

emissions control canister; the exhaust system catalytic converter and oxygen sensor; the exhaust gas recirculation (EGR) assembly; the air pump, belts and hoses or the air injector assembly; the fuel inlet restricter; a properly seated gas tank fill cap; and the thermostatic air cleaner/filter assembly.

(b) Full tampering inspections shall also include a test for the presence of lead deposits in the tailpipe if the vehicle is required to use unleaded gasoline. Evidence of the use of leaded fuel in vehicles requiring the use of unleaded fuel as shown by the presence of lead in the tailpipe, the presence of leaded fuel in the gas tank or evidence of current or previous tampering with the fuel inlet restricter shall constitute tampering with the catalytic converter and the exhaust oxygen sensor if the vehicle originally had that equipment. When evidence of fuel inlet tampering is found, and a tailpipe lead test indicates the absence of lead deposits, DOT or its designee may waive the requirement to repair, replace, or restore the catalytic converter and oxygen sensor equipment, if:

1. A full tampering inspection of the vehicle indicates no additional tampering; and

2. The owner of the vehicle provides evidence to DOT or its designee that the catalytic converter and oxygen sensor were replaced subsequent to April 1, 1988, or the owner provides evidence to DOT or its designee that a previously tampered with but partially restored and functional fuel inlet restricter was installed in the vehicle prior to or concurrently with the replacement of the catalytic converter and oxygen sensor, or DOT or its designee determines that the particular vehicle model is on a list of vehicle models that chronically fail the fuel inlet restricter test due to improper new vehicle equipment design, improper new vehicle equipment installation or normal extended wear.

(c) Any reinspection required under sub. (2) may omit the test for the presence of lead in the tailpipe if the catalytic converter has been replaced.

(4) SUBSTITUTE PROCEDURE. (a) Upon written department approval granted to DOT, a partial tampering inspection procedure may be substituted for the full inspection procedure in sub. (3), provided that use of the substitute procedure maintains the inspection program effectiveness in terms of adequate pollution reduction and adequate identification and repair of tampered and misfueled vehicles and improperly maintained emission control equipment. The department may also consider program operation cost and waiting time impacts in reviewing the substitute procedure. The following types of substitute procedures are acceptable for part or all of the full inspection:

1. A steady-state loaded mode test or a transient loaded mode test for nitrogen oxides, carbon monoxide, carbon dioxide, oxygen or hydrocarbons by which air pollution control equipment tampering or functioning can be demonstrated; or

2. A visual inspection checking for the presence of fewer items than the full inspection procedure.

(b) A substitute procedure shall occur at a sufficient initial inspection frequency to allow annual VOC reductions equivalent to or greater than those generated under the procedure specified in sub. (3) when full inspections are randomly made on a minimum of 5% of the vehicles sub-

ject to inspection under s. 110.20 (6), Stats. Calculation of annual VOC reductions shall be based on U.S. environmental protection agency models or EPA assisted analysis.

(c) Prior to April 1, 1990, if a vehicle fails the substitute inspection, either the initial inspection shall be expanded to include the full inspection procedure, or the failure shall be noted in DOT records and the vehicle shall be fully inspected prior to its next registration or registration renewal. Commencing April 1, 1990, when a vehicle fails the substitute inspection procedure, the initial inspection shall be expanded to include the full procedure in sub. (3).

(5) PROCEDURE REVIEW. The department shall review the tampering inspection procedure in effect at least once after the first 15 months of the DOT inspection contract which is in effect on the effective date of this section and prior to each subsequent DOT inspection contract or contract extension. Upon such review, the department may withdraw or alter any substitute procedure approved under sub. (4).

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89; am. (4) (a) (intro.), Register, May, 1992, No. 437, eff. 6-1-92.