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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 28, 2014

The Honorable Keith Self
Collin County Judge
2300 Bloomdale Road, Suite 4192
McKinney, Texas 75071

RE: Request to withdraw from the AirCheckTexas Drive a Clean Machine Program

Dear Judge Self:

The Texas Commission on Environmental Quality (TCEQ) received your request, along with a copy of the Collin County Commissioners Court Order No 2014-221-04-21 authorizing the request, to withdraw from participation in the AirCheckTexas Drive a Clean Machine (DACM) Program and to reduce vehicle inspection fees accordingly. As discussed with you, further clarification is needed on how you would like to proceed.

Collin County's participation in the DACM and the Local Initiative Projects (LIP), which are part of the Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP), and the State's authority to collect fees to fund this program are statutorily authorized under Texas Health and Safety Code, Chapter 382, Clean Air Act. In addition, rules describing LIRAP and vehicle inspection and maintenance requirements are provided in 30 Texas Administrative Code (TAC) Chapter 114, Subchapter C.

While your request to withdraw from DACM and subsequently the LIP program can be addressed administratively, reducing vehicle inspection fees requires a revision to 30 TAC Chapter 114. We estimate this process to take 12 months to complete. During the rulemaking process, program fees would still be collected from vehicle owners in Collin County regardless of whether Collin County is participating in the DACM and LIP or not. Given this circumstance, there are two options concerning the withdrawal process:

- withdraw from the DACM and LIP immediately, although program fees will be collected until TCEQ's fee-reduction rulemaking is complete; or
- participate in the DACM and LIP programs until TCEQ's fee-reduction rulemaking is complete and the withdrawal becomes effective shortly after the rulemaking takes effect.

Upon the effective date of Collin County's withdrawal from the DACM and LIP programs, vehicle owners residing in Collin County will no longer have access to financial assistance for repairs or replacements. Additionally, the county will no longer be allocated DACM or LIP funding that has been collected from vehicle owners in the past, including the period during which a rule revision to reduce vehicle inspection fees is in process.

Collin County's withdrawal from the DACM program may also impact the 21 participating Recognized Emissions Repair Facilities that perform repair work through the program and the 27 participating dealerships that sell vehicles to eligible participants through the program. Since

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the beginning of DACM in 2007, Collin County residents have repaired 1,229 vehicles and retired and replaced 2,625 vehicles, utilizing \$8,599,124 of DACM funding. Upon withdrawal from the DACM, participating repair facilities and replacement dealers would no longer have access to assistance vouchers from eligible Collin County vehicle owners.

We are prepared to initiate both the administrative procedures to withdraw Collin County from DACM and LIP and a revision to 30 TAC Chapter 114 to reduce vehicle inspection fees in Collin County. Please confirm whether you wish to immediately withdraw from DACM and LIP or whether you wish to withdraw shortly after the rulemaking takes effect. If you have questions or need additional information, please contact Ms. Donna F. Huff at 512.239.6628 or by e-mail at donna.huff@tceq.texas.gov.

Sincerely,



Steve Hagle, P.E., Deputy Director
Office of Air
Texas Commission on Environmental Quality

cc: Representative Jodie Laudenberg
Representative Jeff Leach
Representative Scott Sanford
Representative Van Taylor
Representative Scott Turner
Senator Craig Estes
Senator Ken Paxton
Shannon Stevenson, NCTCOG
Richard A. Hyde, Executive Director, TCEQ
David Brymer, Director, Air Quality Division, TCEQ