

Vehicle Inspection Advisory Committee (VIAC)

Meeting Notes

December 13, 2023

1. Call to Order

The regular meeting of the Vehicle Inspection Advisory Committee (VIAC) was called to order at 1:01 p.m. on December 13, 2023, via WebEx Teleconference.

2. Roll Call

Anthony Moffa	Chairman	Co-Chair, TCEQ appointee
David Campbell	VIAC Member	Station Owner – Safety Representative
Julie Claussen	VIAC Member	Station Owner – Emissions Representative
David Lewis	VIAC Member	Emissions Testing Equip Manufacturer Rep
Lisa Cargill	Manager	Texas Department of Public Safety
Christopher Lyons	Manager	Texas Department of Public Safety
Mark Berry	Captain	Texas Department of Public Safety
Lawrence Cortez	Program Supervisor	Texas Department of Public Safety
Robert Hawkins	Manger	Texas Department of Public Safety
Jeremy LeCrone	Manager	Texas Department of Public Safety
Steve Moninger	Sr. Policy Analyst	Texas Department of Public Safety
Chris Sims	Service Director	Texas Department of Public Safety
Sherrie Zgabay	Service Director	Texas Department of Public Safety
Ron Joy	Service Director	Texas Department of Public Safety
Leslie Stevens	Sr Personnel Admin Spec	Texas Department of Public Safety
Renee Davis	Personnel Admin Spec	Texas Department of Public Safety
Deborah Failey	Personnel Admin Spec	Texas Department of Public Safety
Carlos Romero	Administrative Ops Spec	Texas Department of Public Safety
David Serrins	Agency Liaison	Texas Commission on Environmental Quality
Sarah Thomas	Agency Liaison	Texas Commission on Environmental Quality
Kristen Jacobsen	Agency Liaison	Texas Commission on Environmental Quality

3. Minutes from September 13, 2023

The minutes of the previous meeting were unanimously approved as distributed.

4. Remarks from DPS and TCEQ

a. DPS

Ron Joy addressed the committee stating that since the last meeting one criminal operation had been conducted in the Houston area that resulted in several arrests, the criminal investigation is ongoing.

Ron Joy stated that in the coming year there were going to be advancements in the real time interruption project and explained that TCEQ would be going more in depth with their report.

Ron Joy updated the committee regarding previously voted on static IP rule language, informing them that language is still being drafted for accuracy and would likely go to the Public Safety Commission at their April meeting. He reemphasized that the reason the static IP addresses are important was because the operations that are being run by DPS help them to identify the location of the analyzer and assists in identifying possible clean scanning. He stated that in May of 2023 there were hundreds of clean scans taking place and now there are between 8 and 25 every few weeks. This illustrates that the work of the program investigators, criminal investigators, and the work of TCEQ is making an impact on shutting down the clean scanning.

b. TCEQ

David Serrins addressed the committee stating statute requires that the emissions inspection fee be reviewed by the TCEQ no less than every two years. To fulfill this requirement, TCEQ contracts with a third party to prepare a study that assesses the adequacy of the vehicle emissions inspection fee. This study evaluates the adequacy of the fee from the perspective of the station owners who respond to a survey, and through analytical cost models developed from both survey and non-survey data. He stated that the survey for the 2024 I/M Fee Analysis went live on November 20, 2023 and will close on December 21, 2023. TCEQ encouraged stations to participate in the survey by sending periodic bulletins through the emissions inspection analyzers. TCEQ's contractor, ERG, has also been sending emails to stations for which they have email addresses. The completed 2024 I/M Fee Analysis is expected to be published to the following TCEQ web page by mid-April 2024.

https://www.tceq.texas.gov/airquality/mobilesource/vim/im_rules_links.html

David Serrins informed the committee that TCEQ staff were beginning the rulemaking and state implementation plan revision process to implement the changes required by House Bill (HB) 3297 and Senate Bill (SB) 2102. HB 3297 eliminates non-commercial safety inspections effective January 1, 2025, and SB 2102 extends the initial registration and inspection period for rental vehicles by one year (three years instead of two). This rulemaking and State Implementation

Plan revision process is expected to take much of calendar year 2024 with expected proposal in May 2024 and adoption in November 2024.

David Serrins explained that TCEQ staff were also beginning work on analyzer software updates to implement changes required by both of those bills (HB 3297 and SB 2102) as well as HB 3014 and HB 2195. HB 3014 exempts fully electric vehicles from safety inspection requirements relating to the emissions and exhaust systems and related components. HB 2195 adds a check for a wrong, fictitious, altered, or obscured license plate to the vehicle safety inspection sequence. These software updates are expected to be completed by the end of calendar year 2024.

David Serrins stated that on October 12, 2023, Governor Greg Abbott sent a letter to the EPA administrator to request voluntary reclassification of the Bexar County, Dallas-Fort Worth (DFW), and Houston-Galveston Brazoria (HGB) 2015 ozone standard nonattainment areas from moderate to serious. Texas requested voluntary reclassification of these areas because the EPA placed an undue burden on states to develop and implement complex plans for moderate nonattainment areas on an unreasonably compressed timeline. David explained that while the EPA is required to grant the reclassification, it has not happened yet. Moderate nonattainment requires a basic I/M program, but serious or worse nonattainment requires an enhanced I/M program. Due to their classifications of serious or worse ozone nonattainment under previous ozone standards, the DFW and HGB areas are already required to implement an enhanced I/M program. The statewide I/M program design that we have in the inspection lanes is called "low-enhanced." With the reclassification, Bexar County will also be required to implement an enhanced I/M program. This change will not be evident in the inspection lanes, because Bexar County's program design in the lanes is our statewide "low-enhanced" design. However, an enhanced program for Bexar County will require remote sensing (which DPS refers to as TORVET) and a biennial Program Evaluation. TCEQ will work with DPS as this change happens to ensure that Bexar County gets added to the TORVET program at the appropriate time.

5. Old Business

No discussion of old business.

6. Discussion and Possible Recommendation Items

Anthony Moffa addressed the committee regarding some items being moved from safety to emissions check lists, such as catalytic converters and gas cap integrity via visual check. Mr. Moffa stated other states have clean screening, which is a drive through essentially a remote sensing apparatus used for passing an emissions test. He added that research

would need to be conducted to figure out the benefits for visual checks. David Serrins of TCEQ added that DPS has a high emitter program which senses vehicles producing high emission, and they have a process of notifying those high emitters. Mr. Moffa wondered if this program could be used the other way around for people to be able to get their emissions testing completed. He stated he would like to see another avenue for vehicles to complete the emissions test. Mr. Serrins added that that would require a complete redesign of the program.

Chris Sims provided information regarding advisory committee vacancies, stating three members had been reappointed and there was one application being reviewed and going through a background check.

7. Public Comments

No public comments.

8. Future Agenda Items

No future agenda items were presented at this time. Please provide any future agenda items to Anthony Moffa or Leslie Stevens.

David Lewis asked if Pablo Luna was still the person to contact with questions or for assistance. Ron Joy replied that Pablo was no longer the point of contact and questions, inquiries and assistance requests could be made to him directly.

9. Date of Next Meeting

The next meeting was scheduled for Wednesday, March 13, 2024, at 1:00 p.m.

10. Adjourn

Anthony Moffa adjourned the meeting at 1:29 p.m.