.

The proposed start date is one week prior to the federally mandated deadline, providing nearly the maximum amount of time to implement. With the recent repeal of safety inspections potentially causing confusion among the public, having as much time as possible to disseminate a clear message about upcoming emissions inspections is critical. The Proposed fee is well below

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a recommendation from a 2020 TCEQ-commissioned study that suggested a minimum fee of $18. Because Bexar County's relatively high rate of low-income drivers will likely pose barriers to widespread I/M compliance, any relief that can be provided up front will be welcome. For these reasons, AACOG approves of the proposed Bexar County I/M SIP Revision and rulemaking.

Sincerely,

Diane Rath

Diane Rath
Executive Director

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F 866.332.3252
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2700 NE Loop 410
Suite 101
San Antonio, TX 78217

W-2

Aijaz Almani

Hi I am first Generation of immigrant. Left my birth place to seek better life. Belongs to Karachi Pakistan. Where we have less than 20% cars any of our county has. The rate of lung cancer is high due to vehicle smoke there and that was main reason I ansisted my parents to move to USA . but the decissions out governments are making througing our dreams and putng our next generation in same poluted breathing situation as third word countries are facing.
The safety program is best to avoid accidents take the data of third word contries where they dont have sfety inspection tha accident rate os sky high .
I request organizatins to peotest and keep our roads and air safe.

W-3

Robert Blevins

Input for Bexar County inclusion for Emmision Testing , current proposal for Fee of $11.50 will not make adding Emmision inspections to my business plan fisable. Hiring and ceritfy an inspector for a 8 hour day 5 days a week will require a raw labor cost of at least $800 per week and with the leaseing cost of eequipment we would have to average at least 3 inspections per hour to try to cover just cost of personel. The recomendation of increasing the fe to $18.50 to $22.00 will increase the possibility of covering actual cost and increase the number of available inspection stations. We currenty inpect 5 and 25 safty inspections per day and will probably not perticipate in Emission program if propsed fee of $11.50 is adopted. Less station will create longer lines and more fustrated public

W-4

Lea Castleschouldt

My Business is in Parker County. Customers are questioning the "No Safety Inspection" law that will become effected in January 2025.
Customers are concerned that the state will find more and more cars on the side of road that is left behind because owners are not keeping up with "A Maintenace check" on their vehicles. I totally agree with this statement. As an inspector and owner, we help our customers maintain their vehicles I believe if this law is enforced you are created a Bigger Mess. What happen to Don't Litter In Texas? The trash you see on the side of road has now become bigger.

Lea Ann Castleschouldt

W-5

Brad Cotton

I own and operate two quick lubes in Wilson county which combined do over 2500 inspections per month. Not sure whether we will be part of the emissions testing or not. I do know that at 11.50 per inspection we will not even consider doing emissions testing. The added employees, training, equipment, customer aggravation would not be offset by the 11.50. A more equitable fee would be 22.00 . Once again I'm not sure how emissions testing will affect Wilson County but that's my input.

ROD ELRIFAI

Definitely support this proposal and it's implementation as early as possible.
The Fee should be between $30 to $40 per vehicle emission test.

W-7

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

July 17, 2023

Mr. Cory Chism, Director
Office of Air
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Dallas-Fort Worth (DFW) Moderate Area Attainment Demonstration (AD) State Implementation Plan (SIP) Revision for the 2015 Ozone National Ambient Air Quality Standards (NAAQS), Project No. 2022-021-SIP-NR; Houston-Galveston-Brazoria (HGB) Moderate Area AD SIP Revision for the 2015 Ozone NAAQS, Project No. 2022-022-SIP-NR; DFW and HGB Moderate Areas Reasonable Further Progress (RFP) SIP Revision for the 2015 Ozone NAAQS, Project No. 2022-023-SIP-NR; Bexar County Moderate Area RFP SIP Revision for the 2015 Ozone NAAQS, Project No. 2022-024-SIP-NR; Bexar County Moderate Area AD SIP Revision for the 2015 Eight-Hour Ozone NAAQS, Project No. 2022-025-SIP-NR; Bexar County Inspection and Maintenance (I/M) SIP Revision, Project No. 2022-027-SIP-NR; and the proposed revisions to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles rulemaking, Project No. 2022-026-114-AI.

Dear Mr. Chism:

Thank you for acting timely to address the recently reclassified DFW, HGB, and Bexar County Moderate nonattainment areas under the 2015 ozone NAAQS. We appreciate the opportunity to review the seven proposed SIP revisions that address these three areas. We have enclosed comments for your consideration regarding the proposed attainment demonstrations, the proposed RFP plans, the proposed I/M plan, and the proposed revisions to Chapter 114. We appreciate the work by the TCEQ in developing these documents.

We look forward to discussing the enclosed comments with you. Please feel free to contact me at magee.melanie@epa.gov or 214-665-7161 if you have questions.

Sincerely,

Melanie Magee
Section Supervisor, Infrastructure & Ozone Section

Enclosures

Enclosure: EPA's Comments

Acronyms used in EPA's comments:

Alternative Control Technology (ACT)
Best Available Control Technology (BACT)
Clean Air Act (CAA)
Control Techniques Guidelines (CTG)
Destruction and Removal Efficiency (DRE)
Differential Absorption LIDAR (DIAL)
Emissions Specifications for Attainment Demonstration (ESADs)
Green House Gases (GHGs)
Highly Reactive Volatile Organic Compounds (HRVOC)
Infrared (IR)
Leak Detection and Repair (LDAR)
Light Detection and Ranging (LIDAR)
Limited English Proficiency (LEP)
Lowest Achievable Emissions Rate (LAER)
Mass Emissions Cap and Trade (MECT)
National Ambient Air Quality Standards (NAAQS)
New Source Review (NSR)
Oxides of Nitrogen (NOx)
Reasonable Available Control Technology (RACT)
Rate of Progress (ROP)
Solar Occultation Flux (SOF)
Texas Commission on Environmental Quality (TCEQ)
Volatile Organic Compounds (VOC)

Project Number 2022-021-SIP-NR

Comments addressing DFW Attainment Demonstration (AD) Plan

We appreciate the detailed work submitted in the AD plan. We have the following concerns:

1. The TCEQ's proposal includes contingency measures that rely on emissions reductions from measures that are already implemented, as opposed to measures that are prospective (i.e., that they be undertaken in the future) in nature. As noted in the TCEQ's proposal, in January 2021 the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's interpretation of the CAA to allow states to rely on already implemented control measures to meet the statutory requirements of section 172(c)(9) or 182(c)(9) for contingency measures in nonattainment plans for the ozone NAAQS (see 83 FR 62998, 63026). *Sierra Club, et al. v. EPA*, 985 F.3d 1055 (D.C. Cir. 2021). The effect of this decision is that the CAA interpretation that contingency measures must be prospective and conditional applies across the U.S.[1] If finalized as proposed, EPA would have serious concerns regarding the approvability of the contingency measures. EPA Region 6 will support TCEQ in the development of approvable contingency measures for ozone reductions. We encourage TCEQ to incorporate environmental justice considerations in developing such measures.

[1] More information on this decision is provided in our proposed disapproval of contingency measures for the DFW and HGB Serious ozone nonattainment areas for the 2008 ozone NAAQS (see 88 FR 24522, April 21, 2023).

2. The TCEQ's proposal asserts that the DFW area is not expected to attain the 2015 ozone NAAQS by the August 3, 2024, attainment date. Therefore, as provided in CAA section 181(b)(3), the TCEQ may request, and EPA must grant, a voluntary reclassification to the next higher classification for the DFW area, which would provide until the August 3, 2027, Serious area attainment date to attain the 2015 ozone NAAQS. We encourage the TCEQ to submit such a request early enough to maximize the available time for assessing, adopting, and implementing emission reduction measures so the area can meet the ozone NAAQS expeditiously and avoid the mandatory statutory consequences for failing to timely attain.
3. The TCEQ's proposal provides a RACT analysis that relies exclusively on a previous RACT analysis from the DFW serious classification attainment demonstration for the 2008 ozone NAAQS adopted by the commission on March 4, 2020. That RACT analysis is based exclusively on EPA's CTGs and ACTs. In EPA's Implementation Rule for the 2008 Ozone NAAQS, EPA stated that "states should refer to the existing CTGs and ACTs for purposes of meeting their RACT requirements, *as well as* all relevant information (including recent technical information and information received during the public comment period) that is available at the time that they are developing their RACT SIPs for the 2008 ozone NAAQS." 80 FR 12264, 12279 (March 6, 2015) (emphasis added). EPA repeated this in the Implementation Rule for the 2015 Ozone NAAQS.[2] As part of their RACT SIP submissions, states should provide adequate documentation that they have considered emission control requirements that are economically and technologically feasible. The analysis of economic and technological feasibility should be based on the information that is current and available as of the time of development of the RACT SIP. TCEQ should document that they examined current and relevant information and should discuss if and how such information affected their RACT determination. This documentation and discussion should be included for all types of RACT: CTG RACT, Major Source VOC RACT, and Major Source NOx RACT.
4. EPA recommends TCEQ consider any potential underreporting of VOC in the DFW area. The presence of the Barnett Shale and associated equipment may provide similar concerns that have been documented in HGB because of the presence of flares and fugitive emissions. TCEQ should consider mobile monitoring studies (fence-line and IR camera measurements) and remote sensing (e.g., satellite-measured columns of formaldehyde to estimate reacted or partially combusted VOC) and any other data and studies that suggest underreporting of VOC persists. Underreported VOC can provide an inaccurate picture of an area being NOx or VOC-limited and produce photochemical modeling results with control strategies that could be inaccurate.
5. In February 2023, the updated guidance document titled "Guidance on Quantifying NOx Benefits for Cetane Improvement Programs for Use in SIPs and Transportation Conformity" was released for cetane improvement programs.[3] This updated guidance accounts for changes in fleet composition and control technology that has occurred since 2004. Please clarify for the record if the updated guidance was considered and provide any supporting documentation.

[2] "Consistent with the EPA's prior guidance (80 FR 12279; March 6, 2015), when determining what is RACT for a particular source or source category, air agencies should also consider all other relevant information (including recent technical information and information received during the state's public comment period) that is available at the time they develop their RACT SIPs." 83 FR 62998, 63007 (December 6, 2018).

[3] Link to the main guidance page with a summary on the cetane guidance: https://www.epa.gov/state-and-local-transportation/guidance-control-strategies-state-and-local-agencies. Direct link to the cetane guidance: https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1016IFV.pdf.

Project Number 2022-022-SIP-NR

Comments addressing HGB Attainment Demonstration (AD) Plan

We appreciate the detailed work submitted in the AD plan. We have the following concerns:

1. The TCEQ's proposal includes contingency measures that rely on emissions reductions from measures that are already implemented, as opposed to measures that are prospective (i.e., that they be undertaken in the future) in nature. As noted in the TCEQ's proposal, in January 2021 the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's interpretation of the CAA to allow states to rely on already implemented control measures to meet the statutory requirements of section 172(c)(9) or 182(c)(9) for contingency measures in nonattainment plans for the ozone NAAQS (see 83 FR 62998, 63026). *Sierra Club, et al. v. EPA*, 985 F.3d 1055 (D.C. Cir. 2021). The effect of this decision is that the CAA interpretation that contingency measures must be prospective and conditional applies across the U.S.[4] If finalized as proposed, EPA would have serious concerns regarding the approvability of the contingency measures. EPA Region 6 will support TCEQ in the development of approvable contingency measures for ozone reductions. We encourage TCEQ to incorporate environmental justice considerations in developing such measures.
2. The TCEQ's proposal asserts that the HGB area is not expected to attain the 2015 ozone NAAQS by the August 3, 2024, attainment date. Therefore, as provided in CAA section 181(b)(3), the TCEQ may request, and EPA must grant, a voluntary reclassification to the next higher classification for the HGB area, which would provide until the August 3, 2027, Serious area attainment date to attain the 2015 ozone NAAQS. We encourage the TCEQ to submit such a request early enough to maximize the available time for assessing, adopting, and implementing emission reduction measures so the area can meet the ozone NAAQS expeditiously and avoid the mandatory statutory consequences for failing to timely attain.
3. The TCEQ's proposal provides a RACT analysis that relies exclusively on a previous RACT analysis from the HGB serious classification attainment demonstration for the 2008 ozone NAAQS adopted by the commission on March 4, 2020. That RACT analysis is based exclusively on EPA's CTGs and ACTs. In EPA's Implementation Rule for the 2008 Ozone NAAQS, EPA stated that "states should refer to the existing CTGs and ACTs for purposes of meeting their RACT requirements, *as well as* all relevant information (including recent technical information and information received during the public comment period) that is available at the time that they are developing their RACT SIPs for the 2008 ozone NAAQS." 80 FR 12264, 12279 (March 6, 2015) (emphasis added). EPA repeated this in the Implementation Rule for the 2015 Ozone NAAQS.[5] As part of their RACT SIP submissions, states should provide adequate documentation that they have considered emission control requirements that are economically and technologically feasible. The analysis of economic and technological feasibility should be based on the information that is current and available as of the time of development of the RACT SIP. TCEQ should document that they examined current and relevant information and should discuss if and how such information affected their RACT determination. This documentation and discussion should be included for all types of RACT: CTG RACT, Major Source VOC RACT, and Major Source NOx RACT.
4. We understand that TCEQ is relying on its MECT Program to implement RACT requirements for NOx in the HGB area. EPA's Implementation rule for the 2015 ozone NAAQS explained that "states may

[4] More information on this decision is provided in our proposed disapproval of contingency measures for the DFW and HGB Serious ozone nonattainment areas for the 2008 ozone NAAQS (see 88 FR 24522, April 21, 2023).

[5] "Consistent with the EPA's prior guidance (80 FR 12279; March 6, 2015), when determining what is RACT for a particular source or source category, air agencies should also consider all other relevant information (including recent technical information and information received during the state's public comment period) that is available at the time they develop their RACT SIPs." 83 FR 62998, 63007 (December 6, 2018).

demonstrate as part of their NOx RACT SIP submission that the weighted average NOx emission rate of all sources in the nonattainment area subject to RACT meets NOx RACT requirements; states are not required to demonstrate RACT-level controls on a source-by- source basis." 83 FR 62998, 63007 (December 6, 2018). This longstanding policy on area wide average emission rates is also explained in the final implementation rule the 2008 ozone NAAQS: "…states have the option of conducting a technical analysis for a nonattainment area considering the emissions controls required by a regional cap-and-trade program, and demonstrating that compliance by certain sources participating in the cap- and-trade program results in actual emission reductions in the particular nonattainment area that are equal to or greater than the emission reductions that would result if RACT were applied to an individual source or source category within the nonattainment area." 80 FR 12264, 12279 (March 6, 2015). The SIP should explain how the TCEQ's program achieves this "equal to or greater than" standard. The SIP should also include such technical analysis to demonstrate and document how the MECT program achieves RACT for the HGB NAA. A successful demonstration must show that the MECT program will result in actual emissions reductions that are equal to or greater than reductions that would be achieved by applying RACT on a source-by-source basis in the HGB NAA. Based on EPA's understanding of the MECT program, we believe the demonstration should include, among other things, (1) evaluation of the ESADs and a determination that each ESAD represents RACT, (2) an evaluation of the number of allowances based on a recent basis for number of sources and activity level, (3) a baseline for allowances that is reflective of the current controls in place and current operation of NOx sources, and (4) demonstrate how the implementation on an annual average to meet the MECT is protective of short-term ozone. EPA Region 6 is ready to work with TCEQ on questions going forward. The analysis included in the SIP to support these demonstrations should be based on current relevant information.[6]

5. In light of the difficulty in demonstrating attainment, EPA offers the following suggestions:
    a. Further control and monitoring of specific VOC other than the currently targeted HRVOC to help achieve attainment in the HGB area. TCEQ previously proposed controlling emissions of other VOC in the HGB 2004 Attainment Demonstration proposal that may be a starting point; TCEQ should also consider VOC species that have elevated levels (both retrospectively and large/increasing proportions in more recent years) in various monitoring efforts, including the extensive interagency cooperative air quality field campaigns since 2000[7] (see next comment). In fact, some of the more recent campaigns have measured very large (including short-lived emission events) ambient fluxes of aromatics and alkanes.[8]

[6] "Consistent with the EPA's prior guidance (80 FR 12279; March 6, 2015), when determining what is RACT for a particular source or source category, air agencies should also consider all other relevant information (including recent technical information and information received during the state's public comment period) that is available at the time they develop their RACT SIPs." 83 FR 62998, 63007 (December 6, 2018).

[7] Texas Air Quality Study (TexAQS 2000), Texas Air Quality Study II (2006), Study of Houston Atmospheric Radical Precursors (SHARP, 2009), Deriving Information on Surface conditions from Column and Vertically Resolved Observations Relevant to Air Quality (DISCOVER-AQ, 2013), and Tracking Aerosol Convection ExpeRiment-Air Quality (TRACER-AQ, 2021-22).

[8] "Air Quality Data Collection for TRACER-AQ-2 Field Campaign in Houston - Monitoring Report", FluxSense AQRP contract report, March 2023. Table 27 (page 51) of this report concludes that compared to studies done in 2009 and since with remote sensing flux "curtains", Houston Ship Channel HRVOC and alkane fluxes are essentially unchanged in 2022, with the reported 2013 EI about 10% of these measured flux values, whereas NO2 fluxes match reported emissions well. Mont Belvieu of that same table has seen more measured flux reductions from

b. Measures to address underreporting that is indicated for VOC in the HGB area. Remote sensing techniques, both ground-based (stationary and mobile, e.g., fence-line, IR camera measurements, and ambient flux measurements with SOF and DIAL technologies)[9] and satellite-based remote sensing (e.g., measured columns of VOC, GHGs, or formaldehyde to estimate reacted or partially combusted VOC) conclude that underreporting of VOC persists.[10] This was specifically noted in a Journal of Geophysical Research synthesis report of the 2009 SHARP field campaign.[11] Underreported VOC can provide an inaccurate picture of an area being NOx or VOC-limited and produce photochemical modeling results with control strategies that could be inaccurate. This was one of the study goals for the TRACER-AQ field campaign of 2021-22.[12] The EPA has not yet seen a synthesis of TRACER-AQ findings.

c. One source of underreporting that could be addressed is use of the default (maximum allowed) flare DRE values for flared VOC and HRVOC, as described in the attached letter EPA provided to TCEQ on May 8, 2023, providing Quadrennial Review Comments ("Attachment 1"). When DRE is allowed to be overestimated, actual emissions are underestimated and underreported; thus, related attainment demonstrations would not contain accurate emissions of VOC for accurate photochemical ozone reactions. See the FluxSense footnote above for the conclusions concerning poor combustion efficiency, hence large propylene emissions, from propylene flares in its flux measurement data. In 2009, the TCEQ had a Flare

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2009 to 2022, but the tabulated EI is still roughly 10% of the 2022 measured fluxes of HRVOC and alkanes. The report also concludes that many of the fluxes appear to still come from directions of propylene flares with poor combustion efficiency, as was found in the earlier studies.

[9] A good synthesis reference for this was provided in presentations hosted by the Houston Advance Research Center (HARC) as part of "Remote Sensing VOCs and GHGs", December 7, 2009.

[10] Id. Also note that NASA Health and Air Quality Applied Sciences Team (HAQAST) and its predecessor, AQAST, provided many good analyses, reports, and publications from academic researchers of the various campaigns. For formaldehyde, especially note the July 2014 presentation by Dan Cohan at https://haqast.org/aqast-presentations/, which concluded that "Houston HRVOC emissions in the 2008 NEI are 5x too low." HAQAST meetings and presentations newer than 2016 can be found at https://haqast.org/get-involved/meetings/. Also note that even before TexAQS 2000 and TexAQS II (2006) (see https://www.tceq.texas.gov/airquality/research/texaqs), additions of VOC were provided to modeling inventories to help match monitored values in areas of HGB and to assist the photochemical models to perform better (simulate ozone in the right places at the right times to correspond with the ozone monitors). This was performed via the addition of rule effectiveness for specific source categories and for known emissions upsets. TCEQ no longer includes these in its modeled emissions inventory. Improvements were suggested through various TCEQ and pass-through funding for contract projects through the Texas Environmental Research Consortium in coordination with the Houston Advanced Research Center (https://www.tercresearch.org/aqr/projects). These pointed out many unknowns and future potential projects to study regarding HGB emissions. Some of these have been addressed, others have not. TCEQ does spend money on Air Quality Research Program (AQRP) (https://www.tceq.texas.gov/airquality/airmod/project/pj.html) contracts for emissions inventory improvement and photochemical modeling projects. EPA would like to see TCEQ implement the suggestions from these projects to understand emissions events and ongoing underreported emissions variables better, so that meaningful emission reductions can be made for improved modeled and monitored ozone impacts.

[11] "Overview of the SHARP campaign: Motivation, design, and major outcomes", Olaguer, EP, et al, 2014: http://easd.geosc.uh.edu/rappenglueck/pdf/Olaguer%20et%20al%20JGR%202014%20SHARP.pdf

[12] TRacking Aerosol Convection ExpeRiment-Air Quality (TRACER-AQ, 2021-22), at https://www-air.larc.nasa.gov/missions/tracer-aq/. TCEQ "HGB Technical Information Meeting, June 28, 2022" presentation: https://www.tceq.texas.gov/downloads/air-quality/modeling/meetings/hgb/2022/20220728-traceraq-tceq-knapp.pdf

Task Force, including internal teams, stakeholders, and a subsequent 2010 Flare Study.[13] EPA encourages TCEQ to resurrect the Flare Task Force and not rely on 40 CFR 60.18 default maximum 98% DRE and its unproven 99% DRE for 3-carbon or less VOC, which include two of the most prevalent HRVOC in HGB – ethylene (ethene) and propylene (propene). For the reasons identified throughout Attachment 1, EPA also encourages TCEQ to re-evaluate the flare DRE assumptions allowed by its guidance for 40 CFR 60.18-compliant flares and ensure that appropriate DRE assumptions are identified.

d. We encourage TCEQ to establish requirements to retrofit improvements (including monitoring or testing) and for replacements for old flares, especially those that are not emergency flares. Standard process vents can almost always be routed to relatively inexpensive condensers. BACT or LAER for controlling standard process waste gases should almost never include flares. Best practices should include flare minimization and alternative control processes for waste gases, and TCEQ should incentivize such. For many industrial processes, better technology exists. TCEQ studies and guidance (see prior references and Attachment 1) identify most of the variables that make for best practices, and we would like TCEQ to implement such improvements. Permit conditions vary on a case-by-case basis, and we would like TCEQ to take a retrospective look at existing flares upon permit renewal.

Project Number 2022-023-SIP-NR

Comments addressing the DFW and HGB Reasonable Further Progress (RFP) Plans

We appreciate the detailed work submitted in the RFP plan. We have the following concerns:

1. The TCEQ's proposal includes contingency measures that rely on emissions reductions from measures that are already implemented, as opposed to measures that are prospective (i.e., that they be undertaken in the future) in nature. As noted in the TCEQ's proposal, in January 2021 the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's interpretation of the CAA to allow states to rely on already implemented control measures to meet the statutory requirements of section 172(c)(9) or 182(c)(9) for contingency measures in nonattainment plans for the ozone NAAQS (see 83 FR 62998, 63026). *Sierra Club, et al. v. EPA*, 985 F.3d 1055 (D.C. Cir. 2021). The effect of this decision is that the CAA interpretation that contingency measures must be prospective and conditional applies across the U.S.[14] If finalized as proposed, EPA would have serious concerns regarding the approvability of the contingency measures. EPA Region 6 will support TCEQ in the development of approvable contingency measures for ozone reductions. We encourage TCEQ to incorporate environmental justice considerations in developing such measures.
   EPA has explained that "[s]ection 182(c)(9) requires that certain state submissions must provide for the implementation of contingency measures in the event of a failure to meet a milestone; it does not require the state to submit separate and distinct contingency measures allocated exclusively for a failure to meet a milestone." 86 FR 27524 at 27527 (May 21, 2021).
2. In February 2023, the updated guidance document titled "Guidance on Quantifying NOx Benefits for Cetane Improvement Programs for Use in SIPs and Transportation Conformity" was released for

[13] https://www.tceq.texas.gov/airquality/stationary-rules/stakeholder/flare_stakeholder.html. The TCEQ's 2022 Emissions Inventory Guidelines document, Appendix A, Technical Supplement 4, Flares, found at https://www.tceq.texas.gov/airquality/point-source-ei/rg-360-22 also discusses much of this topic, and has provided updates to this since 2012. The TCEQ's NSR permitting guidance, as identified in Attachment 1, provides similar details.

[14] More information on this decision is provided in our proposed disapproval of contingency measures for the DFW and HGB Serious ozone nonattainment areas for the 2008 ozone NAAQS (see 88 FR 24522, April 21, 2023).

cetane improvement programs.[15] This updated guidance accounts for changes in fleet composition and control technology that has occurred since 2004. Please clarify for the record if the updated guidance was considered and provide any supporting documentation.

Project Number 2022-024-SIP-NR

Comments addressing the Bexar County Reasonable Further Progress (RFP) Plan

We appreciate the detailed work submitted in the RFP plan. We have the following concerns:

1. Bexar County was not classified as Moderate nonattainment or higher under a previous ozone NAAQS and thus, does not have a previously approved RFP or Rate of Progress (ROP) plan for a previous ozone NAAQS. In accordance with the CAA and EPA's associated regulations, the state shall submit a plan consistent with CAA section 182(b)(1): "… the State shall submit a revision to the applicable implementation plan to provide for volatile organic compound emission reductions … of at least 15 percent from baseline emissions …."[16] However, the TCEQ's proposal does not demonstrate the required initial 15 percent ROP in emission reductions for VOC. The TCEQ's proposal declares that emission reductions of NOx are expected to be more effective at reducing ozone concentrations in the Bexar County nonattainment area than VOC emission reductions and thus, relies on a mix of NOx and VOC emissions reductions to provide the 15 percent ROP through the attainment year (2023). The statute and implementing regulations for the 2015 ozone NAAQS at 40 CFR 51.1310(a)(4) are clear regarding the initial VOC ROP requirement for nonattainment areas without an approved prior ozone NAAQS 15 percent VOC ROP plan, and EPA's action must be consistent with such rules.

   We recognize the TCEQ has engaged a contractor to further investigate potential reductions. We encourage TCEQ to fully investigate feasible reductions to meet the requirement. The CAA appears to provide only one option if the 15% reductions cannot be achieved. CAA section 182(b)(1)(A)(ii) provides that a percentage less than 15 percent may be used for purposes of [CAA section 182(b)(1)(A)(i)] in the case of any State which demonstrates to the satisfaction of the Administrator that—

   (I) new source review provisions are applicable in the nonattainment areas in the same manner and to the same extent as required under subsection (e) of this section in the case of Extreme Areas (with the exception that, in applying such provisions, the terms "major source" and "major stationary source" shall include (in addition to the sources described in section 7602 of this title) any stationary source or group of sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 5 tons per year of volatile organic compounds);

   (II) reasonably available control technology is required for all existing major sources (as defined in subclause (I)); and

   (III) the plan reflecting a lesser percentage than 15 percent includes all measures that can feasibly be implemented in the area, in light of technological achievability.

[15] Link to the main guidance page with a summary on the cetane guidance: https://www.epa.gov/state-and-local-transportation/guidance-control-strategies-state-and-local-agencies. Direct link to the cetane guidance: https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1016IFV.pdf.

[16] See 83 FR 62998, 63034 (December 6, 2018), 40 CFR 51.1300(m), and 40 CFR 51.1310(a)(4).

To qualify for a lesser percentage under this clause, a State must demonstrate to the satisfaction of the Administrator that the plan for the area includes the measures that are achieved in practice by sources in the same source category in nonattainment areas of the next higher category.

2. The TCEQ's proposal indicates that the TCEQ will require additional analysis to determine the best means to address the 15 percent VOC ROP requirement. What is the TCEQ's schedule for such analysis?
3. The TCEQ's proposal includes contingency measures that rely on emissions reductions from measures that are already implemented, as opposed to measures that are prospective (i.e., that they be undertaken in the future) in nature. As noted in the TCEQ's proposal, in January 2021 the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's interpretation of the CAA to allow states to rely on already implemented control measures to meet the statutory requirements of section 172(c)(9) or 182(c)(9) for contingency measures in nonattainment plans for the ozone NAAQS (see 83 FR 62998, 63026). *Sierra Club, et al. v. EPA*, 985 F.3d 1055 (D.C. Cir. 2021). The effect of this decision is that the CAA interpretation that contingency measures must be prospective and conditional applies across the U.S.[17] If finalized as proposed, EPA would have serious concerns regarding the approvability of the contingency measures. EPA Region 6 will support TCEQ in the development of approvable contingency measures for ozone reductions. We encourage TCEQ to incorporate environmental justice considerations in developing such measures.

Project No. 2022-025-SIP-NR

Comments addressing the Bexar County Attainment Demonstration (AD) Plan

We appreciate the detailed work submitted in the AD plan. We have the following concerns:

1. The TCEQ's proposal includes contingency measures that rely on emissions reductions from measures that are already implemented, as opposed to measures that are prospective (i.e., that they be undertaken in the future) in nature. As noted in the TCEQ's proposal, in January 2021 the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's interpretation of the CAA to allow states to rely on already implemented control measures to meet the statutory requirements of section 172(c)(9) or 182(c)(9) for contingency measures in nonattainment plans for the ozone NAAQS (see 83 FR 62998, 63026). *Sierra Club, et al. v. EPA*, 985 F.3d 1055 (D.C. Cir. 2021). The effect of this decision is that the CAA interpretation that contingency measures must be prospective and conditional applies across the U.S.[18] If finalized as proposed, EPA would have serious concerns regarding the approvability of the contingency measures. EPA Region 6 will support TCEQ in the development of approvable contingency measures for ozone reductions. We encourage TCEQ to incorporate environmental justice considerations in developing such measures.
2. The TCEQ's proposal does not include a RACT analysis. For each nonattainment area classified Moderate or higher, the state shall submit a SIP revision that meets the VOC and NOx RACT requirements in CAA sections 182(b)(2) and 182(f).[19] We look forward to reviewing the TCEQ's proposed Bexar County RACT SIP revision later in 2023 and appreciate that the AD proposal indicates the final adopted RACT analysis and any regulations to implement RACT will be submitted to the EPA by May 7, 2024.
3. The TCEQ's proposal asserts that Bexar County is not expected to attain the 2015 ozone NAAQS by the September 24, 2024, attainment date and declares that ozone formation in the San Antonio

[17] More information on this decision is provided in our proposed disapproval of contingency measures for the DFW and HGB Serious ozone nonattainment areas for the 2008 ozone NAAQS (see 88 FR 24522, April 21, 2023).
[18] More information on this decision is provided in our proposed disapproval of contingency measures for the DFW and HGB Serious ozone nonattainment areas for the 2008 ozone NAAQS (see 88 FR 24522, April 21, 2023).
[19] 40 CFR 51.1312.

nonattainment area is primarily NOx limited. Therefore, as provided in CAA section 181(b)(3), the TCEQ may request, and EPA must grant, a voluntary reclassification to the next higher classification for the Bexar County area, which would provide until the September 24, 2027, Serious area attainment date to attain the 2015 ozone NAAQS. We encourage the TCEQ to submit such a request early enough to maximize the available time for assessing, adopting, and implementing emission reduction measures so the area can meet the ozone NAAQS expeditiously and avoid the mandatory statutory consequences for failing to timely attain.

4. How many tons of NOx reductions does the model predict as needed for the Bexar County nonattainment area to attain the ozone NAAQS?
5. In February 2023, the updated guidance document titled "Guidance on Quantifying NOx Benefits for Cetane Improvement Programs for Use in SIPs and Transportation Conformity" was released for cetane improvement programs.[20] This updated guidance accounts for changes in fleet composition and control technology that has occurred since 2004. Please clarify for the record if the updated guidance was considered and provide any supporting documentation.
6. The TCEQ's proposal includes a certification that nonattainment new source review and Stage I gasoline vapor recovery program requirements have been met for the Bexar County nonattainment area for the moderate classification. 30 TAC Chapter 115.229 in the approved SIP addresses gasoline dispensing facilities in Bexar County that dispense at least 25,000 gallons of gasoline per month. We encourage TCEQ to adopt the same Stage I requirements for Bexar County as are implemented in the DFW and HGB areas, which currently exempt gasoline dispensing facilities that dispense less than 10,000 gallons of gasoline per month from the Stage I requirements.
7. We support the inclusion of the SmartWay Transport Partnership program, which works to reduce mobile source emissions from partners located in and traveling through Bexar County.
8. We support the energy efficiency/renewable energy (EE/RE) measures, even though the EE/RE emission reductions are not quantified in the SIP. We appreciate that these EE/RE measures result in lower emissions from fossil-fuel fired electric generating facilities state-wide.
9. We support the continued implementation of the TERP, which has been a cost-effective way to reduce NOx from mobile sources.
10. EPA would like the TCEQ to consider field study data conducted[21] around the Eagle Ford Shale area indicating emissions contribute to upwind ozone production; this should include upwind/downwind analysis of Bexar County monitors that showed elevated NOx and VOC levels when Eagle Ford Shale emission sources are upwind of Bexar County monitors.

[20] Link to the main guidance page with a summary on the cetane guidance: https://www.epa.gov/state-and-local-transportation/guidance-control-strategies-state-and-local-agencies. Direct link to the cetane guidance: https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1016IFV.pdf.

[21] One of these studies is "Comparing Permitted Emissions to Atmospheric Observations of Hydrocarbons in the Eagle Ford Shale Suggests Permit Violations," Holliman and Schade, Texas A&M Univ., Feb 2021, https://www.mdpi.com/1996-1073/14/3/780. Another example study for this area "Quantifying Emissions from the Eagle Ford Shale Using Ethane Enhancement," Roest and Schade, Texas A&M Univ., Dec 2014, https://ui.adsabs.harvard.edu/abs/2014AGUFM.A13F3250R/abstract

Project Number 2022-026-114-AI

Comments addressing 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles

30 TAC 114.1 (Definitions): We have no comments regarding the proposed revisions to these definitions.
30 TAC 114.2 (Inspection and Maintenance Definitions): We have no comments regarding the revisions to 114.2(10)(D) and (10)(E).
30 TAC 114.50 (Vehicle Emission Inspection Requirements): We have no comments regarding the revisions, which add Bexar County to the vehicle emission inspection requirements.
30 TAC 114.53 (Inspection and Maintenance Fees): We have no comments regarding these revisions, which add Bexar County to the various sections addressing I/M fees.
30 TAC 114.309 (Affected Counties): We have no comments regarding the removal of Ellis, Johnson, Kaufman, Parker, Rockwall, and Wise counties from this list of counties required to comply with the low Reid Vapor Pressure (RVP) program.

Environmental Justice and Civil Rights

Executive Order 12898, directed each listed federal agency to make "achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."[22] Executive Order 14008, made explicit that federal agencies should address "climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts."[23] Provisions ensuring that environmental justice and civil rights be addressed in a State Implementation Plan (SIP) is one way to help ensure fair treatment of all communities affected by government decisions all represent a fairer distribution of environmental burdens and benefits. The TCEQ should carefully review applicable authorities for opportunities to incorporate environmental justice considerations and to ensure that such considerations are adequately and appropriately incorporated into SIP revisions.

EPA is committed to advancing environmental justice (EJ) and incorporating equity considerations into all aspects of our work. We encourage the TCEQ to screen their SIP actions for EJ concerns and to consider potential issues related to civil rights of the communities potentially impacted early in the SIP process by utilizing EJScreen and knowledge of the impacted area.[24] This screening will indicate whether a SIP revision has the potential to contribute to significant public health or environmental impacts, if the community may be particularly vulnerable to impacts from the SIP revision, and whether the community is already disproportionately impacted by public health and/or environmental burdens. A sound screening practice will also provide important information as to whether there are residents of the affected community who could be disproportionately subjected to adverse health, environmental and/or quality of life impacts on the basis of income, national origin (including LEP status), or other demographic factors. The TCEQ should also take into consideration whether facilities (major and minor sources of pollution) contribute to community risk. An area with an above average number of sources, especially if those sources are large or in close proximity to residents, is an area of concern.

[22] Exec. Order No. 12898, 59 FR 7629 (February 16, 1994)

[23] Exec. Order No. 14008, 86 FR 7619 (February 1, 2021)

[24] EJScreen is an environmental justice mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining various environmental and demographic indicators. The EJScreen tool is publicly available at https://www.epa.gov/ejscreen.

W-8

Daniel Lozano

I am a Safety Inspector and Station Owner we currently have Two Stations that have been in business nearly 25 years. We have been informing our customers of the recent changes I.E.(H.B. 3297) the majority of them are very concerned of what will become of our Texas roads and highways. The fact is the proposed Emission fee of $11.50 will force us to close our business with the up keep cost of the emission analyzer, fuel tester and our labor its simply not enough.

W-9

Ruben Meiss

The emissions test fee has been $18.50 since my business partner and I opened our shop in April of 2012 and the man we bought the shop from said this fee had not been raised in years if ever. With the termination of the safety inspections (and the subsequent fee) on January 1, 2025, our independent station will lose more than a third of its income. What with inflation and increased employee costs I feel the emissions test fee needs to be increased by no less than $10 per inspection to $28.50 for ALL emissions testing inspection stations, including Bexar county. Give us independent stations a chance to earn a living.

W-10

Amir Mirza

State inspection fee should be increased to $35

FAHEEM NAWAZ

We are in favor for expansion of the emissions inspection program to include Bexar County and would like to suggest a $40 fee per vehicle emission inspection ON ALL EMISSIONS TEST COUNTIES INCLIDING MONTGOMERY COUNTY.

W-12

Current Emissions Testing Plan in Bexar County

Introduction

My name is Charissa E. Barnes and I am the CEO of Official Inspection Station. I have been in the automotive industry for over 30 years, specializing in vehicle safety inspections in order to save lives. Aside from owning and operating several locations throughout Bexar County, I have served on multiple boards and committees such as AACOG Air Improvement Resources Committee and the Texas State Inspection Association. For the purpose of successfully launching emissions programs in Texas, I have worked with multiple stakeholders such as state agencies (TCEQ and DPS), AACOG, state legislators, and local elected officials.

Background/Plan

Due to Bexar County's "moderate nonattainment" classification by EPA, implementation of an I/M program is required. This means that almost 2 million Bexar County constituents would be required to complete vehicle emission inspections no later than November 2026. This is 22 months after Vehicle Safety Inspections will be eliminated in Texas. The rule making proposed by TCEQ sets a fee of $11.50, despite the results of a TCEQ commissioned study in 2020, 6 years prior to the expected start date, that recommend a fee of $18 to $22 for OBD testing in Bexar County. This study most likely did not account for post-pandemic inflation and labor shortages. Other counties such as Travis, Dallas, and El Paso already have emissions testing in place and have yet to see a price increase since 2001. Currently, El Paso and Austin areas have a mandated price $11.50, while Dallas and Houston areas are $18.50 for emissions testing. Aside from establishing a set price for OBD testing, TCEQ plans on eliminating 50 percent of inspection stations recommending only 458 locations. Information about this plan was provided in January in a Zoom meeting scheduled for the middle of work day. There were few shop owners present at this meeting because there were no in-person town-hall meetings which is typical, historical, and customary of implementing emissions testing.

Risks/Downsides

Emissions testing takes approximately 15 to 30 minutes, more than double the time of a standard vehicle safety inspection. With the average labor hour rate being $145 in Bexar County, TCEQ's proposed $11.50 for emissions testing would not allow companies to be viable, resulting in a lack of participating shops. TCEQ is not mandated to set a price for emissions testing, and is enabling the potential for legal action. Without a minimum number of participating shops, the program would be destined to fail. Firestone and Goodyear have already announced they will no longer be conducting inspections in Texas, the first of many automotive companies who will eliminate opportunity for development of Bexar County, at the hands of TCEQ. With the number of inspection stations being cut in half, and the time length for emissions testing doubling, constituents would experience wait times that are approximately 4 times longer than current safety inspections. History has proven that when we launch an emissions program with fewer shops and longer wait times, constituents are inconvenienced and therefore angry, flooding elected officials and the media with complaints. With the elimination of the safety inspection program, our inspection industry, labor force, and participating shops will be completely dismantled. If TCEQ does not hold in person town hall meetings, the industry will be left in the dark and not be able to give their feedback on the proposed program. These town hall meeting allow for an open dialogue and questions. Without this, elected officials will not have the opportunity to receive feedback from the industry.

Proposed Solution

Considering the risks of the current proposed I/M program plan in Bexar County, we recommend several changes that would gear the program towards success. TCEQ is not required in statute to set a price that private businesses charge for emissions testing. For this reason, we propose allowing businesses to set their own prices, while TCEQ implements a fee to cover costs for overseeing the program. Shops would be required to display their prices on a prescribed form (see attached), displayed in a conspicuous area where customers could see

and on the company's website. We are also proposing an exterior sign with the state of Texas and a check mark (see attached). To address the negative effect of 22 months without safety inspections in Texas, we recommend that I/M testing begin immediately after vehicle safety inspections end on January 1, 2025. There is no statutory requirement or mandate that TCEQ implement the emissions program on the drop dead date of November 2026 nor is there a statutory requirement or mandate that prohibits TCEQ from selecting a more appropriate date to launch the emissions program. There is no statutory requirement or mandate that any elected official or body must take action to have the implementation date be sooner than the November 2026 drop date. Simply put, TCEQ can choose to implement the I/M program in Bexar County at January 1, 2025 which would preserve our workforce and begin cleaning the air, as well as save lives. Finally, it is important that members of the industry are notified about information sessions and are able to provide input as operators of the I/M program. The rule comment period should be extended to allow DPS to hold informative meetings that are more accessible to inspectors and automotive store owners. In the future, TCEQ committee hearings should not be timed or censored as it is not appropriate.

Conclusion

Implementing emissions testing in Bexar County at $11.50 per 15-30 minute test will not allow automotive industry entrepreneurs to successfully operate, so private businesses should set their price. If TCEQ proceeds in this way, we foresee the program being unsuccessful and the air quality not improving in Bexar County. Negative effects of an unsuccessful emissions testing program are increased sick people, dirty air, and angry constituents. Considering the program is already in place in other Texas counties, we predict the start date can be a lot sooner than the November 2026 deadline. Lastly, the rule making deadline should be extended and in person meetings should be held to ensure the attendance of shop owners and politicians.

Important Links

https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=30&pt=1&ch=114&sch=C&div=1&rl=Y
Texas Administrative Code: Environmental Quality

https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=114&rl=53
Texas Admin Code: Inspection and Maintenance Fees

https://www.tceq.texas.gov/downloads/rules/current/22026114_pex.pdf
TCEQ: Rule Proposal for Bexar County Expansion

Charissa E. Barnes, President
4737 College Park Ste 105
San Antonio, Texas 78249
210-698-1000
cbarnes@inspectionsticker.com

Texas Emissions Inspection Pricing

Gasoline-powered vehicles 2 through 24 years old are required to have an emissions inspection.

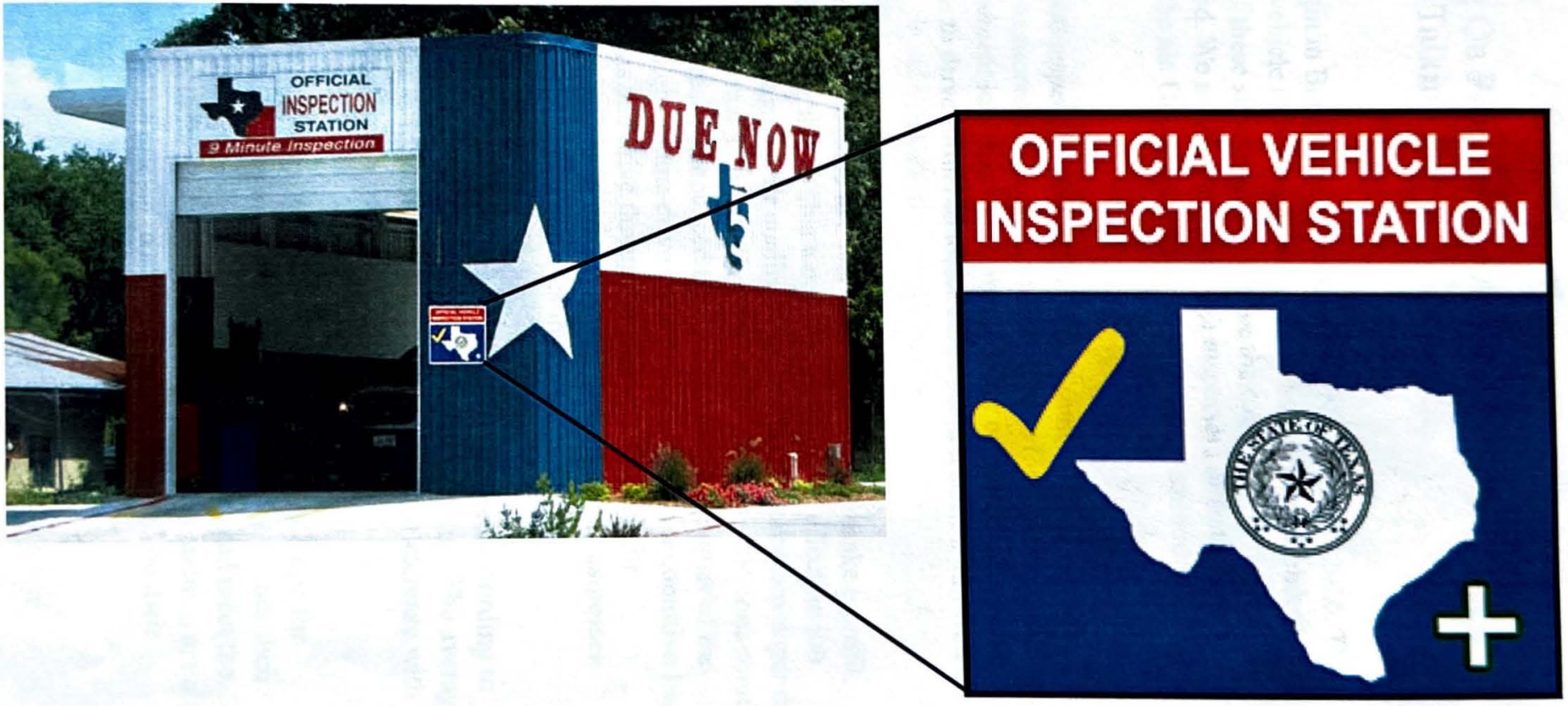
Passenger Vehicle ..... $_____

Truck/SUV Vehicle ..... $_____

Counties requiring emission tests:
Brazoria, Bexar, Collin, Dallas, Denton, Ellis, El Paso, Fort Bend, Galveston, Harris, Johnson, Kaufman, Montgomery, Parker, Rockwall,Tarrant, Travis and Williamson

TX V23-713

Mandatory Posting of Emissions Sign



TCEQ Public Hearing On Proposed Revisions to State Implementation Plan: Talking Points

- Emissions testing must begin in Bexar County no later than November 7, 2026. This date is about 2 years after vehicle safety inspections are no longer being conducted in the State of Texas. Some of these shops would not have the capability to reopen, and the industry would be destroyed. We may not have enough inspectors or stations to launch the program and clean up the air. Our recommendation is to begin emissions testing January 1, 2025.

- Currently we have over 1000 inspection stations in Bexar County. TCEQ is proposing we only need 458 stations to successfully operate emission tests for 2 million vehicles. This is approximately 50 percent less than the current number of inspection stations. This would cause motorists to drive further to locate an inspection station and wait 4 times as long.

- If businesses cannot set a reasonable price to cover their expenses and make a profit, the program will lack participating shops. This would have a negative effect on job availability, Texas highway funding, and air quality. A successful I/M program depends on the automotive business owners and their willingness/ability to serve the community. Firestone and Goodyear have already announced they will no longer be apart of the inspection industry in Texas. High volume drive through quick service automotive like drive-through inspection stations and drive through oil changes account for approximately 30 percent of inspections in Bexar County. Loss of these businesses would be detrimental to the success of emissions testing.

- Official Inspection Station's cost of labor is currently over $20 an hour. According to CarMd state index, the average is shop labor rate in Texas is $145 an hour. The average time to perform an emissions test is 15 to 30 minutes and is expected to increase with the incorporation of safety inspection elements.

- TCEQ is not required in statute to set the price that private businesses charge for emissions testing. Automotive entrepreneurs should have the flexibility to alter their pricing to account for all costs associated with this automotive service and meet the demand of a growing population in Bexar County. We recommend that stations are able to set their own price by positing the pricing in a conspicuous place and on their website so motorists are can make an informed choice.

TCEQ Public Hearing On Proposed Revisions to State Implementation Plan: Talking Points

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- Currently we have over 1000 inspection stations in Bexar County. TCEQ is proposing we only need 458 stations to successfully operate emission tests for 2 million vehicles. This is approximately 50 percent less than the current number of inspection stations. This would cause motorists to drive further to locate an inspection station and wait 4 times as long.

- Meetings are not being conducted in a manner that includes shop owners. In January, an informational session to address emissions testing was held by TCEQ via Zoom in the middle of the work day. For this reason, many automotive entrepreneurs were not in attendance. To ensure the actual implementors of emissions testing in Bexar County are able to provide feedback for operation, TCEQ/DPS should hold in-person town hall meetings. I made the request for these in person meetings in January.

- If businesses cannot set a reasonable price to cover their expenses and make a profit, the program will lack participating shops. This would have a negative effect on job availability, Texas highway funding, and air quality. A successful I/M program depends on the automotive business owners and their willingness/ability to serve the community. Firestone and Goodyear have already announced they will no longer be apart of the inspection industry in Texas. High volume drive through quick service automotive like drive-through inspection stations and drive through oil changes account for approximately 30 percent of inspections in Bexar County. Loss of these businesses would be detrimental to the success of emissions testing.

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W-13

Steve Ortiz

I am the Owner/Manager/Janitor of my Inspection Station here in San Angelo and will be put out of business in 2025. The Fee should be the max for my fellow Inspectors. People do not respect a low fee, low fees are associated with incompetence.
To comment further, when people refuse to police themselves, then the Law has to do it for them, for 70 years the Vehicle Inspection Program has contributed to Texas greatness, a Safety Net for us all.

CHRIS PROKOPEAS

I am an inspection inspection owner in Arlington, Texas which is in Tarrant County. I would like to state that TCEQ should raise the emissions fee to a minimum of $25.50; preferable $29.50, by January 1, 2025 to be able to cover my costs. There have been multiple studies throughout the years and I have been part of at least three and all of them state that the emissions fees need to be raised since they have not gone up in over 20 years. Also, we have the lowest emissions fees of any program in the US. California, for example, charges $75.00 for their emissions inspections.

REMA Investment Group LLC

We are in favor for expansion of the emissions inspection program to include Bexar County and would like to suggest a $40 fee per vehicle emission inspection.

San Antonio Auto Service, LLC

We are in favor for expansion of the emissions inspection program to include Bexar County and would like to suggest a $40 fee per vehicle emission inspection.

WILLIAM SCHWARTZ

Emission inspections in the State of Texas, including Bexar County, will cost at least $25.50 by 2026. There are two ways to get there. The current path Tceq is on will involve many thousands frustrated consumers and a lot of bad media coverage asserting the incompetence of the TCEQ staff and board. However, it can be avoided..

First some background on me. I own 3 inspection only stations in the Austin area that do approximately 75,000 inspections per year. I am a CPA and have been in the inspections business over 10 years so I have a very detailed understanding of the economics of the inspection business. We currently charge $18.50 for inspections and our volume is up 60% in the last 2 years as many inspection stations that are combined with lube or repair business are eliminating or doing far fewer inspections due to the deteriorating economics of inspections. We are running at full capacity and regularly have customers complain that they called or visited multiple other shops and could not get an inspection. There is a significant excess of demand for inspections compared to supply even at $18.50.

Below is what is going to happen based on the current path TCEQ is on:

In January 2025 the safety inspection will cease to exist and the inspection price will drop to $11.50 in the Austin and El Paso area ($25.50 down to $18.50 in Houston and Dallas). Since inspectors do much of the safety inspection while the emissions computer is doing its testing there will be minimal efficiency gained from eliminating the safety portion of the inspections. The business will instantly become unprofitable as labor costs will consume 92% of revenue. I will close my shops on January 1, 2025. All the other inspection only shops will close a few months later as they realize there is no way to cover costs. These shops do between 15 and 25% of all inspections in the Austin area. There will be at least 300,000 consumers who no longer have an inspection station in a city where demand for inspections already exceeds supply. More lube and repair shops will eliminate or further reduce inspections. There will not be nearly enough capacity to allow all consumers to get an inspection. Consumers will be left with repair shops that use the inspection to upsell unneeded diagnostic services or the lube shop that occasionally has an inspector on staff who is not busy doing more profitable oil changes. The same problem will occur in Dallas and Houston but will be a little less acute as they will be charging $18.50. By April of 2025 it will become nearly impossible to get an emissions inspection in Austin and El Paso. Those consumers who are able to get an inspection will spend many hours or spend hundreds of dollars to obtain one.

When thousands of consumers are unable to get their car inspected and renew their registration it will eventually come to the attention of the media. The media reports will portray the TCEQ staff as incompetent bureaucrats and the board will be branded useless political hacks who were asleep at the switch. This will be a crisis/pr problem that, while slower moving, will be on par with the Ercot crisis following the February 2021 blackouts.The problems will continue to grow each month as more cars need and cant obtain an inspection. The media will start reporting on the similar problems in Houston and Dallas.

If the pricing of inspections is not increased prior to the Bexar county rollout, that rollout will fail. As most inspection station operators are not financial analysts, some people will sign up for the

Bexar county program. However, after a few months they will learn from their bank accounts that $11.50 doesn't come close to covering costs and they will cease offering inspections.

The bad media coverage and lack of customer's ability to register their vehicles will eventually force you to increase the price of the inspection. To entice more inspection stations to open and the existing ones to increase volume the price will be set at at least $25. Unfortunately the bad media coverage and frustration for consumers won't end there. It will take many months for new stations to open and hire/certify inspectors so the supply and demand imbalance will continue. I would estimate this to be an additional 6-9 months of pain.

How can all this be avoided?

The solution is very simple. Increase the fee enough to cause supply of inspections to equal demand.

While flawed, the TCEQ inspection cost survey done every 2 years shows that the $11.50 fee is unprofitable so your own records justify this. I would be happy to share my financials and open my books and records to demonstrate the utter inadequacy of an $11.50 fee.

Consumers in Texas are conditioned to paying $18.50 to $25.50 for an inspection and know that it hasn't changed in many years. The consumer feedback and media coverage of an increase in the inspection fee would be minimal, if any, as many customers would gladly pay more to be able to easily get an inspection.

As I can see in my business, there is currently a significant and increasing supply and demand imbalance in the Austin area at $18.50. While I don't operate in Dallas and Houston, I see ads for inspection places and some discounting in those markets. This leads me to believe that supply and demand are more in balance at a $25.50 fee. The clear solution to avoid the crisis above is to set the inspection fee in Bexar county and statewide to at least $25.50.

The choice is yours. Do you want to help make consumers' lives better or do you want to create an entirely avoidable crisis and be portrayed in the media as yet another incompetent government agency?

W-18

Texas State Inspection Association
Comments on Rules
Docket # 2023-0317-RUL
July 13, 2023

- In 2020 TCEQ commissioned a study to help prepare for the future Implementation of an I/M program in Bexar County. The study recommended a fee between $18 and $22, which would be more in line with the fees charged in the Houston and Dallas areas currently set at $18.50, however, the decision was made by TCEQ to set the fee at $11.50 to match Travis/Williamson/El Paso areas instead.

- The $11.50 fee that is being proposed does not come anywhere close to covering the cost of providing the service. Business owners will choose not to provide inspections at that cost, which will require citizens to drive further and wait in line longer to get an inspection before they can register their vehicle. Citizens would rather pay more, and not have to wait in line.

- There are varying fees across the state for emissions tests. DFW and Houston are at $18.50, while Austin and El Paso areas are at $11.50. With the elimination of safety inspections, many inspection stations in those areas are choosing to get out of the inspection business because at $11.50, inspections are a loss leader. Setting a statewide fee would limit confusion for citizens on what amount they should pay to an inspection station for their emissions inspection, and TSIA recommends the fee should be set at $22 to ensure there are enough stations willing to remain in the business and enough stations to continue to come into the business in an effort to reduce the wait times for citizens.
- With the passing of HB 3297 this legislative session, all non-commercial vehicle safety inspections will go away 1/1/2025. If emissions testing in Bexar County doesn't start until November 7, 2026 then there will be an 18 month gap where vehicle inspection stations will be forced to shut down the station and certified inspectors will have to look for other employment.

Texas State Inspection Association
512.574.6250 jojo@texasvehicleinspections.com

- There are currently a little under 2 million vehicles registered in Bexar county that will need to be emissions tested and if many of the current inspection stations and inspectors leave the industry it will be difficult for Bexar county residents to be inspected and subsequently registered. TCEQ estimates it will take 458 stations to adequately test the Bexar County vehicle fleet. TSIA's recommendation would be to implement emissions testing in Bexar County closer to the elimination date of vehicle safety inspections in Texas which takes effect January 1, 2025 to avoid confusion and possible shortages of emissions inspection stations.

- There are 4 inspection items that will have to move from the current safety inspection process over to the emissions inspection process after 1/1/25 statewide. Currently stations collect $7 for the safety inspection, after 1/1/25 the $7 fee for stations goes away but now emissions inspection stations will have to pick up inspecting these additional items adding time to the inspection process with no compensation to the station (this is why TSIA recommends a $22 emissions inspection fee across the board in all 18 counties in Texas). The 4 items that will need to move are the exhaust system, exhaust emission system, fuel tank cap, using approved pressurized testing equipment, and emissions control equipment. Without a fee increase to the stations associated with this change it will no longer make business sense to continue to provide inspections. Firestone and Goodyear have already commented that without a fee increase they will no longer be in the inspection business in Texas, other stations will follow, which means longer drive times and longer wait times for citizens (especially in Bexar/Travis/Williamson/El Paso counties at their current fee structure).

- The current fee of $7 for the safety inspection in combination with the emissions fee helped to address the ever-increasing costs of inflation (especially after the pandemic), labor shortages, supply increases etc. When the $7 fee goes away there may be an impact in the number of emissions inspection stations that will be able to continue to operate and provide this service. Without these stations this will result in long lines and frustration from Texas citizens.

Texas State Inspection Association
512.574.6250 jojo@texasvehicleinspections.com

W-19

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001
512/424-2000
www.dps.texas.gov

August 25, 2023

Chairman Jon Niermann
MC 100
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Chairman Niermann,

With the passage of House Bill 3297 in the 88th Legislative Session, effective January 1, 2025, most safety inspections will be eliminated statewide. The bill abolishes the Vehicle Safety Inspection Program for non-commercial vehicles by amending Chapter 382 of the Health and Safety Code and Chapters 502, 507, and 548 of the Transportation Code.

Based on a review of information provided on the Texas Commission on Environmental (TCEQ) website, the timeline for Bexar County vehicle emissions implementation is currently unspecified as outlined by the following quote: "Dates for when stations will need to have emissions analyzers in place and when emissions testing will be needed for vehicle registration have yet to be determined but will be no later than November 7, 2026."

The Texas Department of Public Safety (DPS) strongly encourages the TCEQ to accelerate the implementation of vehicle emissions testing in Bexar County. This would not only be a proactive approach in working towards achieving clean air standards, but it would also reduce the hardship on the vehicle inspection stations that currently conduct safety-only inspections and the citizens of Texas who reside in Bexar County.

Clearly, the closing out of safety inspections on January 1, 2025, and the mandate to have emissions testing in Bexar County by no later than November 7, 2026, potentially creates a large disparity where safety inspections will be eliminated well before emissions inspections are required. This could have a negative impact on existing safety stations that plan to convert to emission stations and require extensive state resources in the closing and potential opening of stations several months later. Additionally, as the regulator of the licensing program, the process of standing down all stations in the largest populated non-attainment county, only to then standup new stations and inspector several months later, will be a significant increase in workload.

In addition, DPS anticipates that many safety-only vehicle inspection stations will close and exit the program before the January 1, 2025, effective date of House Bill 3297. If this holds true for Bexar County, a large populous of Texas located in Bexar County could be facing a shortage of available

vehicle stations if the emissions program begins in late 2026. This could also potentially widen the gap between station closures and the beginning of emissions testing which may further reduce the pool of existing stations that are willing to switch from safety to emissions in Bexar County.

The burden could be reduced on both vehicle stations and the citizens of Bexar County if the date of the emissions inspection requirement and the elimination of the safety-only inspections could be aligned to January 1, 2025. Otherwise, the complexity of educating Bexar County citizens on the inspection process for the next three years would potentially cause significant confusion:

1) Bexar County citizens would not need any type of inspection for 2025.
2) Depending on the month of registration, Bexar County citizens may or may not need an emissions inspection in 2026.
3) Finally, all would need an emissions inspection in 2027.

I have copied Bexar County Judge Peter Sakai and Walt Goodson, DPS Deputy Director, Law Enforcement Services for awareness. Thank you for your consideration of this request.

Sincerely,

Wayne Mueller, Chief
Regulatory Services Division
Texas Department of Public Safety

Cc: Bexar County Judge Peter Sakai
101 W. Nueva, 10th Floor
San Antonio, TX 78205

Walt Goodson, DPS Deputy Director, Law Enforcement Services

LICENSING AND REGISTRATION SERVICE MSC 0245
TEXAS DEPARTMENT OF PUBLIC SAFETY
PO BOX 4087
AUSTIN TX 78773-0245

Chairman Jon Niermann
MC 100
TCEQ
P.O. BOX 13087
Austin, TX 78711-3087

INTERAGENCY

John Valerio

$40 per inspect. The hassle, maintenance, extra staff, facilities, machine cost, space, and loss of revenue from safety items asks for this. Inflation commands this.

Mona Wakim

Customers and business owners are frustrated by the inspection system as it currently stands. I personally have asked numerous people what they think about the inspection program and all believe it's important because most consumers would not check their car if they weren't required to. There have been extensive studies showing the impact on lives saved with the inspection program. We must not only continue the program but strengthen it by analyzing the current test procedure and making it better for both the businesses and the consumer. Oftentimes people feel bad paying only $7 $11.50 for an inspection. Most can't believe a cup of coffee at Starbucks is more expensive. You have to also consider the risk the inspector is taking, driving someone's vehicle is a liability of property. That in itself is worth more then the current dollar amount. Take in to account the time it takes to do an inspection is typically 20 minutes-that turns into $0.35 per minute of the inspector's time/expertise. It's truly a joke in this day how little the fees are. Again, inspectors, auto shop owners, customers are all together frustrated by the current system. The answer is not to reduce fees or testing, the answer is to correct the current system to improve it by narrowing the tests performed to keep up with the times for example to get rid of testing the emergency brake system as most cars automatically utilize the emergency brake so it cannot be tested in most new cars. By streamlining the current inspection tests, you can save the inspector time and energy to be more efficient and can charge a more reasonable and higher fee for the expertise, time and accountability it takes. You have to remember there are vehicles out there that are worth more than some houses, and you allow such a small charge for such a big risk/responsibility of property. It's truly outrageous. Again, the inspection process needs to be perfected to keep up with the new technology/vehicles and the fees need to reflect a reasonable amount for the time and liability shops/inspectors put in. Everyone is frustrated and the two things to improve are raising the cost and improving the test.

W-22

From: Joan Woodruff
To: Edgar Gilmore
Subject: Fee for emission inspections
Date: Monday, July 10, 2023 9:21:35 PM

Hello Edgar,
I haven't spoken to you in years, since I got rid of my worldwide machines and got Esp Mechine's. Completely cured my problem anyway, I just found out that you were looking to include Bexar county as an emissions county. While I'm not against it, I don't live there and I don't think I should have a say in it what I would like to suggest is the fact that the first time we took over 40% cut, and we have never had a raise since we began emissions inspections. I think with the cost that it cost to have a run an inspection station, pretty equipment, maintenance insurance, liability, employees, locations, rent, etc. we are long overdue for .I think with the cost that it cost to have and run an inspection station for the equipment, the maintenance, the insurance, the liability employees, the locations, rent, etc. we are long overdue for a raise.
If you do go to $40 a sticker, we should be getting the difference in profit and it would be nice if we did not have to pay GDITims for their services either.
Hope you're doing well and God bless.
Joan Woodruff

Sent from my iPhone

INDEX OF ORAL TESTIMONY

REFERENCE NUMBER	SUBMITTED BY
O-1	Charissa Barnes, Official Inspection Station
O-2	JoJo Heselmeyer, Texas State Inspection Association
O-3	Jose Garcia
O-4	Diane Rath, Alamo Area Council of Governments (similar to written comments)
O-5	Bill (William) Schwartz (similar to written comments)

TRANSCRIPTION OF AUDIO-RECORDING

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

JULY 13, 2023

JULY 13, 2023

DANIEL SCHROEDER: Good evening. I would like to come to the formal session of this meeting. First I'm going to have the translation services make a quick announcement.

THE INTERPRETER: (Spanish)

DANIEL SCHROEDER: I'd like to welcome everyone to this public hearing being conducted by the Texas Commission of Environmental Quality. My name is Daniel Schroeder with the Office of the Chief Clerk.

I would also like to introduce Donna Huff, Walker Williamson, Danielle Nesvacil, Bobby Gifford, Edgar Gilmore, Allison Stokes, and Stephanie Fredrick with the Air Quality division, and Terry Salem with the Environmental Law division.

We are here to receive comments on the following four proposals: amendments to 30 Texas Administrative Code, Chapter 114, Control of Air Pollution for Motor Vehicles.

The Bexar County Inspection and Maintenance State Implementation Plan or SIP revision.

And the Bexar County Moderate Area Attainment Demonstration, SIP revision.

And Reasonable Further Progress, SIP

revision, both for the 2015 eight-hour ozone national ambient air quality standard.

This hearing is structured strictly for the receipt of comments on the proposals. Open discussion during the initial hearing is not allowed.

Due to the amount of people that have signed up to speak this evening, we would like to ask two favors of you.

First, please try to keep your comments as brief as you can, and no longer than three minutes. We would like to be sure that everyone has an opportunity to speak.

Second, if someone who spoke before you addressed your concerns, it is not necessary to repeat that comment. You can simply indicate your endorsement of those comments, and in the Adopt a Project documentation, we will acknowledge those -- that those were your concerns as well.

Thank you for your courtesy in recognizing the time limit. If necessary, a 10-minute break will be taken every 40 minutes of testimony.

If you have not yet signed in at the registration table, please sign in now. If you intend to present oral comments, please indicate

that on the sign-in sheet.

Printed copies of the proposed rule and SIP revisions are available at the registration table for your reference while here.

Several handouts are also provided for you on the registration table, including the hearing notice and plain-language summary of the proposals we are taking comments on today. These handouts are provided in both English and Spanish. The handouts contain relevant web addresses and comment submittal information. These documents are available on the TCEQ website as well.

We will now begin receiving comments in the order in which you registered. We will be recording your comments for transcription, so please speak directly into the microphone so that we can hear your comments. When I call your name, please come up to the microphone, state your name and who you represent, and you can begin your comments.

So the first person I have on the list is JoJo Heselmeyer.

JOJO HESELMEYER: Hi there. Good evening. For the record, JoJo Heselmeyer, and I'm with the Texas State Inspection Association. I've also brought my comments in writing, so it might make it

easier for you guys when you have to go to transcribe.

So in opening, I just want to start out that in 2020, TCEQ commissioned a study to help prepare for the future implementation of an IM program in Bexar County. The study recommended a fee between 18 and $22, which would be more in line with the fees charged in the Houston and Dallas areas, currently set at 18.50. However, the decision was made by TCEQ to set the fee at 11.50 to match Travis, Williamson, and El Paso areas instead of the Dallas and Houston.

TSIA feels that this is going to have a negative impact. With the passing of House Bill 3297 this legislative session, all noncommercial vehicle safety inspections will go away January 1, '25. If emissions testing in Bexar County doesn't start until November 7th of 2026, this will leave an 18-month-plus gap where vehicle inspection stations will be forced to shut down, and certified inspectors will have to look for other employment.

The current fee of $7 for the safety inspection in combination with the emissions fee helped to address the ever-increasing cost of inflation, especially after the pandemic, labor

shortages, supply increases, et cetera. When the $7 fee goes away, there may be an impact in the number of emissions inspection stations that will be able to continue to operate and provide this services. Without these stations, this will result in long lines and frustration from Texas citizens.

There are four inspection items that are going to have to move from the current safety process over to the emissions inspection process after January of '25.

So currently, the station collects that $7 for the safety inspection. After 1/1/25, the fee for the station goes away, but now emissions inspection stations will have to pick up inspecting these additional items, adding to the inspection process with no compensation to the station. Again, this is why TSIA recommends a $22 emissions inspection fee across the board in all 18 counties in Texas.

The four items that will need to be moved over are the exhaust system, exhaust emission system, fuel tank cap using an approved pressurized testing equipment, and the emissions control equipment.

Without a fee increase to the stations

associated with this change, it will no longer make business sense to continue to provide inspections.

Firestone and Goodyear have already made comment that without a fee increase, they will no longer be able to inspect businesses in Texas, and other stations will follow, which means longer drive times and longer wait times for citizens, especially in the Bexar, Travis, Williamson, and El Paso counties.

There are varying fees across the state for emissions test. DFW and Houston are at 18.50, again, while Austin and El Paso areas are at 11.50. With the elimination of safety inspections, many inspection stations in those areas, again, are choosing to get out of this business.

Setting a statewide fee would limit confusion for citizens on what amount they should pay to an inspection station for their emissions inspection. And again, TSIA recommends that fee be set at $22 to ensure there are enough stations willing to remain in the business and enough stations to continue to come into the business in an effort to reduce the wait times for citizens.

You guys let me know when I'm out of time. I'm almost done.

There are currently a little under two million vehicles registered in Bexar County that will need to be emissions tested. And again, if many of the current inspection stations and inspectors leaves the industry, it will be difficult for Bexar County residents to be inspected and, subsequently, registered.

TCEQ estimates it will take 458 stations to adequately test their county vehicle fleet. TSIA's recommendation would be to implement emissions testing in Bexar County closer to the elimination date of the vehicle safety inspection in Texas, which again, takes effect 1/1/25, to avoid confusion, possible shortages, and those types of things.

DANIEL SCHROEDER: That's time.

JOJO HESELMEYER: That's all right. That's what I have though.

DANIEL SCHROEDER: Thank you.

JOJO HESELMEYER: You're welcome. Who do I leave this with?

DANIEL SCHROEDER: So next on the list that I have is Bill Schwartz.

BILL SCHWARTZ: My comments are also filed on your website, so you can see them there.

Emissions inspections in the state of Texas and Bexar County are going to cost north of $20 by 2026. It's just a fact. You guys are going to be forced to increase it.

There are two ways to get there. The current path TCEQ is proposing with an $11.50 fee is going to cost many thousands of frustrated consumers throughout the state and a lot of bad media coverage for TCEQ.

Personal background on me. I own three inspection-only stations in the Austin area. We do approximately 75,000 inspections a year. I'm a CPA, and I have been in the inspection business for 10 years. So I have a better, very detailed understanding of the finances of this business.

We currently charge 18.50 for inspections. Our volume is up 60 percent in the last two years because so many, a combination of lube or repair shops, are not doing inspections or are reducing volumes of inspections. So customers are having to call or go to four or five different places, and they end up with me. I love the volume, but I'm at full capacity; and I can't do many more.

There is a significant excess demand for inspections compared to supply, even at $18.50 in

Travis County, and Williamson.

Below is what's going to happen based on the TCEQ plan. In January 2025, safety inspections are going to go away. My price will go down to $11.50. My labor cost will be 92 percent of my revenue at that point. So I will be closing down my stations in January 2025.

Soon thereafter, my cohorts that also run inspection-only stations are going to figure out that they're not making any money. They will close down also. That's approximately 300,000 inspections a year that are going to go away in Austin, Travis County, maybe 10, 15, 20 percent. I don't have the exact numbers, but a significant percentage of the cars inspected in Travis County will no longer have an inspection station.

The only places that will be left are repair places and lube places. They are already pulling back on inspections at 18.50. They're going to pull back more at 11.50. The same problem is going to occur in Dallas and Houston, but it will be a little less acute since they will then be getting $18 as opposed to the 11 that we're getting in Austin and eventually Bexar County.

The consumers who are able to get an

inspection will spend many hours or spend hundreds of dollars because they're going to go to places that are doing inspections just to upsell them repair fees or costly diagnostics that are not needed for the inspection. We see it happening now at 18.50. At 11.50 it's going to be rampant and acute.

When thousands of consumers are unable to get their cars inspected and renew their registration, it will eventually come to the attention of media. Media reports will portray TCEQ staff as incompetent and asleep at the switch. This will be a crisis or PR problem that will be slower moving but on par with the ERCOT crisis after the freeze in 2021. The problems will --

DANIEL SCHROEDER: I'm sorry, but that time.

UNIDENTIFIED FEMALE: Before you leave, can you please identify yourself for the record?

BILL SCHWARTZ: Bill Schwartz.

I can't continue?

DANIEL SCHROEDER: No. We have a time limit.

BILL SCHWARTZ: Okay. Thank you.

DANIEL SCHROEDER: Thank you, though.

Next on my list I have is Jose Dario.

JOSE GARCIA: Garcia? (Indiscernible) Jose Garcia (Indiscernible).

DANIEL SCHROEDER: I have a Jose Dario.

JOSE GARCIA: Good evening, ladies and gentlemen. My name is Jose Garcia. I'm an owner of an inspection station. We don't have any other business in our location. We're just exclusive inspection station. We've been in business for about 15 years, and we have gone through changes during this time but nothing like this.

The changes that are coming I think are going to have a catastrophic consequence to the station owners and the residents of Bexar County, and also the office of Tax Assessor, Collector, Mr. Albert Uresti.

Due to the fact that that gap of 18 months if this new proposal that is supposed to take effect in 2026 is necessary to register a vehicle, Bexar County is going to have a hard time to recruit inspectors and open stations with an 18-month gap. There is no way I can survive 18 months without an income. And you have to find -- I mean, there's a lot of things. It's just not doing inspection. You've got to pay -- you have to rent a commercial

place. You have to have probably like I heard something like $19,000 equipment. It's not -- it's very big change.

The idea is okay. But the main problem I've got is that gap. It's very difficult to stay -- there's no way we can stay in business. And we love the community. We've been with the community for many, many years. And something has to be done between whoever makes this decision - the politics, you guys, DPS. I don't know who's doing what. But it's going to have a big -- I'm telling you, it's going to be a big problem in Bexar County.

And the 11.50 also, that's -- that's not going to be enough. Considering I've got (indiscernible) this day. And I used to buy a pan of fajita. Go right now and try to eat fajita every day. You cannot eat fajita every day. And that's how -- and in 2026 cost of living is going to be a lot more.

So whoever is in charge of this or can do something about it, I think you all take into consideration what we're saying here tonight. Thank you.

DANIEL SCHROEDER: Thank you.

Next on my list I have is Diane Rath.

DIANE RATH: Thank you. I'm Diane Rath, Executive Director of Alamo Council of Governments, and our board of directors has previously submitted their comments to you.

But I want to take this opportunity to really tell you how much we appreciate your holding this hearing here so that our residents have an opportunity to testify to you and to submit any questions that they may have for your later response. We realize it's the middle of summer, and it's an extra burden. So thank you all very much for doing that.

I also have to really publicly acknowledge the effort that you all have done over the past year in meeting with our elected officials. You all had several meetings, both with Mayor Nirenberg and with both Judge Wolff and Judge Sakai, really involving them in the process, making sure they understood what was coming and what was happening. And I appreciate your listening to them and the very serious concerns they have about this additional fee on the residents of this community because we're a very poor city, particularly compared to Dallas, and Houston, and other areas. And they are very concerned about the impact on our population,

particularly our poorer residents.

So I thank you for doing that, and we really, again, appreciate what you've done to persevere, the collaborative and cooperative spirit of working with all the elected officials here. So thank you.

DANIEL SCHROEDER: Thank you.

Next on my list I have is Charissa Barnes.

(Pause)

CHARISSA BARNES: I have an announcement to make. Ready?

DANIEL SCHROEDER: Go ahead.

CHARISSA BARNES: Okay. Hi. Good evening. Thank you for holding this hearing for us today. My name is Charissa Barnes. I'm the President and CEO of Official Inspection Station, and I save lives.

My company has been established since 1985. I'm a multigenerational small-business owner, and we specialize in vehicle inspections. I am one of the few people in this room that have participated and worked with many different stakeholders. I've been on the Air Improvement Resources Committee here at ACOG, where I helped ACOG and elected officials -- our local elected officials, determine whether or not San Antonio would opt into an emissions program

in the early 2000s.

I've also been a board member of the Texas State Inspection Association, and through my work I have worked at the legislative level, where we have written bills, worked with elected officials on the state level, and at the local level, the automotive inspection industry, to successfully launch a program in the Dallas and Houston area back in the early 2000s.

I will not spend a lot of time reiterating what some of my other colleagues have said, but what's most important is that our program launches. You've heard tonight several people in our industry have said, well, the fee is just not appropriate to be able to encourage and entice private business to perform these inspections. Although we just heard that San Antonio is a poor city, but we are a growing city. And we have poor air quality. It's important that we clean that up.

I want to talk about, that there was a meeting in January I attended. It was hosted by TCEQ. And I asked, would there be an opportunity for the Department of Public Safety, in conjunction with the TCEQ, to invite inspection station owners to the meeting so they can describe and explain and

answer questions prior to rule submission. That did not happen.

In previous -- in our previous works in the Dallas, Houston, Austin area, it is very customary, and has happened historically, where the DPS and TCEQ will hold a meeting. Not just a rulemaking, but where inspection station owners and operators can come and ask questions. At the time this meeting happened in January, the price had not yet been set, and we have not had an opportunity.

I think the elected officials from San Antonio need the opportunity to hear from the local automotive industry about what their concerns are. Not simply through a hearing right here where we can just give oral testimony, but a true discussion because that has been historical and customary in our industry. And I think we are short-changing our elected officials into thinking that the industry will be here and be able to participate and support our community through the emissions program. And it's simply going to be extremely challenging.

I also would like to say that Texas -- I'm sorry -- the Texas Commission of Environmental Quality does not have a statutory mandate to set the fee. I will say that again. There is nothing in

the health and safety code that says TCEQ must set the fee. Private businesses are being asked to participate in this program to help us clean up the air, to help us save lives.

So why is it happening? Well, TCEQ has been setting the fee for a very long time. But unfortunately, TCEQ sets the fee and then doesn't increase the fee for about two decades. And what happens is our program deteriorates, and it invites a criminal element to come into our industry and do fraudulent safety -- excuse me -- emissions inspections. It's run rampant all over Texas. It's all over the news. We don't want that for Bexar County.

What I propose -- and I've given it to you today -- two things. Number one, that we allow the private businesses to set their price. I've given you -- I know my time is up. Please permit me another 20 seconds.

We've put forth a form where the private businesses will post their price for consumers to make their choice. This allows more private businesses to come into the program. This also allows for inspection stations to be in a fast-growing areas of San Antonio where we don't have

enough inspection stations today.

And then finally, that there would be a sign that we put on the front of the building, which is customary for a safety inspection station today, and it simply has a green plus. And that lets consumers know before they ever drive onto the property, that, in fact, this store has additional price, and you can find that either on our website or you can find it in the customer lobby area. And it is something that happens all over the United States. And it allows us to actually launch a program to help us clean up the air.

Times up? Yeah.

DANIEL SCHROEDER: Yes. Sorry.

CHARISSA BARNES: Okay. Thanks.

DANIEL SCHROEDER: Thank you.

So at this time that is everyone that I have on my list that signed up to make oral comments. Is there anybody else who has not made oral comments that would like to do so?

Okay. So we are accepting written comments on the proposal today. The TCEQ will continue to accept written comments on these proposals via the TCEQ public comment system until 11:59 p.m. on July 17, 2023. All comments should reference the rule or

project number that the comment pertains to. As a reminder, copies of the proposed rule and SIP revisions, including appendices, can be obtained from the Commission's website. The handouts contain the relevant web addresses for obtaining electronic copies of the proposed rule and SIP revision and access to the TCEQ public comment system.

We appreciate all comments, and we thank you for coming. If there are no further comments, this hearing will be closed, and I hope everyone has a good night. Thank you.

(END OF AUDIO RECORDING)

CERTIFICATE OF TRANSCRIPTIONIST

I certify that the foregoing is a true and accurate transcript of the digital recording provided to me in this matter.

I do further certify that I am neither a relative, nor employee, nor attorney of any of the parties to this action, and that I am not financially interested in the action.

_____

Julie Thompson, CET-1036

Texas Commission on Environmental Quality
Public Hearing Registration

Date July 13, 2022
Time 7:00 p.m.

Project Nos.: 2022-024-SIP-NR; 2022-025-SIP-NR; 2022-027-SIP-NR; and 2022-026-114-AI
Short Title: Bexar County 2015 Ozone NAAQS Moderate Reasonable Further Progress SIP Revision; Bexar County 2015 Ozone NAAQS Moderate Attainment Demonstration SIP Revision; Bexar County Inspection and Maintenance SIP Revision; and Chapter 114 Bexar County I/M Expansion, Low-RVP Clean up, and Definitions Clean-Up
Location: Alamo Area Council of Governments, 2700 NE Loop 410, San Antonio, Texas
Concerning: Proposed revisions Bexar County moderate classification SIP revisions for the 2015 Eight-Hour Ozone National Ambient Air Quality Standard and proposed revisions to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles

Name **(Please Print)**	Representing **(Business, Organization, Government Official)**	Presenting Oral Testimony? **(Circle One)**
Kyle Cunningham	SA Metro. Health	Yes (No)
JoHeselmeyer	Texas State Inspection Assoc.	(Yes) No
Amber Chapman	Southwest Research Institute	Yes (No)
STEVEN FLEMING	———	Yes (No)
ANDREW FRYE	CAPITOL AGGREGATES	Yes (No)
BILL SCHWARTZ	STICKER EXPRESS	(Yes) No
Jose Dario	INSPECTION STATION	(Yes) No
DIANE RATH	AACOG	(Yes) No
David Simon	SART	Yes (No)
Lindsey Garnett	SA Report	Yes (No)
Steven Hellwig	Bexar County	Yes (No)

Texas Commission on Environmental Quality
Public Hearing Registration

Date July 13, 2022
Time 7:00 p.m.

Project Nos.: 2022-024-SIP-NR; 2022-025-SIP-NR; 2022-027-SIP-NR; and 2022-026-114-AI
Short Title: Bexar County 2015 Ozone NAAQS Moderate Reasonable Further Progress SIP Revision; Bexar County 2015 Ozone NAAQS Moderate Attainment Demonstration SIP Revision; Bexar County Inspection and Maintenance SIP Revision; and Chapter 114 Bexar County I/M Expansion, Low-RVP Clean up, and Definitions Clean-Up
Location: Alamo Area Council of Governments, 2700 NE Loop 410, San Antonio, Texas
Concerning: Proposed revisions Bexar County moderate classification SIP revisions for the 2015 Eight-Hour Ozone National Ambient Air Quality Standard and proposed revisions to 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles

Name **(Please Print)**	Representing **(Business, Organization, Government Official)**	Presenting Oral Testimony? **(Circle One)**
Travis Nedrich	AAMPO	Yes (No)
Clifton Hall	Alamo Area MPO	Yes (No)
DeeDee Belmares	Public Citizen	Yes (No)
DAN YOXALL	SAN ANTONIO MFG ASSOC.	Yes (No)
Charissa C. Barnes	Official Insp. Station	(Yes) No
Felix Venzor	Official Inspection	Yes (No)
		Yes No
		Yes No
		Yes No
		Yes No
		Yes No

EVALUATION OF TESTIMONY

Texas Commission on Environmental Quality
Interoffice Memorandum

To: Commissioners **Date:** November 16, 2023

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

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

Docket No.: 2023-0318-SIP

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

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

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

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

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

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

C.) Additional staff recommendations that are not required by federal rule or state statute:
The SIP revision incorporates a previously adopted rulemaking into the I/M SIP. The rulemaking (Rule Project No. 2021-029-114-AI) ensures that proof of compliance with I/M requirements are consistent between TCEQ, the Texas Department of Motor Vehicles (DMV), and the Texas Department of Public Safety (DPS) in response to SB 604, 86th Texas Legislature, 2019.

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

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

Effect on the:

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

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

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

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

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

Public Involvement Plan
Yes.

Alternative Language Requirements
Yes. Spanish.

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

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

Significant changes from proposal:
None.

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

Re: Docket No. 2023-0318-SIP

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

Will this SIP revision affect any current policies or require development of new policies?
TCEQ staff does not anticipate that the SIP revision will affect current policies or require development of new policies. The agency can handle the responsibilities with existing resources.

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

Key points in the adoption SIP revision schedule:
Anticipated agenda date: November 29, 2023

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

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

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

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

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GENERAL COMMENTS

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

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

AACOG commented that because San Antonio is a poor city, elected officials are concerned about the impact the emissions inspection fee will have on residents.

AACOG thanked TCEQ for including Bexar County elected officials in its outreach efforts and for listening to their concerns.

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

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

No changes were made in response to this comment.

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

The purpose of this rulemaking is to implement I/M and set the testing fee applicable in Bexar County in accordance with EPA's guidance and FCAA

requirements. TCEQ followed all relevant federal and state statutes, regulations, and guidance in the development of this rulemaking for the Bexar County nonattainment area.

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

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

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

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

No changes were made in response to these comments.

PROGRAM DESIGN

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

program, they would not consider conducting emissions inspections if the maximum fee were $11.50.

RIE, SAAS, OIS, TSIA, and 13 individuals commented on the I/M fee in general, all stating that the maximum fee should be increased, and RIE, SAAS, TSIA, and nine of those individuals recommended fees ranging from $22 to $40. OIS, TSIA, and nine individuals expressed concern that the proposed maximum inspection fee will not cover the costs associated with conducting the inspections. One individual commented that the previous TCEQ inspection fee survey indicated that the current fee rates are inadequate. The same individual indicated they participated in multiple inspection fee surveys and claimed that Texas has the lowest inspection fee in the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

OIS and four individuals provided comments against the end of state safety inspections for noncommercial vehicles. One individual station owner stated their business would close, and OIS commented that the inspection industry will be dismantled when safety inspections end in 2025. An individual station owner offered that their customers are concerned that ending the safety inspection program will result in more cars being left alongside the road, and another individual commented that the safety inspection program helps avoid accidents. That individual went on to suggest that organizations should protest the statutory repeal of the program and keep roads and air safe.

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

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

Comments were received from AACOG, DPS, OIS, TSIA, and two individuals concerning the proposed start of I/M in Bexar County, November 1, 2026. AACOG commented that it was critical to have as much time as possible to disseminate information about and to implement the program due to the planned end of state safety inspections on January 1, 2025. DPS suggested a start date of January 1, 2025 for vehicle emissions inspections in Bexar County to align with the end of non-commercial safety inspections. DPS commented that safety-only vehicle inspection stations will close and exit the program before January 1, 2025, creating a shortage of available stations when the emissions inspection program begins in 2026. DPS also commented that the proposed start date of November 1, 2026 would potentially have a negative impact on existing safety stations, the process of closing inspection stations to then open up new stations several months later would be a significant increase in workload for the agency, and that the complexity of educating citizens on the inspection process for the next three years could cause significant confusion. OIS, TSIA, and an individual

commented that starting I/M on the proposed date of November 1, 2026 would leave an inspections gap once safety inspections end that would be difficult for stations to endure financially. OIS and TSIA commented that the Bexar County I/M start date should be as close to the end date for safety inspections as possible. OIS went on to comment that there is no statutory requirement or mandate requiring TCEQ to establish a specific start date for I/M in Bexar County, including the proposed November 1, 2026 start date. OIS stated that TCEQ may choose to implement I/M in Bexar County starting January 1, 2025, eliminating the inspections gap, which would preserve the workforce, clean the air, and save lives. OIS added that San Antonio is a poor city but a growing city with poor air quality that needs to be cleaned up.

Under the FCAA, §182(i), states generally must meet new requirements associated with a reclassification according to the schedules prescribed in connection with such requirements. The I/M rules in 40 CFR Part 51, Subpart S allow areas newly required to establish programs up to four years after the effective date of reclassification, 40 CFR §§51.373(b), 51.352(c) and (e)(2). In its final reclassification rule published October 7, 2022 (87 FR 60897), EPA also took comment on, and established, the I/M program implementation deadline of no later than four years after the effective date of reclassification (November 7, 2026). The commission adopts this rulemaking with its proposed November 1, 2026 start date to ensure adequate time for delivery and setup of vehicle emissions inspection equipment and to work with partner agencies to develop and implement a public awareness plan. The commission is aware that the end of state safety inspections will occur before I/M starts in Bexar County and will work with DPS on the transition from safety-only inspections to emissions and commercial safety inspections. No changes were made in response to this comment.

STAFF RECOMMENDATION (INCLUDING ORDER)

REVISIONS TO THE STATE IMPLEMENTATION PLAN FOR
MOBILE SOURCE STRATEGIES

TEXAS INSPECTION AND MAINTENANCE STATE
IMPLEMENTATION PLAN

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

BEXAR COUNTY INSPECTION AND MAINTENANCE STATE IMPLEMENTATION PLAN REVISION

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

Adoption
November 29, 2023

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EXECUTIVE SUMMARY

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

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

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

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

SECTION V: LEGAL AUTHORITY

General

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

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

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

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

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

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

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

Applicable Law

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

Statutes

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

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

Chapter 5: Texas Natural Resource Conservation Commission
- Subchapter A: General Provisions
- Subchapter B: Organization of the Texas Natural Resource Conservation Commission
- Subchapter C: Texas Natural Resource Conservation Commission
- Subchapter D: General Powers and Duties of the Commission
- Subchapter E: Administrative Provisions for Commission
- Subchapter F: Executive Director (except §§5.225, 5.226, 5.227, 5.231, 5.232, and 5.236)
- Subchapter H: Delegation of Hearings
- Subchapter I: Judicial Review
- Subchapter J: Consolidated Permit Processing
- Subchapter L: Emergency and Temporary Orders (§§5.514, 5.5145, and 5.515 only)
- Subchapter M: Environmental Permitting Procedures (§5.558 only)

Chapter 7: Enforcement
- Subchapter A: General Provisions (§§7.001, 7.002, 7.0025, 7.004, and 7.005 only)
- Subchapter B: Corrective Action and Injunctive Relief (§7.032 only)
- Subchapter C: Administrative Penalties
- Subchapter D: Civil Penalties (except §7.109)
- Subchapter E: Criminal Offenses and Penalties: (§§7.177, 7.178-7.183 only)

Rules

All of the following rules are found in 30 Texas Administrative Code, as of the following latest effective dates:

Chapter 7: Memoranda of Understanding, §§7.110 and 7.119
December 13, 1996 and May 2, 2002, respectively

Chapter 19: Electronic Reporting — March 15, 2007
Subchapter A: General Provisions
Subchapter B: Electronic Reporting Requirements

Chapter 39: Public Notice
Subchapter H: Applicability and General Provisions, §§39.402(a)(1) – (a)(6), (a)(8), and (a)(10) – (a)(12); §§39.405(f)(3) and (g), (h)(1)(A), (h)(2) – (h)(4), (h)(6), (h)(8) – (h)(11), (i) and (j), §39.407; §39.409; §§39.411(a), (e)(1) – (4)(A)(i) and (iii), (4)(B), (e)(5) introductory paragraph, (e)(5)(A),(e)(5)(B), (e)(6) – (e)(10), (e)(11)(A)(i), (e)(11)(A)(iii) – (vi), (e)(11)(B) – (F), (e)(13) and (e)(15), (e)(16), (f) introductory paragraph, (f)(1) – (8), (g) and (h);39.418(a), (b)(2)(A), (b)(3), and (c); §39.419(e);39.420 (c)(1)(A) - (D)(i)(I) and (II), (c)(1)(D)(ii), (c)(2), (d) – (e), and (h), and Subchapter K: Public Notice of Air Quality Permit Applications, §§39.601 – 39.605 — September 16, 2021

Chapter 55: Requests for Reconsideration and Contested Case Hearings; Public Comment, all of the chapter, except §55.125(a)(5) and (a)(6) — September 16, 2021

Chapter 101: General Air Quality Rules — May 14, 2020

Chapter 106: Permits by Rule, Subchapter A — April 17, 2014

Chapter 111: Control of Air Pollution from Visible Emissions and Particulate Matter — November 12, 2020

Chapter 112: Control of Air Pollution from Sulfur Compounds — October 27, 2022

Chapter 114: Control of Air Pollution from Motor Vehicles — November 30, 2023

Chapter 115: Control of Air Pollution from Volatile Organic Compounds — July 22, 2021

Chapter 116: Control of Air Pollution by Permits for New Construction or Modification — July 1, 2021

Chapter 117: Control of Air Pollution from Nitrogen Compounds — March 26, 2020

Chapter 118: Control of Air Pollution Episodes — March 5, 2000

Chapter 122: Federal Operating Permits Program
§122.122: Potential to Emit — February 23, 2017

SECTION VI: CONTROL STRATEGY

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

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LIST OF ACRONYMS

ASM	acceleration simulation mode
BAR	Bureau of Automotive Repair
CFR	Code of Federal Regulations
CO	carbon monoxide
DFW	Dallas-Fort Worth
DMV	Texas Department of Motor Vehicles
DPS	Texas Department of Public Safety
EPA	United States Environmental Protection Agency
EDFW	extended Dallas-Fort Worth
FCAA	Federal Clean Air Act
FR	Federal Register
FTE	full-time equivalent
GVWR	gross vehicle weight rating
HB	House Bill
HC	hydrocarbon
HGB	Houston-Galveston-Brazoria
I/M	inspection and maintenance
METT	Mass Emissions Transient Testing
mph	miles per hour
NAAQS	National Ambient Air Quality Standard
NO_x	nitrogen oxides
OBD	on-board diagnostics
PSM	Performance Standard Modeling
QC	quality control
SB	Senate Bill
SIP	state implementation plan
TAC	Texas Administrative Code
TACB	Texas Air Control Board
TCAA	Texas Clean Air Act
TCEQ	Texas Commission on Environmental Quality (commission)
TMCP	Texas Motorist's Choice Program
TNRCC	Texas Natural Resource Conservation Commission

TSI	two-speed idle
TTC	Texas Transportation Code
TWC	Texas Water Code
VID	Vehicle Identification Database
VIR	Vehicle Inspection Report
VOC	volatile organic compounds
VRF	Vehicle Repair Form

LIST OF COMMONLY USED TERMS

Acceleration Simulated Mode (ASM) Inspection

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

Austin-Round Rock Program Area

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

Bexar County Program Area

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

Candidate Analyzer

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

Dallas-Fort Worth (DFW) Program Area

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

El Paso Program Area

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

Emissions Tune-Up

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

Exhaust Gas Analyzer

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

Fleet Vehicle

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

Full-Time Equivalent (FTE) Employee

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

Gas Cap Integrity Inspection

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

High Emitter

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

Houston-Galveston-Brazoria (HGB) Program Area

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

I/M Program

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

Low-Volume Emissions Inspection Station

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

Minor Non-Programmatic Modifications

Minor non-programmatic modifications to the analyzer specifications include but are not limited to updates to accommodate new technology vehicles, enhancements

to the method of collecting inspection data, and updates to internal reference tables. Modifications resulting in additional costs to vehicle inspection station owners will not be considered minor non-programmatic modifications.

On-Board Diagnostics (OBD)

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

Single Sticker Transition Date

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

Two-Speed Idle (TSI) Inspection

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

Texas Department of Motor Vehicles (DMV)

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

Vehicle Emissions Inspection Station

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

Vehicle Identification Database (VID)

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

Vehicle Inspection Report (VIR)

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

Vehicle Registration

Vehicles that meet the registration requirements of the DMV in 43 Texas Administrative Code §217.22 relating to Motor Vehicle Registration or Texas Transportation Code Chapter 502 relating to Registration of Vehicles.

Vehicle Registration Insignia Sticker

The sticker issued through DMV to be affixed on the windshield of a vehicle compliant with DMV regulations. Beginning on the single sticker transition date, as defined in this section, the vehicle registration insignia sticker will be used as proof of compliance with I/M program requirements, DMV's rules and regulations governing vehicle registration, and DPS's rules and regulations governing safety inspections.

Vehicle Repair Form (VRF)

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

IDENTIFICATION OF PREVIOUSLY ADOPTED STATE IMPLEMENTATION PLAN (SIP) REVISIONS

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

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

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

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

LIST OF TABLES

LIST OF APPENDICES

Appendix	Appendix Name
Appendix A	*Federal Register Part VII*, United States Environmental Protection Agency, 40 Code of Federal Regulations Part 51, Inspection/Maintenance Program Requirements; Final Rule, November 5, 1992, and Flexibility Amendments, September 18, 1995 (No change)
Appendix B	Texas Health and Safety Code, Subtitle C, Air Quality, Revised 78th Texas Legislature, 2003 (No change)
Appendix C	House Bill 2134 by 77th Texas Legislature amendment to the Texas Health and Safety Code. Chapter 382, Health and Safety Code, was amended by adding Subchapter G, and §382.037 to §382.039 Health and Safety Code, were transferred to new Subsection G and renumbered as §§382.202 - 382.208 (No change)
Appendix D	Texas Commission on Environmental Quality (TCEQ) Regulation, 30 Texas Administrative Code, Chapter 114, Control of Air Pollution From Motor Vehicles, Adopted (No change)
Appendix E	TCEQ Appropriations for Fiscal Years 2004 and 2005. Texas Department of Public Safety, Appropriations for Fiscal Years 2004 and 2005. State of Texas, Text of Conference Committee Report, House Bill 1 (General Appropriations Act), 78th Legislature, Regular Session (No change)
Appendix F	TCEQ, Request for Offer for the Design, Construction, and Operation of the Texas Information Management System for the State of Texas, June 22, 2001 (No change)
Appendix G	Reserved (No change)
Appendix H	Texas Transportation Code, §547.604 and §547.605 and Chapter 548, Compulsory Inspection of Vehicles (No change)
Appendix I	Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors, Texas Department of Public Safety, January 1, 2003 (No change)
Appendix J	Texas Department of Transportation, Vehicle Titles and Registration Division, 2000 Summer Research Project Parking Lot Survey Report, March 2003 (No change)
Appendix K	Reserved (No change)
Appendix L	Texas Natural Resources Conservation Commission and Texas Department of Public Safety Memorandum of Understanding, January 22, 1997 (No change)

Note: The narrative from the 2005 SIP revision refers to an Appendix M (Technical Supplement), but it was included in that SIP revision as Attachment A. Refer to Attachment A for information about the Technical Supplement.

LIST OF ATTACHMENTS

Attachment	Attachment Name
Attachment A	Technical Supplement: Inspection and Maintenance Performance Standards for Low-Enhanced Program Areas (No change)
Attachment B	Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the I/M Program in the Bexar County 2015 Ozone Nonattainment Area (New)

CHAPTER 1: GENERAL

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

1.2 BACKGROUND (UPDATED)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.3 HEALTH EFFECTS (UPDATED)

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

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

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

1.4 PUBLIC HEARING AND COMMENT INFORMATION (UPDATED)

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

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

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

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

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

CHAPTER 2: APPLICABILITY

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

2.2 AREA DESIGNATIONS (UPDATED)

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

2.3 PERFORMANCE STANDARD (UPDATED)

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

2.4 APPLICABLE AREAS (UPDATED)

2.4.1 Beaumont-Port Arthur (No change)

2.4.2 Dallas-Fort Worth (No change)

2.4.3 Houston-Galveston-Brazoria (No change)

2.4.4 El Paso (No change)

2.4.5 Bexar County (New)

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

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

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

CHAPTER 3: INSPECTION AND MAINTENANCE PERFORMANCE STANDARDS

3.1 GENERAL (NEW)

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

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

3.2 MODELING REQUIREMENTS (NEW NUMBERING STRUCTURE)

3.2.1 Historical Performance Modeling (New Section, Historic Text)

The commission used the United States Environmental Protection Agency's (EPA) MOBILE6.2 model to produce emissions factors for EPA low-enhanced performance standards and the emissions factors for each pollutant and applicable evaluation year for the I/M program areas subject to performance standard modeling requirements.[1] The technical supplement for this SIP revision describes modeling run outputs using gram-per-mile calculations for each I/M program area and is contained in Attachment A: *Technical Supplement: Inspection and Maintenance Performance Standards for Low-Enhanced Program Areas*.

3.2.2 Current Performance Standard Modeling (PSM) (New)

On October 7, 2022, EPA published the final notice of Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standards (NAAQS) (87 *Federal Register* (FR) 60897). This rule requires states to provide a demonstration that the new or existing I/M program for a newly designated or reclassified ozone nonattainment area meets the emissions reduction benchmarks specified for the area's ozone NAAQS classification level.[2] The EPA interprets the I/M performance requirement to mean upon designation or reclassification that a new or existing I/M program must meet the I/M performance benchmark.

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

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

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

TCEQ performed the required performance standard modeling analysis of the Bexar County 2015 ozone NAAQS nonattainment area using the requirements in EPA guidance document, *Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model* (EPA-420-B-22-034, October 2022). The TCEQ specifically used the basic performance standard that reflects the I/M program design elements as specified in 40 CFR §51.352(e). The assessment uses a 2026 analysis year, the Bexar County program implementation year under the 2015 ozone NAAQS. The PSM analysis was performed for Bexar County, which comprises the Bexar County 2015 ozone NAAQS nonattainment area. A summary of the 2026 I/M PSM analysis is provided in Table 3-1: *Summary of the Performance Standard Evaluation for the Bexar County 2015 Ozone NAAQS Nonattainment Area I/M Program.*

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

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

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

Pollutant	I/M Program Emissions	Performance Standard Benchmark Basic I/M Program Emissions	Does Program Meet I/M Performance Standard?
NO_X	15.01	15.16	Yes
VOC	8.85	9.41	Yes

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

CHAPTER 4: NETWORK TYPE AND PROGRAM EVALUATION

4.1 NETWORK TYPE (UPDATED)

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

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

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

4.2 PROGRAM EVALUATION (UPDATED)

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

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

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

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

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

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

CHAPTER 5: ADEQUATE TOOLS AND RESOURCES

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

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

CHAPTER 7: VEHICLE COVERAGE

7.1 SUBJECT VEHICLES (UPDATED)

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

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

Dual-fueled vehicles capable of operating on gasoline and leased vehicles that meet these criteria are also subject to I/M program requirements. Subject vehicles are identified through the registration database provided to the Texas Commission on Environmental Quality (TCEQ) by the Texas Department of Motor Vehicles (DMV). The DMV also provides electronic updates to this database. Table 7.1: *2022 Subject Vehicle Registrations by County* provides an estimate of the number of subject vehicles by county based on the DMV's 2022 registration database.

Table 7-1: 2022 Subject Vehicle Registrations by County

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

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

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

7.1.2 Remote Compliance (Updated)

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

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

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

7.3 FEDERAL VEHICLES (UPDATED)

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

> "A motor vehicle designed to military specifications or a commercially designed motor vehicle which is needed to meet direct transportation support of combat, combat support, combat service support, tactical, or relief operations, or training of personnel for such operations. Commercial designed motor vehicles described above will be subjected to state inspection and maintenance programs regardless of tactical status."

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

7.4 UNITED STATES ARMED FORCES PRIVATELY OWNED VEHICLES (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 8: TEST PROCEDURES, STANDARDS, AND TEST EQUIPEMENT

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

8.2 INSPECTION PROCESS AND STANDARDS (UPDATED)

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

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

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

- Exhaust gas recirculation system;
- Evaporative emissions control system;
- Positive crankcase ventilation system;
- Thermostatic air cleaner;
- Air injection system; and
- Catalytic converter for selected model-years.

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

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

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

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

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

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

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

The DPS uses remote sensing to identify high-emitting vehicles operating in the DFW, HGB, and El Paso program areas. Basic I/M Programs are not required to use remote sensing; however, the commission and DPS may review its use in Bexar County in the future. Remote sensing may also be used as a quality assurance tool for randomly selected or suspect vehicle emissions facilities. Remote sensing screening is conducted according to reliable engineering practices to assure the accuracy of the inspection.

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

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

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

8.3.2 TSI Inspection Equipment (Updated)

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

8.3.3 ASM Inspection Equipment (Updated)

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

The ASM vehicle emissions inspection comprises two phases: (1) the 50/15 mode, where the vehicle is inspected on the dynamometer simulating the use of 50 percent of the vehicle's available horsepower to accelerate at a rate of 3.3 miles per hour (mph)/second at a constant speed of 15 mph; and (2) the 25/25 mode, where the vehicle is inspected on the dynamometer simulating the use of 25 percent of the vehicle's available horsepower to accelerate at a rate 3.3 mph/second at a constant speed of 25 mph. Applicable vehicles that cannot undergo an ASM inspection such as, but not limited to, vehicles that exceed 8,500 pounds gross vehicle weight rating or that are all-wheel drive, will receive a TSI inspection. The most recent version of specifications for ASM equipment is available at TCEQ's central office or can be auto-downloaded using the following link: https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf. Vehicle emissions cut-points used for ASM inspections are located in Appendix S of TCEQ's "Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Emissions Testing Program."

8.3.4 OBD Inspection Equipment (Updated)

OBD inspection equipment design and operation meets all federal requirements contained in 40 CFR §§85.2207 - 85.2231 and recommended practices contained in the J1962, J1978, and J1979 published by the Society of Automotive Engineers (SAE). The OBD inspection equipment is tethered to the emissions analyzer. The most recent version of specifications for OBD equipment is available at TCEQ's central office or can be auto-downloaded using the following link: https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf.

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

8.5 INSPECTION EQUIPMENT CERTIFICATION REQUIREMENTS (UPDATED)

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

Inspection equipment must be approved by TCEQ prior to being used in the I/M program. A more detailed description of the certification requirements is available at TCEQ's central office or can be auto-downloaded using the following link: https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf. In order to obtain approval from TCEQ, the manufacturers shall:

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

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

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

CHAPTER 9: QUALITY CONTROL

9.1 OVERVIEW (UPDATED)

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

Quality control (QC) measures are implemented by the Texas Department of Public Safety (DPS) to ensure that Texas meets its commitment to provide motorists with consistent and accurate vehicle emissions inspection results. Vehicle inspection site personnel ensure that emissions measurement equipment is calibrated and maintained properly and that inspection records, calibration records, and control charts or graphs are accurately created, recorded, and maintained. Calibration practices and procedures for two-speed idle (TSI) and acceleration simulation mode (ASM) inspection equipment are performed in accordance with requirements specified by Appendix A of Subpart S of 40 Code of Federal Regulations (CFR), Part 51 and may incorporate the United States Environmental Protection Agency's (EPA) policy or subsequent policies and/or procedures. The most recent versions of TSI and ASM inspection equipment specifications, formerly referenced in the appendices of the inspection and maintenance (I/M) state implementation plan (SIP), are now available at the Texas Commission on Environmental Quality's (TCEQ) central office or can be auto-downloaded using the following link: https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf.

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

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

- Automated to the highest degree commercially available to minimize the potential for intentional fraud and/or human error;
- Secure from tampering and/or abuse;
- Based upon written specifications; and
- Capable of simultaneously sampling dual-exhaust vehicles.

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

9.2 EQUIPMENT CALIBRATION AND MAINTENANCE (NO CHANGE FROM 2009 I/M SIP REVISION)

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

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

CHAPTER 11: MOTORIST COMPLIANCE ENFORCEMENT

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

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

11.2 REGISTRATION DENIAL (NO CHANGE FROM 2013 I/M SIP REVISION)

11.3 STICKER-BASED ENFORCEMENT (UPDATED)

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

Beginning on the single sticker transition date, vehicle registration insignia stickers, which are affixed on the windshield, indicate the subject vehicle is compliant with the I/M program. I/M program compliance can also be indicated through other forms of proof authorized by the Texas Department of Public Safety (DPS) and Texas Department of Motor Vehicles (DMV) including, but not limited to, digital license plates that displays the DMV's registration insignia.

All Vehicle Inspection Reports (VIR) are printed with a unique serial number. The DPS may adopt rules regarding the issuance of VIRs, including rules providing for the format of the reports. The DPS may add additional security features to deter counterfeiters. The DPS is required to track inspection report numbers with assistance from the vehicle identification database and the Texas Commission on Environmental Quality's *Specifications for Vehicle Exhaust Gas Analyzer Systems for Use in the Texas Vehicle Emissions Testing Program*.[2]

Motorists are issued citations by local and state law enforcement officials for driving a vehicle with an expired or invalid inspection certificate or for evading the emissions inspection or inspection outside of the affected area. These violations of the Texas Transportation Code (TTC), §548.602 (Class C misdemeanor) and §548.603 (Class B misdemeanor) are punishable by a fine starting at $200 and not exceeding $2,000 for each occurrence. The owner is subject to an additional citation every time the vehicle is driven. Violators are given notification that they shall comply with the I/M program requirements. Noncompliance will result in delivery of additional citations and fines that may accumulate to more than the expense of a minimum expenditure waiver.

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

[2] https://www.tceq.texas.gov/downloads/air-quality/mobile-source/txvehanlspecs.pdf

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

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

CHAPTER 12: ENFORCEMENT PROGRAM OVERSIGHT (NO CHANGE FROM 2013 I/M SIP REVISION)

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

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

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

CHAPTER 16: DATA ANALYSIS AND REPORTING (NO CHANGE FROM 2005 I/M SIP REVISION)

CHAPTER 17: INSPECTOR LICENSING AND CERTIFICATION (NO CHANGE FROM 2005 I/M SIP REVISION)

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

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

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

CHAPTER 21: ON-ROAD TESTING

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

CHAPTER 22: STATE IMPLEMENTATION PLAN SUBMISSION

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

Bexar County Program Area

Certify Bexar County program area (Bexar County) with OBD testing.	11/01/26

Appendices Available Upon Request

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LIST OF ATTACHMENTS

Attachment	Attachment Name
Attachment A	Technical Supplement: Inspection and Maintenance Performance Standards for Low-Enhanced Program Areas (No change)
Attachment B	Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the I/M Program in the Bexar County 2015 Ozone Nonattainment Area (New)

Attachment B

Inspection and Maintenance (I/M) Program Performance Standard Modeling (PSM) for the New I/M Program in the Bexar County 2015 Ozone Nonattainment Area

2026 Program Implementation Year

New Program Assessment

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CHAPTER 1: INTRODUCTION

On November 7, 2022, the EPA published the final approval of Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standards (87 FR 60897). This rule requires states to provide a demonstration that the existing or proposed I/M program for a newly designated or reclassified ozone nonattainment area meets the emissions reduction benchmarks specified for the area's ozone NAAQS classification level. The EPA interprets the I/M performance requirement to mean upon designation or reclassification that a proposed or existing I/M program must meet the I/M performance benchmark.

The TCEQ performed the required performance standard modeling analysis of the Bexar County 2015 ozone nonattainment area using the requirements in the EPA guidance document, *Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model* (EPA-420-B-22-034, October 2022). The TCEQ specifically used the Basic Performance Standard that reflects the I/M program design elements as specified in 40 Code of Federal Regulations §51.352(e). The assessment uses a 2026 analysis year, the Bexar County program implementation year under the 2015 ozone NAAQS. The documentation of the PSM assessments is provided in Chapter 2. A summary of the results is provided in Chapter 3.

CHAPTER 2: PERFORMANCE STANDARD MODELING FOR THE NEW BEXAR COUNTY I/M PROGRAM SCENARIO AND FOR THE EPA BASIC PERFORMANCE STANDARD SCENARIO

2.1 MODELING BACKGROUND

The PSM analysis was performed in a manner consistent with all the SIP requirements for the Bexar County area and the EPA guidance document, *Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model*. This report provides documentation that supports the conclusion that the Bexar County area I/M program meets the Basic Performance Standard. This documentation includes:

- A description of the new Bexar County area I/M program that includes the geographic scope, tests performed and inspection frequency, vehicles covered including model years, weight classes, fuel types, etc., and other coverage information such as waiver programs;
- A description of the Basic Performance Standard I/M program that includes the geographic scope, tests performed and inspection frequency, vehicles covered including model years, weight classes, fuel types, etc., and other coverage information such as waiver programs;
- A description of the analysis for 2026, which is the program implementation year under the Bexar County area 2015 ozone NAAQS;
- A reference to the emissions model, MOVES3.1, that is used;
- MOVES3.1 Run Specification (RunSpec) files (available upon request) – these files define the scope of the MOVES3.1 run by defining elements such as time period(s), geographical area, source types, etc. included in the modeling;
- MOVES3.1 Input Databases (available upon request) – input databases provide vehicle characteristics, vehicle activity, and other local conditions;
- MOVES3.1 Output Databases (available upon request) – output databases contain the results of the MOVES3.1 analysis; and
- Post-processing calculations that demonstrate how the I/M program meets the applicable performance standard in the I/M regulations.

2.2 NEW BEXAR COUNTY I/M PROGRAM

Bexar County has been reclassified to moderate nonattainment under the 2015 ozone NAAQS. In this SIP revision the TCEQ is proposing a vehicle emissions testing program for Bexar County to meet the EPA's requirements for I/M programs in moderate nonattainment areas. The program implementation year is 2026. Texas I/M program requirements are codified in 30 Texas Administrative Code §114, Subchapter C. The design elements of the Bexar County I/M program include the following.

- Subject Vehicles and Test Frequency: Gasoline vehicles model-year 2 to 24 years old are required to have an annual emissions inspection beginning with the vehicle's second anniversary.
- Inspection Method: Model-year 1996 and newer vehicles are subject to on-board diagnostics (OBD) inspections.
- Timing: Annual test required.

- 2026: OBD inspections will begin in Bexar County.
- Testing Network: All inspection stations are required to offer OBD inspections.
- Waivers: Waivers and time extensions are available for eligible vehicle owners.
- Vehicles must successfully pass both the emissions and safety portions of the inspection before receiving a passing vehicle inspection report, which is required in order to renew the vehicle's annual registration and obtain a vehicle registration sticker.

An I/M program is characterized in MOVES3.1 through a table in the input county database file called the *IMCoverageTable*. The MOVES3.1 inputs used in the *IMCoverageTable* for the new Bexar County program scenario are consistent with the I/M program in this SIP revision. The input values used to model the Bexar County I/M program design requirements in MOVES3.1 are discussed in Section 2.5: *I/M Program Parameters for Input County Database Tables (IMCOVERAGETABLE).*

2.3 MOVES3.1 RUN SPECIFICATION

The 2026 Bexar County PSM analysis included modeling of two scenarios:

1. New Bexar County program scenario – this scenario represents the new I/M program that is covered by this Bexar County SIP and is consistent with all the 2026 Bexar County local area parameters, control measures, and the inputs that define the new Bexar County I/M program; and
2. Basic Performance Standard benchmark scenario – this scenario models the Basic Performance Standard EPA defined benchmark program and is consistent with all the 2026 Bexar County local area parameters, control measures and an I/M program with the elements of the required I/M performance standard.

For the 2026 Bexar County PSM analysis using MOVES3.1, the MOVES3.1 graphical user interface (GUI) was used to develop run specification (RunSpec) files for each scenario. The PSM RunSpec selections include the following.

- Description Panel: The description panel was used to document each of the two PSM scenarios for Bexar County.
- Scale Panel: On-road; County; and Inventory.
- Time Spans Panel: 2026; July; weekday; all hours.
- Geographic Bounds Panel: 1 geographic scenario, Bexar County is selected, the only county in the 2026 PSM assessment for the Bexar County area.
- On-road Vehicle Equipment Panel: All fuel type/source type combinations.
- Road Type Panel: All road types.
- Pollutants and Processes Panel: volatile organic compounds (VOC), nitrogen oxides (NOx), all the pollutants and emission processes that MOVES3.1 needs to calculate VOC, and with refueling emissions unchecked.
- General Output Panel: Output database specified with naming convention consistent with county, year, and PSM scenario; tons; miles; include distance traveled.
- Output Emissions Detail Panel: 24-Hour Day.
- Create Input Database Panel: existing input county databases (CDBs) are selected, see Section 2.4 *MOVES3.1 Input County Databases*; the option to create an input CDB is not used for the PSM runs.

- Advanced Performance Features Panel: not used for PSM scenarios.

The MOVES3.1 run specification files are provided in Electronic Attachment 2: *MOVES3.1 Run Specification Files for Bexar County 2015 Ozone NAAQS PSM*.

2.4 MOVES3.1 INPUT COUNTY DATABASES

The input county databases for the 2026 Bexar County PSM assessment include local activity, local meteorology, and local fuel parameters for Bexar County. The TCEQ developed, under contract to the Texas A&M Transportation Institute, MOVES3.1 input county database (CDB) files for each Texas county, for each MOVES3.1 analysis year. The MOVES3.1 input CDBs include local activity information consistent with the analysis year, local meteorological information, local fuel parameters, and existing I/M program parameters, Electronic Attachment1: *MOVES3 On-Road Trend Emissions Inventories for 1990 and 1999 through 2060* is the Final Project Report and documents development of the county input CDB used for the 2026 Bexar County PSM modeling.

Two input CDBs are required to compete the PSM MOVES3.1 runs: 1) an input CDB with the new Bexar County I/M program, and 2) a CDB with the EPA's Basic Performance Standard I/M program. Both input CDBs must include the local activity and conditions. MOVES3.1 input CDBs for Bexar County reflecting existing 2026 Bexar County control programs, the new program *IMCoverageTable*, local activity, and local conditions are used for the new Bexar County I/M PSM scenario. For the benchmark EPA Basic Performance Standard PSM MOVES3.1 runs, all tables in the input CDB are the same except for the *IMCoverageTable*. The *IMCoverageTable* is modified for the benchmark runs to be consistent with the Basic Performance Standard program provided in the EPA guidance. A summary of the *IMCoverageTable* for each scenario is provided in the next Section, Section 2.5 *I/M Program Parameters for Input County Database Table (IMCoverageTable)*.

The MOVES3.1 input county database files are provided in Electronic Attachment 3: *MOVES3.1 Input County Database Files for Bexar County 2015 Ozone NAAQS PSM*.

2.5 I/M PROGRAM PARAMETERS FOR INPUT COUNTY DATABASE TABLES (IMCOVERAGETABLE)

I/M programs are characterized in MOVES3.1 through an input called the *IMCoverageTable*. The *IMCoverageTable* consists of 13 parameters including: *polProcessID*; *stateID*; *countyID*; *yearID*; *sourceTypeID*; *fuelTypeID*; *IMProgramID*; *inspectFreq*; *testStandardsID*; *begModelYearID*; *endModelYearID*; *useIMyn*; and *complianceFactor*. The input parameters for the two PSM scenarios are summarized in Table 2-1 and Table 2-2.

Table 2-1: Bexar County 2026 MOVES3.1 I/M Descriptive Inputs for New Program for Subject County

I/M Program ID	140	160	MOVES3.1
Pollutant Process ID	101, 102, 201, 202, 301, 302	112	MOVES3.1
Source Use Type	21, 31, 32	21, 31, 32	MOVES3.1

Begin Model Year	2002	2002	Annual testing; program specifications
End Model Year	2024	2024	Annual testing; program specifications
Inspect Frequency	1	1	Annual testing; program specifications
Test Standards Description	Exhaust OBD Check	Evaporative Gas Cap and OBD Check	Annual testing; program specifications
Test Standards ID	51	45	MOVES3.1
I/M Compliance	95.77% for source use type 21, 92.05% for source use type 31, and 72.08% for source use type 32	95.77% for source use type 21, 92.05% for source use type 31, and 72.08% for source use type 32	Program design criteria for Compliance Rate, Waiver Rate and Failure Rate; and, MOVES3.1 default values for RCCA See Section 2.6

Table 2-2: Bexar County 2026 MOVES3.1 I/M Descriptive Inputs for EPA's Basic Performance Standard Program for Subject County

I/M Program ID	111	143	151	
Pollutant Process ID	101, 102, 301, 302	112	101, 102, 301, 302	Basic Performance Standard Program
Source Use Type	21	21	21	Basic Performance Standard Program
Begin Model Year	1968	2001	2001	Basic Performance Standard Program
End Model Year	2000	2025	2025	Basic Performance Standard Program
Inspect Frequency	1	1	1	Basic Performance Standard Program
Test Standards Description	Unloaded Idle Test	Evaporative System OBD Check	Exhaust OBD Check	Basic Performance Standard Program
Test Standards ID	11	43	51	MOVES3.1
I/M Compliance	100% for source use type 21	100% for source use type 21	100% for source use type 21	Basic Performance Standard Program

2.6 SOURCES OF DATA FOR COMPLIANCE FACTOR CALCULATION

The calculation of the I/M compliance factors is consistent with the definitions, equation, and recommendations in the most recent MOVES3 Technical Guidance, Section 4.9.6, Compliance Factor. The compliance factor entered in MOVES3.1 is calculated as:

$$CF = CR \times (1 - WR \times FR) \times RCCA$$

Where:

CF =	Compliance factor
CR =	Compliance rate
WR =	Waiver rate
FR =	Failure rate
RCCA =	Regulatory class coverage adjustment

For the new program in the Bexar County area the I/M program values used for the failure rate, waiver rate, and compliance rate are based upon default and assumed values using recommendations from the EPA guidance document, *Performance Standard Modeling for New and Existing Vehicle Inspection and Maintenance (I/M) Programs Using the MOVES Mobile Source Emissions Model*, in conjunction with the I/M program design criteria from the TCEQ Mobile Source Programs Team. A compliance rate of 96.00 percent can be assumed for programs that include centralized monitoring of testing, and registration denial. A three percent waiver rate and an eight percent failure rate can be used as default values until program historical information is available.

The MOVES3.1 Bexar County area compliance factor values used for this PSM assessment were developed for calendar year 2026, the implementation year for the Bexar County area I/M program. The calculations use new program compliance, waiver, and failure rates and regulatory class coverage adjustment (RCCA) factors from Appendix A of the most recent MOVES3 Technical Guidance. The results of the MOVES3.1 Compliance Factor calculations are summarized in Table 2-3: *Bexar County New I/M Program Compliance Factors for MOVES3.1*.

Table 2-3: Bexar County New I/M Program Compliance Factors for MOVES3.1

MOVES3.1 Modeling Parameter	Passenger Car	Passenger Truck	Light Commercial Truck
Compliance Rate (CR)	96.00%	96.00%	96.00%
Waiver Rate (WR)	3.00%	3.00%	3.00%
Failure Rate (FR)	8.00%	8.00%	8.00%
Regulatory Class Coverage Adjustment (RCCA)	100.00%	96.12%	75.26%
MOVES3.1 I/M Compliance Factor	**95.77%**	**92.05%**	**72.08%**

2.7 PROCESSING MODEL OUTPUT FOR THE BASIC PERFORMANCE STANDARD ASSESSMENT

Evaluating whether a new program meets the Basic Performance Standard requires showing that the new program area-wide emissions for NO_x and VOC are less than the area-wide emissions of the benchmark program. To perform this evaluation, the TCEQ compared MOVES3.1 output emissions in tons per day for each scenario. The MOVES3.1 output county database files are provided in Electronic Attachment 4: *MOVES3.1 Output County Database Files for Bexar County 2015 Ozone NAAQS PSM.* A

summary of the results for the Bexar County 2015 ozone nonattainment area is provided in Chapter 3: *Summary of Results for Performance Standard Modeling*.

CHAPTER 3: SUMMARY OF RESULTS FOR PERFORMANCE STANDARD MODELING

The TCEQ performed MOVES3.1 runs and post-processing for the new Bexar County I/M Program and the Basic Performance Standard. The assessment uses a 2026 analysis year. The PSM analysis includes Bexar County, the only county in which the Bexar County area I/M program is required to operate. All required documentation for the I/M program performance standard benchmark assessment is provided in Chapter 2: *Performance Standard Modeling for the New Bexar County I/M Program Scenario and for the EPA Basic Performance Standard Scenario.*

Evaluating whether a new I/M program meets the basic performance standard requires demonstrating that the new program's emissions for NO_x and VOC do not exceed the benchmark program's emissions. The analysis demonstrates that the Bexar County area's new I/M program emissions are lower than the performance standard benchmark emissions. Therefore, the Bexar County area I/M program performance requirement is met. A summary of the Bexar County 2026 I/M PSM analysis is provided in Table 3-1: *Summary of 2026 Performance Standard Evaluation for the Bexar County 2015 Ozone NAAQS Nonattainment Area New I/M Program*

Table 3-1: Summary of 2026 Performance Standard Evaluation for the Bexar County 2015 Ozone NAAQS Nonattainment Area New I/M Program (tons per day)

Pollutant	New I/M Program Emissions	Performance Standard Benchmark Basic I/M Program Emissions	Does New Program Meet I/M Performance Standard?
NO_x	15.01	15.16	Yes
VOC	8.85	9.41	Yes

Electronic attachments can be auto-downloaded using the following link:
https://www.tceq.texas.gov/downloads/air-quality/sip/ozone/san-antonio/2015-naaqs/bexar-im-sip-electronic-attachments-1-2-3-4.zip

Texas Commission on Environmental Quality

ORDER ADOPTING
REVISIONS TO THE STATE IMPLEMENTATION PLAN

Docket No. 2023-0318-SIP
Project No. 2022-027-SIP-NR

On November 29, 2023, the Texas Commission on Environmental Quality (Commission), during a public meeting, considered adoption of revisions to the State Implementation Plan (SIP) for the control of ozone air pollution for the Bexar County Inspection and Maintenance (I/M) Program for the 2015 Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) Moderate Nonattainment Area (Bexar County I/M SIP Revision). The Commission adopts the Bexar County I/M SIP Revision to address the federal Clean Air Act requirement for moderate ozone nonattainment areas to implement a basic vehicle I/M program. The adopted SIP revision would implement a vehicle I/M program in the Bexar County 2015 ozone NAAQS nonattainment area. The associated adopted revisions to 30 Texas Administrative Code (TAC) Chapter 114 (Rule Project No. 2022-026-114-AI) expand the existing I/M program into the Bexar County 2015 ozone NAAQS nonattainment area. The adopted SIP revision also incorporates minor changes from a previously adopted 30 TAC Chapter 114 rulemaking (Rule Project No. 2021-029-114-AI) that implemented applicable sections of Senate Bill 604, 86th Texas Legislature, 2019. Under Tex. Health & Safety Code Ann. §§ 382.011, 382.012, and 382.023 (West 2016), the Commission has the authority to control the quality of the state's air and to issue orders consistent with the policies and purposes of the Texas Clean Air Act, Chapter 382 of the Tex. Health & Safety Code.

Notice of the public hearing regarding the proposed Bexar County I/M SIP Revision was published in English for comment in the June 16, 2023, issue of the *Texas Register* (48 *TexReg* 3339). Notice of the public hearing was also published in the *San Antonio Express-News* newspaper in English and Spanish on June 2, 2023. Notices in English and Spanish were also distributed to subscribers through GovDelivery and posted to TCEQ's website.

Pursuant to 40 Code of Federal Regulations § 51.102 and after proper notice, the Commission held a public hearing to consider the Bexar County I/M SIP Revision. Proper notice included prominent advertisement in the areas affected at least 30 days prior to the date of the hearing. Spanish language interpreters were available and a plain language summary of the Bexar County I/M SIP Revision was provided in both English and Spanish at the public hearing. A public hearing was held in San Antonio, Texas on July 13, 2023; testimony was received, and a transcript was prepared.

The Commission circulated hearing notices of its intended action to the public, including interested persons, the Regional Administrator of the EPA, and all applicable local air pollution control agencies. The public was invited to submit data, views, and recommendations on the proposed Bexar County I/M SIP Revision, either orally or in writing, at the hearing or during the comment period. Prior to the scheduled hearing, copies of the proposed Bexar County I/M SIP Revision were available for public inspection at the Commission's central office and on the Commission's website.

Data, views, and recommendations of interested persons regarding the proposed Bexar County I/M SIP Revision were submitted to the Commission during the comment period and were considered by the Commission as reflected in the analysis of testimony incorporated by reference to this Order. The Commission finds that the analysis of testimony includes the names of all interested groups or associations offering comment on the proposed Bexar County I/M SIP Revision and their position concerning the same.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Bexar County I/M SIP Revision incorporated by reference to this Order is hereby adopted. The Bexar County I/M SIP Revision is incorporated by reference in this Order as if set forth at length verbatim in this Order.

IT IS FURTHER ORDERED BY THE COMMISSION that on behalf of the Commission, the Chairman should transmit a copy of this Order, together with the adopted Bexar County I/M SIP Revision, to the Regional Administrator of EPA as a proposed revision to the Texas SIP pursuant to the federal Clean Air Act, codified at 42 U.S. Code Ann. §§ 7401 - 7671q, as amended.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Jon Niermann, Chairman

12/6/23
Date Signed

United States

ENVIRONMENTAL PROTECTION AGENCY

State Implementation Plans (SIPs) Summary

Section 110

Plan Name:	TX_Bexar County Inspection and Maintenance SIP Revision_12182023
State(s):	TX
Submitted By:	Jamie M Zech, TX
Submitted:	December 18, 2023, 10:31 AM (EST)

Plan Submission Information

Enter a brief title of the plan or plan elements you are submitting. TX_Bexar County Inspection and Maintenance SIP Revision_12182023

What type of material are you submitting?

Expansion of the vehicle emissions inspection and maintenance program into Bexar County, as required for moderate nonattainment areas under the 2015 eight-hour ozone National Ambient Air Quality Standard.

Document Upload

Completeness Certification

Verify that all applicable completeness requirements are included in this submittal. I have included all of the applicable completeness requirements in my submittal.

Does this SIP submission include additional documentation (e.g., large modeling files) that is not submitted through this electronic system? No

Uploaded Documentation

FILE NAME	FILE TYPE	FILE DESCRIPTION
22027SIP_BEXIM_SignedLtr_Dated121823.pdf	pdf	Bexar County I/M SIP Revision Signed Letter
22027SIP_BEXIM_HearingBook.pdf	pdf	Bexar County I/M SIP Revision Hearing Book
22027SIP_BEXIM_attachment-b.pdf	pdf	Attachment B: I/M Program Performance Standard Modeling for the New I/M Program in the Bexar County Ozone Nonattainment Area
22027SIP_Cert dfh.pdf	pdf	Bexar County I/M SIP Revision Certification Letter