

Vehicle Inspection Advisory Committee (VIAC)

Meeting Notes

September 18, 2024

1. Call to Order

The regular meeting of the Vehicle Inspection Advisory Committee (VIAC) was called to order at 1:04 p.m. on September 18, 2024, both in person and via MS Teams.

2. Roll Call

Anthony Moffa	Co-Chair	TCEQ appointee, NCTCOG
JoJo Heselmeyer	Co-Chair	PSC appointee, Tx Vehicle Inspection Assoc
Julie Claussen	VIAC Member	Station Owner - Emissions
David Lewis	VIAC Member	Emissions Testing Equip Manufacturer
Vanessa Mayo	Assistant Chief	Texas Department of Public Safety
Ron Joy	Service Director, CES	Texas Department of Public Safety
Natalie Robertson	Service Director, LRS	Texas Department of Public Safety
Steve Moninger	Sr. Policy Analyst	Texas Department of Public Safety
Lisa Cargill	Manager	Texas Department of Public Safety
Christopher Lyons	Manager	Texas Department of Public Safety
Mark Berry	Captain	Texas Department of Public Safety
Ruben Garibay	CES Specialist	Texas Department of Public Safety
Lawrence Cortez	Program Supervisor	Texas Department of Public Safety
Robert Hawkins	Manager	Texas Department of Public Safety
Pablo Luna	Manager	Texas Department of Public Safety
Leslie Stevens	Personnel Admin Spec	Texas Department of Public Safety
Renee Davis	Staff Services Spec	Texas Department of Public Safety
Deborah Failey	Staff Services Spec	Texas Department of Public Safety
Carlos Romero	Admin Ops Spec	Texas Department of Public Safety
Edgar Gilmore	Agency Liaison	Texas Commission on Environmental Quality
Nicholas Landuyt	Agency Liaison	Texas Commission on Environmental Quality
Kristen Jacobsen	Agency Liaison	Texas Commission on Environmental Quality
Stephen Cruz	Agency Liaison	Texas Commission on Environmental Quality

3. Minutes from June 5, 2024

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

4. Remarks from DPS and TCEQ

a. DPS

Service Director Ron Joy addressed the committee stating Chief Wayne Mueller recently attended and addressed the Texas State Inspection Association's annual conference. Chief Mueller provided them with information on the 2-year continuation of Operation Cinder Block, which began to get a handle on rampant fraudulent vehicle inspections occurring through clean scanning. Chief Mueller informed the conference attendees that in a report from the previous week there were only a total of 63 possible clean scans when just a year or two prior clean scanning numbered in the thousands.

Service Director Ron Joy provided information on DPS's proposed stance regarding suspensions and revocation. The current way of handling this is an automatic revocation of both the individual and station licenses. In the proposed change it would only be the individual inspector whose license is revoked while the station would receive no immediate action. The station would instead be immediately notified of who that inspector was, and action would be taken against the individual. DPS would then evaluate the data looking at the history of the station. The information gained during that evaluation would then determine if action against the station also should occur. If the data shows that it is something that the station should have reasonably been aware of, they could then face up to a 3-year revocation.

Julie Claussen asked if this proposal were to go into effect how soon would the change be made. Ron Joy answered that it would be up to Chief Wayne Mueller's approval and be immediate. Jo Jo Heselmeyer stated that other tools may be available for station owners to be able to watch for this type of fraudulent activity. Ron Joy stated that one such tool would be for DPS to contact the station owner immediately upon lockout rather than 2 weeks later, as has occurred in the past. Station owners are encouraged to contact DPS anytime they need help looking into possible fraudulent activity. Edgar Gilmore with TCEQ stated that during the conference there was a panel discussing this issue and it was suggested that the emissions analyzers had a report that could show data to assist stations in identifying clean scanning. He wanted to state that this was not true, and the analyzers do not now, nor never have had such a report.

Anthony Moffa addressed Ron Joy stating that in a prior meeting Ron had mentioned that there were some possible criminal cases pending in some of the more egregious clean scanning operations. He asked if these cases were still ongoing. Ron Joy answered stating that they had hoped to have arrests to report but it is currently being negotiated with the

district attorney's office to look at the evidence, so arrests had not yet been made. He added that there were at least three large investigations ongoing at the moment. He also stated there would be a press release once that occurred.

b. TCEQ

Stephen Cruz addressed the committee stating that TCEQ continues to work on the rule making and state implementations. The revision process to implement the changes required by HB 3297 and SB 2102 were ongoing. HB 3297 eliminates noncommercial safety inspection effective January 1, 2025, and SB 2102 extends the initial registration and inspection period for rental vehicle by one year. Stephen Cruz also stated that TCEQ staff continues to work on analyzer software updates to implement changes required by both of those bills, as well as HB 3014 and HB 2195. HB 3014 exempts fully electric vehicles from safety inspections requirements relating to the emissions and exhaust systems. HB 2195 adds a check for wrong, fictitious, altered, or obscured license plates to the vehicle safety inspection sequence. He stated that these software updates are expected to be completed by the end of the calendar year 2024.

JoJo Heselmeyer asked a question regarding the thermostatic air cleaner. She stated the thermostatic air cleaner was something that was looked at as part of the safety inspection program, but once HG 3297 is implemented it is a component that will be moved to emissions testing and inspection. She asked if there was ever an incident where it is applicable since they stopped adding thermostatic air cleaners to cars in the 1990s. She questioned why it would be added as something to check, as it seems a place for potential mistakes to be made. Edgar Gilmore addressed this question stating that the confusion is in the acronym AIS that is listed on the VIR. AIS does not stand for Air Intake System; it stands for SIP (State Implementation Plan) required Air Injection System.

5. Old Business

No old business.

6. Discussion and Possible Recommendation Items

JoJo Heselmeyer asked if there were still committee vacancies, to which Ron Joy stated yes there are four: one emissions station owner, one safety station owner, one independent vehicle equipment repair technician, and a public member.

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, JoJo Heselmeyer, or Leslie Stevens.

9. Date of Next Meeting

The next meeting was scheduled for Wednesday, December 11, 2024.

10. Adjourn

JoJo Heselmeyer adjourned the meeting at 1:50 p.m.