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AIRCHECKTEXAS DRIVE A CLEAN MACHINE PROGRAM (LOW INCOME VEHICLE REPAIR ASSISTANCE, RETROFIT, AND ACCELERATED VEHICLE RETIREMENT PROGRAM)

GRANT ACTIVITIES PLAN

NORTH CENTRAL TEXAS REGION BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

SECTION 1: GENERAL

1.1 Statement of Purpose

The AirCheckTexas Drive a Clean Machine Program, also known as the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) and formerly known as the Repair and Replacement Assistance Program, is designed in conjunction with AirCheckTexas, the enhanced vehicle emissions testing program administered by the State, to help vehicle owners comply with vehicle emissions standards as required by the Texas Administrative Code §114.50, §114.51 and §114.53. The immediate priority is to reduce ozone-forming pollutants created by on-road motor vehicles. This program addresses the highest polluting vehicles and provides an incentive for vehicle owners to contribute to the regional air quality solution.

1.2 Amending the Grant Activities Plan

Changes or adjustments to the Grant Activities Plan are submitted in written form from the county to the Texas Commission on Environmental Quality (TCEQ) for approval. Suggested amendments from the Regional Administrator are approved by the County Project Representative prior to transmittal to TCEQ. Significant changes to scope of work or revenue must follow procedure as outlined in the Intergovernmental Cooperative Reimbursement Contract.

1.3 Description of Entities

1.3.1 TCEQ is responsible for providing funding and determining program guidelines as specified by Title 5 Texas Health and Safety Code §382.209 and §382.210. TCEQ shall monitor implementation of the program. TCEQ has the ultimate approval of this Grant Activities Plan.

1.3.2 The Texas Department of Public Safety (DPS) has authority over all state inspection stations and Recognized Emissions Repair Facilities (RERF). DPS is responsible for recruiting, recognizing and maintaining data about these facilities.

1.3.3 The Texas Department of Motor Vehicles (TxDMV) has authority over all Licensed Motor Vehicle Dealers (new and used car dealers) and Licensed Salvage Vehicle Dealers (automotive dismantlers). TxDMV shall enforce the provisions of the 78th Texas Legislature's House Bill 3588, Article 17.

1.3.4 Participating counties have requested implementation of the AirCheckTexas Drive a Clean Machine Program. North Texas Counties include Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant, and apply to counties that implement a vehicle emissions inspection program and have elected to implement LIRAP provisions. Each participating county must appoint a County Project Representative who shall have authority to approve changes to this Grant Activities Plan. The County Project Representative is also responsible

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for approving and submitting signed financial status reports and funding request memos to TCEQ.

- 1.3.5 North Central Texas Council of Governments (NCTCOG), as the Regional Administrator on the behalf of the participating counties, is responsible for administration and implementation of the AirCheckTexas Drive a Clean Machine Program, including accounting, reports, and customer service.

1.4 Past Legislative Action

- 77th Texas Legislative Session passed and the governor signed House Bill 2134. This established the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP); also known as AirCheckTexas Repair and Replacement Assistance Program.
- 79th Texas Legislative Session passed and the governor signed House Bill 1611. This provided amendments to the AirCheckTexas Program.
- 80th Texas Legislative Session passed and the governor signed Senate Bill 12. This provided amendments to the AirCheckTexas Program. Became known as AirCheckTexas Drive a Clean Machine Program
- 81st Texas Legislative Session passed and the governor signed House Bill 1796. This provided amendments to the AirCheckTexas Program.
- 82nd Texas Legislative Session passed and the governor signed House Bill 3272. This provided amendments to the AirCheckTexas Program.

1.5 Statutes and Rules

1.5.1 Program statutes are contained in the Texas Health and Safety Code, Title 5, Subchapter G, §382.209 through §382.219.

1.5.2 Program rules are contained in the Texas Administrative Code, Title 30, Part 1, Chapter 114, Subchapter C, Division 2, §114.60, §114.62, §114.64, §114.66, §114.68, §114.70 and §114.72.

SECTION 2: REGIONAL ADMINISTRATOR OPERATIONS

2.1 Personnel

2.1.1 Program demand determines the number of people required to perform all duties and tasks assigned to the Regional Administrator. This may fluctuate throughout the course of the program. The Regional Administrator may contract or enter into an agreement for performance of all or some of the responsibilities listed in the Grant Activities Plan.

2.1.2 The Regional Administrator operates a telephone-based information center for applicants, participants, partners, or vendors to receive information about the AirCheckTexas Drive a Clean Machine Program. One or more people will staff this center during operating hours, or arrange for a recorded message to be played.

2.1.3 The Regional Administrator staff does not have the resources to assist applicants or participants in person.

2.2 Training and Certification

Specific certification requirements have not been identified for the Regional Administrator or employed staff. Training is conducted as needed to correctly perform required tasks.

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2.3 Operating Hours

Regular operating hours are Monday through Friday, 8:00 AM to 5:00 PM but may fluctuate with the dynamic needs of the program. The Regional Administrator may suspend operations for holidays, maintenance, administrative duties, or other reasonable needs.

2.4 Call Center

Program participants, partners, and/or vendors can contact the Call Center by calling 1-800-898-9103 or 817-608-2348 during operating hours. Call Center staff will interact with participants, vendors, and other program partners through telephone, electronic mail, and/or facsimile transmittal. The Call Center does not have the ability to assist participants or partners in person.

2.5 Authorizing Assistance

The Regional Administrator has authority to approve or deny applications within limits of the eligibility requirements. Individuals must complete an application form including their personal contact information, vehicle information and household size and income. All applicants will receive correspondence informing them of their application status or eligibility. Eligible applicants may be approved for diagnostics, repairs and/or retirement assistance in the form of a voucher. Applicants determined ineligible will receive information regarding the reasons for the determination and a timeframe in which to respond with additional information. There may be cases where the applicant(s) may submit additional information to support or overturn their eligibility status.

2.6 Vehicle Eligibility

2.6.1 The program utilizes minimum eligibility requirements outlined by Title 30 of the Texas Administrative Code, §114.64(b) and §114.64(c). Additional requirements may be added as needed. Vehicle registration requirements are verified primarily through the TxDMV Vehicle Titles and Registration Motor Vehicle Inquiry database, information obtained from TxDMV representatives, or by contacting TCEQ. Vehicle inspection requirements are verified primarily through the NCTCOG Emissions Database. An aborted emissions test is not a complete test and cannot be used. The vehicle inspection date must be within 30 days of the initial received program application.

2.6.2 Applicants may submit proof of vehicle eligibility by presenting documentation of vehicle registration, vehicle inspection, or any other document approved by TCEQ to the Regional Administrator. In circumstances where further verification is required, TCEQ may be contacted for vehicle eligibility verification by phone or electronic mail.

2.7 Income Eligibility

2.7.1 The program utilizes minimum eligibility requirements outlined by Title 30 of the Texas Administrative Code, §114.64(b) and §114.64(c). Additional requirements may be added as needed. The Regional Administrator may calculate yearly income based on a monthly average or by extrapolating weekly or monthly income documentation into one year.

2.7.2 Additional eligibility procedures may be added as the program progresses and/or as new resources become available. Applicants may be required to provide proof of their current residence to the Regional Administrator.

2.7.3 Household Size Verification

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Household family size may be verified by assuring the vehicle owner has completed and signed the program application, indicating the data supplied is truthful and accurate. This self-certification of household family size along with appropriate documentation as listed below shall fulfill the eligibility verification requirements for this program. Additional documentation of family household size is welcome, and may be used as additional support of eligibility, but is not required.

2.7.4 Income Verification:

Applicants may prove eligibility by submitting one or more of the following (original or copy) for each adult in the household or equivalent information to the Regional Administrator:

- Paycheck stubs from (each job held in) at least the previous three months or equivalent income information (W2) supplied by employer(s).
- Annuity and/or retirement income documentation.
- Unemployment compensation, Veterans, or Disability check stub issued within the last two weeks, or documentation of annual award received.
- The most recent Federal tax data available, representing the current or previous year.
- Written statement from individual(s) documenting income status for unemployed adult(s).

If an applicant has already been approved for and is receiving assistance under any of the following programs, their income eligibility is automatically approved if an original or copy of at least one of these identified document(s), or equivalent information to the Regional Administrator:

- Medicaid card issued within a month of application or letter from Department of Human Services (DHS) indicating approval for Medicaid
- Lone Star card or letter from DHS indicating approval for the Food Stamp Program
- Lone Star card or letter from DHS indicating approval for Temporary Assistance for Needy Families (TANF)
- Children's Health Insurance Program (CHIP) card or letter from DHS or TexCare indicating approval for CHIP
- Women, Infants, and Children (WIC) card or letter from DHS indicating approval for WIC
- Letter from the Social Security Administration identifying approval for Supplemental Security Income (SSI) or SSI check issued within a month of application
- Most recent utility bill indicating participation in LITE-UP Texas
- Other Federal or State programs with eligibility requirements within those outlined by Title 30 of the Texas Administrative Code, §114.64(b) 5, and for which participation can be proven and/or verified.

2.8 Processing Applications

2.8.1 Regional Administrator receives the application, income documentation, and/or other appropriate documentation from the vehicle owner(s). The received date shall be considered the application submittal date.

2.8.2 Data about the vehicle owner(s) is entered into the AirCheckTexas Program Database (Database), including but not limited to:

- First and last name
- Contact phone number

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- Mailing address
- Type of assistance requested
- Vehicle Identification Number (VIN)
- License plate number
- County of vehicle registration
- Vehicle make
- Vehicle model
- Vehicle year
- Household size
- Household income

2.8.3 The Regional Administrator verifies the application with affidavit is appropriately signed, certifying complete, true and correct information is provided.

2.9 Issuing Vouchers

2.9.1 Following application approval, the Regional Administrator issues a voucher to the participant(s). There are four types of vouchers, which authorize reimbursement amounts defined by Title 30 of the Texas Administrative Code, §114.64(d) (1). Vouchers expire 30 days after date issued. The Regional Administrator has authority to extend voucher expiration dates on a case by case basis due to extenuating circumstances.

- Diagnostic and Repair Voucher offers reimbursement for diagnostic and/or repair services.
- Repair Only Voucher limits reimbursement to parts, labor, and retesting for repair services only. Diagnostic fees are not reimbursable for vehicles accompanied by this type of voucher. The Repair Only Voucher is provided to participants who initially chose not to have repairs performed at the same time or by the original RERF that performed the diagnostics. In most cases, the Regional Administrator will submit directly to the chosen repair facility.
- Diagnostic Only Voucher limits reimbursements to diagnostics only. Repair services are not eligible for reimbursement with this voucher. This voucher type may be converted upon verification from RERF that safety items pass or make assurance that safety items will pass final vehicle inspection.
- Replacement Voucher offers reimbursement toward qualifying vehicle replacement purchase.

2.9.2 Regional Administrator may work with a participant to issue a new voucher as extenuating circumstances arise. There may be cases where participant chooses to not replace a vehicle and wants to repair the vehicle or the participant chooses not to repair the vehicle and wants to replace it (if funds are available) and has the option to change voucher types as long as necessary requirements are met for assistance. Applicants wishing to continue with the program after 30 days may be required to begin the process again with a new failed vehicle emissions test.

2.9.3 The Regional Administrator mails the participant:

- For repair assistance - a voucher, a list of participating RERFs and an approval letter.
- For replacement assistance – an approval letter/voucher, a list of participating dealerships, and Retired Vehicle Transfer Manifest form.

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2.10 Redeeming Vouchers from RERFs

- 2.10.1 After receiving call from participating RERF, staff asks preliminary questions to ensure vehicle presented at facility is qualifying vehicle for assistance and acknowledging the voucher type issued for services. The Regional Administrator shall provide the RERF with an authorization code to charge eligible expenses for service to the vehicle.
- 2.10.2 The Regional Administrator has authority to approve or deny voucher reimbursement within limits of the eligibility requirements and the terms of the RERF participation agreement. Facilities will receive information regarding the reason(s) a voucher may be denied for reimbursement.
- 2.10.3 Participating RERFs will be issued a credit card (or single use credit card number as available) to charge eligible and authorized AirCheckTexas expenses. This credit account will be paid by the Regional Administrator.
- 2.10.4 In the event that the Regional Administrator does not receive the required documentation within five (5) business days from the date the charge is posted to the credit card account, the Regional Administrator will contact the RERF and request the documentation.
- 2.10.5 The Regional Administrator may contact the RERF for reconciliation of ineligible expenses, billing errors, or other unauthorized charges, and request the RERF to submit appropriate documentation or apply an adjusting credit transaction. Any charges not accompanied by an authorization code may be considered ineligible expenses.

2.11 Second Opinions

- 2.11.1 Program participants wishing to receive a second opinion on the recommended repairs for their vehicle after receiving an initial diagnostic test and repair estimate may do so. However, additional diagnostics performed by another repair facility will not be reimbursed by the Regional Administrator and is the responsibility of the participant.
- 2.11.2 If the participant chooses to conduct business with the new facility, they must verify the facility is a participating Recognized Emissions Repair Facility, and contact the Regional Administrator or Program Advisor for a Repair Only Voucher. Regional Administrator will work directly with RERF to provide valid Repair Only Voucher for emissions repairs after the diagnostic test was performed and costs covered by the participant.

2.12 Redeeming Vouchers from Dealers

- 2.12.1 Regional Administrator will receive and process required documentation from participating dealerships and ensure the replacement vehicle transaction meets all program statutes, rules and requirements. The Regional Administrator has authority to approve or deny voucher reimbursement within limits of the eligibility requirements and the terms of the dealer participation agreement. Facilities will receive information regarding the reason(s) a voucher may be denied for reimbursement.
- 2.12.2 Regional Administrator will release a single use credit card number, expiration date, and customer validation number to the dealership within 10 business days once the Regional Administrator receives complete and correct documentation of an auto transaction that meets all program statutes, rules and requirements.

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SECTION 3: REGIONAL ADMINISTRATOR ACTIVITIES AND RESPONSIBILITIES

3.1 Affidavits

Program participation by applicants and involved parties must sign an affidavit ensuring complete, true and correct information, documentation and transactions. Affidavits are required for relieving the Regional Administrator and county of liability to dishonest actions, for damages and/or injury.

3.2 Quality Assurance

The Regional Administrator performs limited quality assurance checks on the collection of data, verification of income and vehicle eligibility, and payment procedures, consistent with available administrative funding.

3.3 Appeals and Complaints

Appeals and complaints regarding participating vendors or decisions rendered on vehicle or participant eligibility by the Regional Administrator are directed to the Regional Administrator for appropriate action as outlined:

1. The participant requests an appeals/complaint form from the Regional Administrator.
2. The Regional Administrator sends the form to the participant with instructions.
3. The Regional Administrator receives the appeals/complaint form and any other documentation provided by the participant and investigates the problem.
4. Participating service providers and/or other program partners may be contacted regarding complaints and appeals as necessary.
5. The Regional Administrator responds to the participant in writing and copies the appropriate State agencies.

3.4 Confidentiality

3.4.1 As Regional Administrator for the AirCheckTexas Program, the NCTCOG is subject to the Texas Public Information Act/Open Records Act. Therefore, some participant and vendor information is considered public information and may be disclosed in response to Public Information Act request. No release of information or records shall be construed as a breach of this Grant Activities Plan if properly released pursuant to the Texas Open Records Act.

3.4.2 As allowable by law, program information in various forms, including, but not limited to, paper record, oral communication, and electronic display, from applicants, voucher recipients, dealerships or recognized repair facilities is considered confidential. Access to confidential information is permitted only on a need-to-know basis and limited to the minimum amount of confidential information necessary to accomplish the intended purpose of the use, disclosure or request. Staff may not use this information in any way other than to determine eligibility for program benefits. This applies to any temporary employees hired by the Regional Administrator to assist the program team.

3.5 Code of Conduct

Regional Administrator staff is responsible for upholding the highest standards of ethical conduct in accordance with existing policies. Staff will ensure that they do not engage in conflicts of interest as defined in Regional Administrator's policies and avoid all appearance of conflict of interest.

- Staff is prohibited from outside employment or business dealings resulting in monetary gain or preferential treatment with any dealerships, emissions testing facilities, repair facilities, or related businesses.

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- Vehicle owners who are Regional Administrator staff or the relatives of staff may apply for program assistance. In order to maintain the highest standards of ethical conduct, Regional Administrator's program staff will observe the following policy when determining eligibility or paying vouchers for staff members and their relatives.
 - All program staff is responsible for notifying a supervisor and/or manager of each application received from a Regional Administrator staff member or staff member's relative.
 - The supervisor and/or manager may require an additional review of any of these applications before the team issues a voucher or denial letter.
 - No program staff member will process their own application or relative's application; or process their own voucher or a voucher for a vehicle owner who is a direct relative of that staff member.

3.6 Fiscal Administration

3.6.1 The Regional Administrator will monitor expenditures periodically. Resources and staff may be added, and/or reassigned based upon need and available funding.

3.6.2 Reimbursements:
Program participants do not receive financial assistance payments and all assistance is provided in the form of a voucher. In accordance with Texas Administrative Code §114.64 (e) and (f), payment is granted to the provider of goods or services.

3.6.3 Allocated Funding:
Allocated funds are recorded and distributed first for use by residents of the participating counties for which funds were received. By the terms outlined in the Inter-County Cooperative Agreement, funding may be shared between participating counties to assist residents of the region. Therefore, allocated money unused by one county will be available to residents of another county. Unused funds are returned to the State General Fund biennially.

3.6.4 Additional Funding:
This program may utilize funding from other identified sources.

3.6.5 Accounts:
Program funds are maintained in accounts managed by the Regional Administrator.

3.6.6 Program Income, Interest and Other Income:
Refer to TCEQ's Intergovernmental Cooperative Reimbursement Contract with Federal, State and Local Governments and Agencies, Special Terms and Conditions, Section 18.

3.6.7 Non-payment of Valid Charges and Other Fraudulent Activities:
Non-payment of the \$30.00 co-pay amount and/or valid charges due to the Recognized Emissions Repair Facility by means of a non-collectable check or credit card or refusal to pay will be cause for the Regional Administrator to deny

future participation in the AirCheckTexas Drive a Clean Machine Program until such amount is paid in full and shall report to the TCEQ, DPS, TxDMV or other local authorities if circumstances warrant.

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3.7 Support for Participating Vendor/Service Providers

3.7.1 Regional Administrator will provide a process for interested RERFs and licensed automobile dealerships to participate in the program and accept vouchers. This process may include requiring vendors to:

- Be a Texas Department of Motor Vehicles (TxDMV) licensed dealership; and/or
- Be a DPS Recognized Emissions Repair Facility
- Sign and submit a Dealership or RERF Participation Agreement outlining the program requirements and disciplinary actions to which dealerships/RERFs will be subjected; and
- Submit an Internal Revenue Service Form W-9; and
- Maintain a valid email address; and
- Attend all mandatory workshops for program training; and
- Have internet capabilities for the public to access the Drive a Clean Machine website and/or program application; for the AirCheckTexas database (if authorized).

3.7.2 Regional Administrator will provide the dealership (or RERFs as available) access to the AirCheckTexas database once a completed, signed participation agreement and W-9 are received and processed.

3.7.3 Regional Administrator will train dealerships and RERFs in the proper administration of the program. This training may include the following elements:

- Mandatory and/or optional workshop presentations
- Printed and/or electronic material distributed at workshops
- Information provided via the AirCheckTexas database and the AirCheckTexas Drive a Clean Machine Program website
- Information and updates sent to the vendor's email address on file
- Other avenues as determined necessary by Regional Administrator

3.8 Auditing

3.8.1 Best efforts are made to assure program applicants, participants, RERFs, automobile dealerships, or salvage/dismantlers do not commit fraud and maintain the purpose and intent of the program. The Regional Administrator shall be allowed to conduct audits on program applicants, participants, RERFs, automobile dealerships, or salvage/dismantlers and may investigate any complaint of improper activity, and shall report to the TCEQ, DPS, TxDMV or other local authorities if circumstances warrant.

3.8.2 Fraudulent activities by applicants, participants, RERFs, automobile dealerships, or salvage/dismantlers will be cause for the Regional Administrator to deny payment and/or deny future participation in the AirCheckTexas Drive a Clean Machine Program and shall report to the TCEQ, DPS, TxDMV or other local authorities if circumstances warrant.

3.8.3 Applicant and/or Participant Information:
Income and vehicle specifications are investigated when necessary to ensure compliance with Title 30 of the Texas Administrative Code, §114.64(b) and §114.64(c).

3.8.4 Recognized Emissions Repair Facility (RERF) Information and Activity:

- Documentation of vehicle diagnostics, repairs, and other services is reviewed for ineligible and inconsistent costs. Reconciliation of errors or misuse is

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requested from the RERF. Reconciliation may not be requested for identified errors of \$2.00 or less due to the administrative cost in recovering the funds.

- Onsite monitoring visits will be performed to ensure compliance with program statutes and rules.

3.8.5 Automobile Dealership Information and Activity:

- Documentation of vehicle purchases, retired vehicle transfers, and account activity is reviewed for inconsistent information. Reconciliation of errors or misuse is requested from the dealership.
- Regional Administrator will conduct periodic onsite monitoring visits to ensure compliance with program statutes and rules at participating dealerships.
 - Regional Administrator will normally provide at least 24 hours notice to the dealership of impending onsite monitoring visit. If potential suspicious or fraudulent activity was reported to the Regional Administrator, the Regional Administrator may not provide any notice of impending monitoring visit.
 - Documentation of vehicle purchases, retired vehicle transfers, and account activity may be reviewed.
 - The onsite monitoring visit may include an inspection of any retired AirCheckTexas vehicle(s) awaiting transfer to an approved dismantler.
 - Regional Administrator will notify, in writing, dealerships of any findings. Dealership will be given appropriate time to correct these findings. Additional site visits may be needed to follow up on these findings.
- Regional Administrator will investigate dealership complaints received from participants. These complaints may be verbal and/or written. The investigation may include onsite monitoring visits and/or requests for additional documentation from the dealership. In the event the investigation reveals misconduct on the part of the dealership or a violation of program rules and requirements, the Regional Administrator may deny payment or request a refund from the dealership if it has already been reimbursed by the program.

3.8.6 Dismantlers/Salvage Facilities:

- Documentation of retired vehicle transfers and destruction certification is reviewed for inconsistent information.
- The Regional Administrator may investigate retired vehicles by contacting the TxDMV by phone or by utilizing the TxDMV Vehicle Title Registration website, or the NCTCOG Emissions Database to confirm retired vehicles are not re-titled or re-inspected.
- Onsite monitoring visits may be performed to ensure compliance with program statutes and rules.
- Regional Administrator will investigate dismantler complaints received from dealerships or participants. These complaints may be verbal and/or written. The investigation may include onsite monitoring visits and/or requests for additional documentation from the dismantler and/or recycler and/or dealership. The Texas Commission on Environmental Quality (TCEQ) is responsible for allowing dismantlers to participate in the program. Regional Administrator will forward complaints received about dismantlers to the TCEQ and work in conjunction with the TCEQ to resolve.

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3.9 Monitoring Vehicle Inspections

- 3.9.1 Regional Administrator shall monitor state inspections compliance of program vehicles. Fraudulent activities such as “clean scanning”, “clean piping”, or conducting the wrong test type on repaired program vehicles will be cause for the Regional Administrator to report these acts to TCEQ, DPS, or other local authorities if circumstances warrant. Such practices may be grounds for the Regional Administrator to charge back or refuse to pay for repair work completed to bring a vehicle into emissions compliance, and deny future participation in the AirCheckTexas Drive a Clean Machine Program.
- 3.9.2 If an automobile dealership is identified as using a DPS inspection facility that is involved in fraudulent activities such as “clean scanning”, “clean piping”, or conducting the wrong test type on program replacement vehicles, the dealership will be asked to use another inspection facility for inspection of replacement vehicles and obtain a passing reinspection on the vehicle involved. Such practices will be grounds for the Regional Administrator to refuse to pay for reimbursement until repair work is completed to bring a vehicle into emissions compliance. The costs for repair work may not be passed onto the program or the participant.

3.10 Terminating Participating Vendor/Service Providers

- 3.10.1 Participation with the program is voluntary and may be terminated through the sole discretion of the Regional Administrator.
- 3.10.2 The Regional Administrator may terminate the agreement with the participating vendor without giving any advance notice if the vendor fails to comply with any and/or all the terms stated in the Grant Activities Plan, agreement terms, affidavits, statutes, and/or rules of the program.
- 3.10.3 The Regional Administrator may first opt to temporarily suspend a participating vendor while research and investigation of non-compliance are completed. Suspension shall be immediate and communicated in writing. This process could place payment of services on hold until final participation status is determined.
- 3.10.4 The Regional Administrator will notify the participating vendor regarding the termination of its participation in writing. Termination from the program may be permanent.
- 3.10.5 Upon such termination, Regional Administrator may provide payment for pending vouchers and/or services rendered if the voucher documentation meets all the program requirements and was determined not be involved in the reason for termination. The vendor shall not be entitled to any claim against the Regional Administrator for any additional payments or damages in the event of termination of its participation.
- 3.10.6 Regional Administrator may terminate program participation for vendors that are:
- Found out of compliance with program rules and regulations; or
 - Generating participant or dismantler complaints; or
 - Involved in fraudulent activities against a participant or the program; or
 - Involved in any activity that conflicts with the intent of the program or the orderly administration of the program; or
 - Found to be involved in any other activity deemed unacceptable, at the sole discretion of the Regional Administrator.

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3.10.7 All decisions to terminate a vendor's participation in the program are at the sole discretion of the Regional Administrator.

3.11 Available Recourse

The county has authority to take legal action against any or all perpetrators. Such an event may result in additional penalties imposed by the DPS, TxDMV, or TCEQ.

3.12 Local Advisory Panel

The Regional Administrator in coordination with the participating county may arrange and organize a Local Advisory Panel to assist in various aspects of operating the AirCheckTexas Drive a Clean Machine Program.

3.13 Other General Responsibilities

- Advertising and posting program changes and additions
- Providing information to the public and directing potential applicants to appropriate resources
- Surveying participants
- Providing information to the media as requested
- Completing and verifying information recorded in the Database, and appropriately correcting misinformation
- Maintaining application records in electronic format, within the Database and/or in hard copy form
- Providing procedural instructions to participating vendors
- Maintaining a website with program requirements and eligible Tier 2 Bin 5 or cleaner cars and trucks
- Maintaining a database of information on all transactions and applicant verification
- Evaluating the program and altering processes for maximum efficiency

3.14 Service, Reports and Records

3.14.1 In accordance with Texas Administrative Code §114.70, the Regional Administrator on behalf of the participating county will compile reports in an approved format and transmit quarterly reports to TCEQ and the participating county in paper copies or electronic format no later than 30 days after the end of the quarter.

3.14.2 Indicators of Service:

The Regional Administrator records indicators of service, including, but not limited to the following:

- Number of persons applying for assistance
- Number of persons qualifying for assistance
- Number of vehicles repaired
- Number of vehicles retrofitted (if applicable)
- Number of vehicles retired and replaced
- Names and locations of vendors
- Amounts reimbursed to vendors
- Vehicle details including vehicle identification number, license plate number, odometer, model year, make and model

3.14.3 Report Types:

- Regional Administrator files quarterly activity reports (QARs) of the indicators of service within each participating county. These reports are reviewed and forwarded to the TCEQ and each county is provided a copy for their records.

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- Financial status reports (FSRs) are filed with the County Project Representative for review on a quarterly basis, or as specified by the TCEQ. These reports may serve as reimbursement requests and are forwarded to the TCEQ, pending any modifications.
- Recycled vehicle reports (documents the retired vehicles that were recycled at a metal recycling facility) and vendor site monitoring reports (documents the vendors where a site visit was performed) are filed quarterly to the TCEQ. Each county may be provided a copy for their records.
- Regional Administrator shall make additional data and reports available in a timely manner as requested by the TCEQ for use in development and improvement of the program and its requirements. Any preliminary or draft information provided shall not be used for financial auditing or investigation of administrative operations.

3.14.4 Records:

The Regional Administrator maintains records on the AirCheckTexas Drive a Clean Machine Program for a minimum of three years as required by Title 30 of the Texas Administrative Code, §114.70(c). Program partners, RERFs, and other parties involved in program transactions are also required to maintain records for a minimum of three years.