

**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Northern Virginia Regional Office**  
**Mobile Source Operations Section**

<b>OPERATIONAL PROCEDURE</b>	<b>NUMBER</b> 9	<b>EFFECTIVE DATE:</b> January 19, 1993 <b>Revised:</b> August 2, 2010
<b>SUBJECT</b> SPECIAL "COVERT" INSPECTION PROCEDURES	<b>ORIGINATING UNIT</b>  MOBILE SOURCE OPERATIONS SECTION	

Special "Covert" Inspections (SI) of Emissions Inspection Stations (EIS) shall be performed on an as needed basis by a covert officer; covert audits of Certified Emissions Repair Facilities (CRF) may be performed on occasion as circumstances and resources warrant.

**I. GENERAL**

A. The need for special inspections shall be identified by the following criteria:

1. Citizen Complaint;
2. Vehicle Emissions Compliance Officer (VECO) observations;
3. Inspection data reports (failure rates too low, improper data entry, etc.);
4. Probation Status;
5. Random station selection from a list of stations for this purpose;
6. An effort should also be made to perform SIs at EISs at least annually, taking into consideration the number of Licensed Emissions Inspectors (LEI) at the facility, as circumstances and resources permit.

B. General Tampering & Documentation

1. The covert vehicle will be tampered in order to fail the emissions inspection in one or more of the following test parameters: visual inspection failure, On-Board Diagnostic System (OBDII) failure or tailpipe emissions failure. In order to document the vehicle's condition and tampers, the covert officer will take a digital picture of the tamper and print the results (Attachment 1); perform a "state test" emissions inspection and print a Vehicle Inspection Report (VIR) (Attachment 2); and complete a Referee Inspection Form (RIF) (Attachment 3). The vehicle will be observed by the Mobile Source Technical Officer (MSTO) or his designee or duty officer, who will initial and date the above documents to concur and affirm that the vehicle is in the condition represented by those documents. The state test results will be entered on the Special Inspection Report (SIR) and the documents filed for later use. Note: These procedures must be performed for each day that a vehicle will be used for SIs. However, the documentation may be undertaken the evening prior to

the conduct of SIs that are at distant locations in order to accommodate an early start. In such cases, the vehicle shall be locked overnight and briefly examined in the morning to verify that no changes have occurred (and so noted on the RIF).

2. Vehicle Inspection Database (VID) Procedures: The Vehicle Identification Number (VIN) and other detailed information for each covert vehicle shall be entered into the VID Access and Control System (VACS) by the MSTO. This application governs how the covert vehicle information is returned to the emissions analyzer system during its initial communication with the VID, and among other possible choices, can preclude the vehicle from being identified as a “retest” when presented at the EIS.
3. A method shall be maintained for the purpose of generating a random list of EIS for SIs, configured to avoid repetitions and to maximize efficiency of the selection process. This list shall be used by the covert officer to prepare for daily SI activities, pending other priorities as may be identified by VECOs or other special circumstances.

## II. TAMPERING PROCEDURES

### A. Visual Inspection Failure (Components)

One or more of the six (6) emissions control components or systems that are required to be visually examined during the emissions inspection procedure may be tampered by removal or obvious disabling of the component(s). These components/systems are: Positive Crankcase Ventilation System (PCV); Thermostatic Air Cleaner System (TAC aka ACL); Catalytic Converter System (CAT); Air Injection System (AIS or AIR); Fuel Evaporative System (EVAP); and Exhaust Gas Recirculation System (EGR). Note: Only the CAT is visually examined during an OBDII inspection.

### B. OBDII Failure

The OBDII system of the vehicle may be tampered by removal of the Malfunction Indicator Lamp (MIL) to prevent its illumination, or removal of the Diagnostic Link Connector (DLC). The vehicle may also be tampered in such a manner as to cause a Diagnostic Trouble Code (DTC) to be set and command the MIL to be illuminated (i.e., disconnecting the electronic EGR valve or an oxygen sensor).

### C. Tailpipe Emissions Failure

On occasion, MSOS may tamper a vehicle in such a manner as to fail the tailpipe emissions standards during a Two-Speed Idle (TSI) or Acceleration Simulation Mode (ASM) emissions inspection. Experience has proven that it is difficult to tamper a vehicle in such a manner as to consistently fail the tailpipe standards, and research continues in this regard. However, some past success has been achieved by closing the gap on a spark plug. Other strategies may include

disabling oxygen or other sensors, blocking air passages, removal of the internal material from the CAT(s), or a combination of such methods to ensure consistent failure of the tailpipe emissions standards. The procedures and actions of the LEI during the SI should also be examined for proper vehicle identification and other data entry that could affect the standards applied to the vehicle during the test.

### III. EIS COVERT INSPECTION PROCEDURES

- A. The covert vehicle will be driven to the EIS and submitted for an emissions inspection. Whenever possible, the covert officer shall make every effort to observe the entire emissions inspection process. If the entire procedure was not observed, this shall be noted in the SIR along with any other relevant information in the “Comments” section. The following items, among others, should be observed and noted:
1. Was a pre-inspection safety check conducted properly?
  2. Was the VIN verified by the inspector?
  3. Did the inspector perform a visual examination of all the required emissions control systems?
  4. Did the inspector check for visible smoke?
  5. Was the entire inspection process performed in accordance with program regulations (including proper advisement at the commencement and completion of the inspection process)?
  6. Was the proper test performed (ASM, TSI or OBD)?
  7. Was the cooling fan used, if appropriate?
  8. Was the exhaust properly vented from the building?
  9. Were the accessories turned off?
  10. Was anything out of the ordinary noticed during the entire process?
- B. At no time is the covert officer’s identity to be disclosed to the inspection station, nor is the covert officer to entrap or otherwise suggest that the emissions inspection not be performed properly. Close attention shall be paid to what station personnel say or do before, during and after the inspection.
- C. After leaving the station, the covert officer shall, at the earliest safe opportunity, find a suitable location to pull over out of sight of the station. The station’s inspection results will be entered under the “Station Inspection Results” section of the SIR and any relevant comments will be annotated at this time. The covert officer will also check the condition of the vehicle, especially under the hood, to ensure that the vehicle is in the same condition as when it was presented to the EIS as documented earlier. Any changes noted will be documented in the “Comments” section of the SIR. If necessary and possible, the vehicle will be restored to the tampered condition for any additional SIs to be conducted that day.
- D. The specific intent of the particular covert operation, if other than the normal inspection process (e.g., diagnosis, repair, retest or for intentional falsifications)

shall be noted in the “Comments” section of the SIR and shall fully describe the nature of the operation.

Note: The documentation of the special inspection, including the covert vehicle condition and preparation, shall be sufficient for building a legal case and establishing a performance record.

- E. When SIs for the day have been completed, the vehicle will be returned to MSOS. Vehicles that are assigned to MSOS for an extended period or are agency owned may be left in tampered condition until they are returned to their source or surplus, at which time they shall be restored to an un-tampered condition. If the vehicle is on daily loan, it shall be restored to its original un-tampered condition and returned to the source.

#### IV. SPECIAL INSPECTION REPORT (Attachment 4)

##### A. Station and Inspector Identification

The following items will be entered by the covert officer:

1. EIS Name
2. Station Number
3. Inspector Name
4. Inspector ID Number

##### B. Tampered Items

The items that were tampered will be listed by the covert officer.

##### C. Covert Officer’s Observations

###### 1. Turned Away Inspections

- a. If the inspection is turned away without a test being initiated on the analyzer, or rejected from testing, the item will be marked “yes” and all other items will be marked “N/A.” Descriptions of individuals and events will be entered in the “Comments” section of the SIR, and the Rejection From Testing form if provided shall be attached. If the vehicle is rejected from testing due to tampered items, it will be considered an “aborted test” (see below).
- b. Any other occurrence shall be marked “no.”

###### 2. Verification of VIN from the vehicle

- a. The item will be marked “yes” if the VIN is verified by inspector observation directly from the vehicle.
- b. The item will be marked “no” if the above is not done. A brief description of where/how the inspector obtained the VIN, or portion of VIN for data entry if the full VIN was obtained via bar code scanning, shall be entered in the “Comments” section.

3. Accessories Turned Off
  - a. The item will be marked “yes” if the covert officer is asked to turn off accessories, or if the inspector turns them off.
  - b. All other occurrences will be marked “no.”
  
4. Pre-Conditioning
  - a. The item will be marked “yes” if the covert officer observes the inspector checking to ensure that the vehicle has been pre-conditioned in accordance with established procedures for the type of inspection being conducted (ASM or TSI).
  - b. All other occurrences will be marked “no.”
  
5. Inspection Procedures
  - a. The covert officer’s observations will be indicated with a “yes” for satisfactory, a “no” for unsatisfactory or an “N/A” for not applicable.
    - (1) The item will be marked “yes” if the inspection was performed in accordance with established procedures.
    - (2) The item will be marked “no” if the inspection was not performed in accordance with established procedures.
    - (3) The item will be marked “N/A” if an item does not pertain to the inspection of the particular vehicle being inspected.
  - b. The “Other” block will only be marked “no” when any violation other than those specifically itemized above has been observed. Otherwise, it will be marked “N/A.”
  
6. Signature
  - a. The item will be marked “yes” if the inspector signs the VIR.
  - b. The item will be marked “no” if the inspector initials the report, fails to sign altogether or if the signature does not match the pre-printed name on the VIR.
  
7. Aborted Tests
  - a. If an inspection is initiated with the analyzer, it will not be considered an aborted test if a VIR is issued to the covert officer. It will be marked “no.”
  - b. If an inspection is initiated with the analyzer but the inspector does not issue a VIR to the covert officer, it will be considered an aborted test. It will be marked “yes” and the covert officer shall explain any circumstances of the aborted test in the “Comments” section.
  - c. If the inspector begins the inspection, whether or not the analyzer is used, and detects tampering and then informs the covert officer that the vehicle cannot be inspected until the item(s) is restored/repared/replaced, it will be considered an aborted test. This also applies if a rejection from testing is issued due to a tampered item(s). It will be marked “yes.”

D. Accessories

The covert officer will note the specific accessories that were left on, as well as the condition of each such accessory.

1. Radio – volume setting
2. Air Conditioner (or heater/defroster) – fan speed
3. Lights (parking and/or headlights)
4. Other – Note the specific accessory(ies) and exact condition(s).

E. Vehicle Information

The covert officer will enter information relevant to the vehicle that was used for the SI.

1. Model Year
2. Make
3. Model
4. Vehicle Identification Number

F. Inspection Results

1. The covert officer will enter the state inspection results from the VIR produced at the MSOS referee facility for that day's SIs.
2. The covert officer will enter the station inspection results from the report issued at the EIS.
  - a. If a report was not issued, the results will be entered as "N/A."
  - b. In addition, the covert officer will enter the time of arrival and departure from the EIS.

G. Comments

1. The covert officer will enter any physical characteristics that would assist the VECO in identifying the inspector.
2. Additional comments pertinent to the inspection (or other procedures or process) shall also be entered at the covert officer's discretion.
3. The covert officer's name shall be entered.
4. The covert officer shall sign the SIR.

V. INVESTIGATION OF SPECIAL INSPECTION

A. Covert Inspection Log

1. The covert officer will forward the SIR to the MSTO for administrative review.
2. After administrative review, the MSTO will record the following information in the Covert/Remote Log:
  - a. Log # (automatically assigned by the log application)
  - b. Log Date
  - c. Covert Date
  - d. Due Date (automatically populated)
  - e. VECO Assigned (automatically populated)
  - f. Facility ID Number

- g. Facility Name (automatically populated)
  - h. Inspector ID Number
  - i. Inspector's Name (automatically populated)
  - j. Covert Officer's Name
  - k. Covert Vehicle Used
  - l. Tampered Component(s)
3. The MSTO will then forward the SIR to the VECO to proceed with the investigation.

#### B. Assignment of the SIR

1. The investigation of the SIR will be assigned to the VECO in whose district the facility is located. In unusual circumstances, the PM may designate another VECO to conduct the investigation.
2. The VECO will complete the investigation within the assigned thirty (30) days unless an extension is granted.

#### C. Recommendations

1. The VECO will investigate the SIR, carefully examine all facts, and make a recommendation as follows:
  - a. In Compliance
    - (1) Commendation – If the emissions inspection facility and the inspector/technician have each fulfilled their responsibilities **in all aspects** of the process, a Letter of Appreciation may be recommended, noting the inspector/technician who performed the relevant procedure.
    - (2) In Compliance – If the facility and/or inspector/technician has fulfilled their responsibility by performing in accordance with established procedure, but a minor non-inspection error has been noted, they may nevertheless be recommended for “In Compliance” and the VECO will enter this recommendation with additional comments in the “Remarks” section. Note: They may also be found to be “in compliance” if there was a legitimate reason for not performing the inspection or other procedure. An explanation shall be provided in the “Remarks” section.
  - b. Other (Not In Compliance)
    - (1) This category shall be used for minor inspection procedural violations, non-inspection errors considered to be “not in compliance” or an irresolvable dispute of facts which will not be resolved with the issuance of a Notice of Violation (NOV).
    - (2) Additional comments explaining this recommendation shall be required. Such comments shall include whether additional training or guidance was provided, and note reference to specific rule(s),

regulation(s) or Information Bulletin(s) as may be appropriate. All such information shall be entered in the "Remarks" section.

- c. Suspension (# of days) – An NOV has been issued and the number of days of suspension will be entered, whether negotiated or imposed (as the result of a special proceeding).
  - d. Civil Charge (\$ amount) – An NOV has been issued and the negotiated amount of the civil charge in lieu of a suspension shall be entered.
  - e. Letter of Reprimand – An NOV has been issued and a Letter of Reprimand is recommended in lieu of a suspension or civil charge.
  - f. Probation – An NOV has been issued and, in addition to or in lieu of any penalty recommendation above, terms of probation are recommended. The terms of probation may be a probationary period not to exceed twelve (12) months, specific action(s) to be taken by the affected party, or a combination of both (including an action the completion of which may reduce the probationary time period, or which may be required prior to reinstatement).
  - g. Revocation – An NOV has been issued and a revocation is recommended for the license/permit/certification.
2. Upon completion of the investigation, the VECO will proceed to enter Findings, Recommendations and Remarks on "Page 3" of the SIR. (Attachment 5)

## VI. OTHER SPECIAL INSPECTIONS - RETEST and REPAIR

- A. Initial tests, Retests, Estimates, Real & Fictitious Repairs
- When conducting covert operations regarding inspection, re-inspection, estimates and/or repairs, a variety of strategies may be implemented for the operation. For example, a legitimate initial inspection may be performed at a station as part of a special inspection operation, and the VIR from that inspection may be used at another station where a covert inspection retest is to be conducted. Other potential strategies include: an initial test conducted at the MSOS referee facility but set-up to appear as a legitimate station, then presented to a facility for a repair estimate, repair and/or retest; repairs actually performed (whether at a station, at MSOS or at VDOT or contract facility, with fictitious repair receipts possible) may be itemized, a Repair Data Form (RDF) completed and the vehicle presented for a retest; repairs obviously not performed may be itemized on a fictitious repair receipt, and RDF prepared and the vehicle presented to a station for a retest. In any such case, specific information about the entire operation, copies of any VIR(s), RDF(s) and/or repair receipts, etc. shall be made part of the official record and attached to the state test information form.



B. Repair Estimates

In some cases it may be desirable to determine whether a repair facility is performing their duties in a responsible manner in accordance with program regulations. In such special cases a vehicle may be tampered to fail the emissions inspection, a VIR produced for the initial failure, and the vehicle presented to a repair facility for a diagnosis and estimate. In such cases, special procedures will be prepared in advance in accordance with state policy regarding payment for such services. When the operation is completed, the SIR is annotated with the appropriate documentation, explanations and comments, logged and assigned to a VECO for investigation.

VII. APPROVAL PROCESS

- A. The SIR with the VECO's recommendations will be submitted to the PM or designee for approval.
- B. If the PM or designee does not concur with the VECO's recommendations, the SIR will be returned to the VECO for additional action as necessary. Once such action has been completed and the VECO has made appropriate edits to the SIR, it will be resubmitted for approval.
- C. If the PM or designee concurs with the recommendations, such concurrence will be noted by appropriate annotation and date. If necessary, the PM will forward all documents to the VECO, through logging party, for the preparation of an LOA, an LOR or Consent Order(s) (CO). COs are forwarded to the Regional Director (RD) for approval and signature prior to issuance to the affected party(ies). The RD's concurrence on negotiated terms of COs constitutes final approval of the SIR.
- D. The SIR is then forwarded to the VECO, through the logging party. The logging party updates the violation history and notifies the MSTO of the SIR disposition and date of the resolution.
- E. The VECO will then prepare paperwork as appropriate and serve the CO(s).
- F. The SIR package will then be forwarded to the logging party for tracking and filing.

VIII. PAYMENT FOR INSPECTIONS, ESTIMATES and REPAIRS

- A. Covert Inspections – The petty cash drawer is the source for cash (up to \$50.00 per expense) for inspections. A petty cash authorization form shall be completed. The PM or RD approves the authorization. When the inspection(s) has been completed, three copies of the SIR, and two copies of the original receipt (if any), shall be produced. If there is no receipt, this shall be documented in a separate memo, signed by the PM or designee. Appropriate copies of such relevant documents shall be forwarded to the petty cash custodian for recordkeeping. Any excess cash will be secured by the covert officer for future covert activities; if no covert activities are planned for several days, the excess cash shall be returned to the custodian.

- B. Estimates and/or Repairs – As above, the petty cash drawer is the source for individual expenditures of up to \$50.00. Expenses for estimates or repairs in excess of \$50.00 will be separately handled in advance through procedures approved by the DEQ Finance Office.

#### IX. OBTAINING and DISPOSING of VEHICLES

The MSTO will have administrative responsibility of ensuring an adequate and varied supply of covert vehicles, and be responsible for obtaining, maintaining and disposing of all such vehicles in accordance with established criteria, procedures and applicable regulations. The MSTO shall also maintain a complete, accurate and up-to-date listing of all vehicles that are or have been used in the covert program. (See Section X.A.) Vehicles for covert use will be obtained in sufficient number and rotated on a schedule, in sufficient variety and from a variety of sources, which will guard against detection by EIS or CRF personnel. Vehicles will be obtained that cover the range of vehicle years, types, sizes, configurations, fuel delivery and diagnostic systems that are subject to the vehicle emissions inspection program for Northern Virginia.

- A. State Vehicles – The Virginia Department of General Services (DGS) Fleet Management is the primary source for vehicles to use in covert operations, and is generally able to provide or obtain a range of passenger vehicles, including passenger vans, when available. Requests for such vehicles must be submitted on form CP-3 (assignment of pool vehicles) or CP-15 (purchase of agency owned, obtain leased vehicles, or purchase from vendors under state contract). All such requests must be generated through DEQ's General Services Manager or alternate.
- B. Vehicle Disposal – Pool vehicles obtained from Virginia Department of General Services may generally be returned through normal channels, possibly obtaining a replacement vehicle at the same time. Agency owned vehicles are returned for auction/disposal through DEQ's General Services Manager or alternate, and DEQ's Purchasing Division. See Addendum.

#### X. COVERT IDENTITY

- A. Vehicle Registration – The names and streets shall be fictitious, but the towns, cities, counties and zip codes shall exist and be correct. These shall be investigated and confirmed through local telephone books and other sources that they do not exist. Vehicle registration is available through the Virginia Department of Motor Vehicles (DMV). A letter of request, accompanied by DMV Form VSA 1-49 and DMV Form VSA 14 (or DMV Form VSA 17A for new registrations) shall be forwarded to the DMV Law Enforcement Services to the attention of the appropriate personnel. The vehicle registrations should be for no longer than three (3) months at a time in order to enhance the effectiveness of the program by not appearing to an inspector as *not* being due for an emissions inspection.

- B. Covert Vehicle Database – The MSTO will have access to the available inspection databases to permit the creation and maintenance of covert vehicle records. Fictitious records of vehicles, which match the fictitious registration(s) will be created in the database; when a vehicle is presented for inspection at a station, these files will be accessed, the vehicle information on the analyzer screen will match the vehicle presented and will not indicate any prior inspection records for that vehicle unless prior arrangements have been made (e.g., to submit the vehicle for a retest).

## XI. U.S. EPA COVERT EXEMPTION

### A. Covert Vehicle Listing and History Report(s)

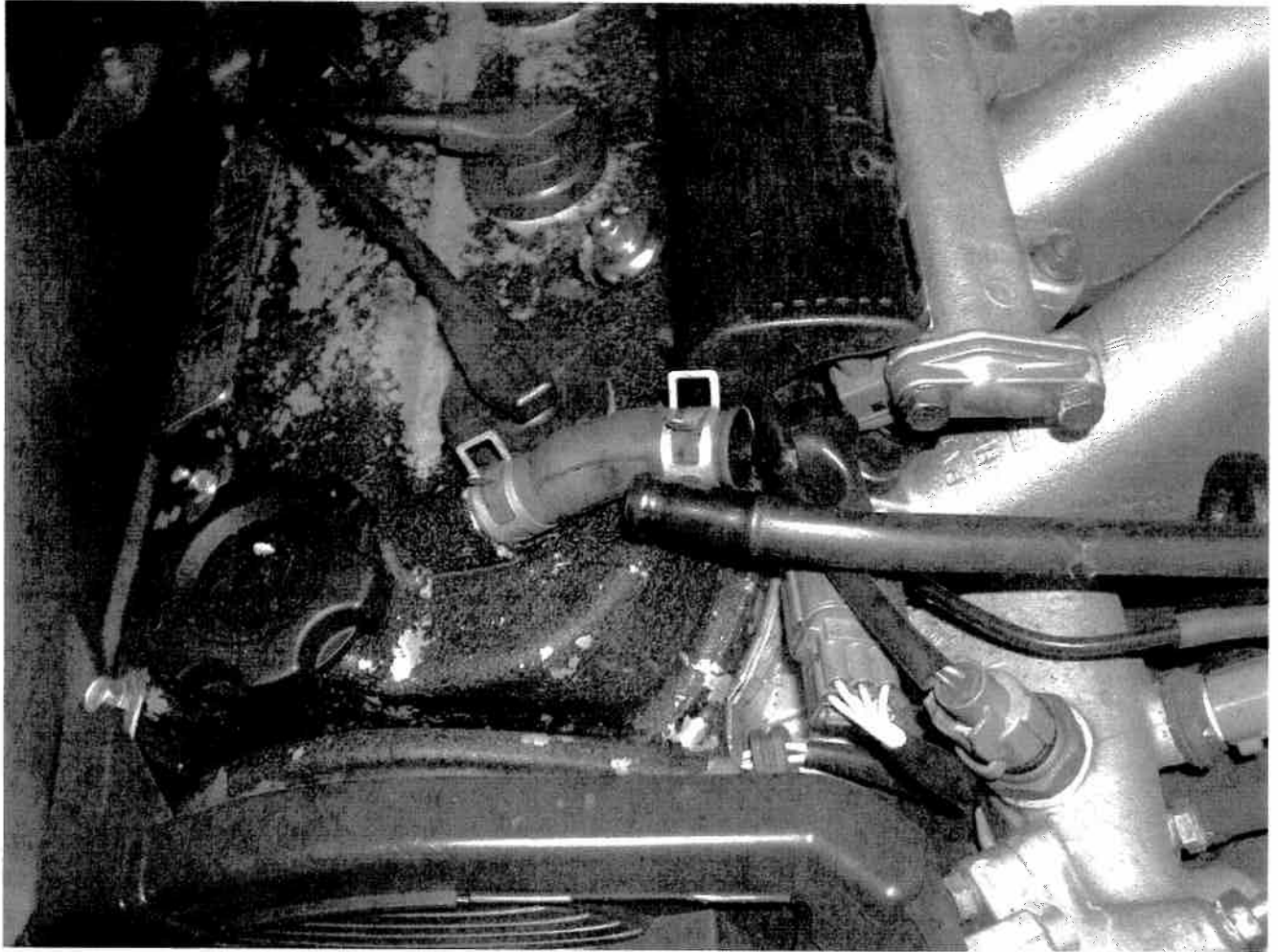
1. A complete listing of all vehicles used in the covert program shall be maintained. This report shall contain relevant information on each vehicle including Year, Make, Model, VIN, Dates of Service, Item(s) Tampered and any other relevant information pertinent to its use as a covert vehicle. It is imperative that this list be maintained and at all times be up-to-date.
2. An abbreviated listing of all vehicles used in the covert program shall be maintained that discloses the Year, Make, Model, VIN and dates of service shall also be maintained and be kept up-to-date.

### B. Covert Exemption Request and Approval

1. Well before the current EPA tamper exemption expires, a request shall be made to the U.S. EPA to extend the exemption. The request may be made by email to the appropriate EPA staff member, attaching scanned copies of a signed memorandum (Attachment 6) and a signed Notification of Compliance Form (Attachment 7).
2. Should the EPA request information on vehicles used in Virginia's covert program, the current abbreviated copy (X.A.2. above) shall be provided (Attachment 8).
3. Upon receipt of a Memorandum of Exemption (Attachment 9), this document shall be reviewed, signed/dated and returned to the EPA. A scanned copy sent by email may be used.
4. If approved, the exemption letter (Attachment 10) shall be placed in the file along with all other relevant documentation and correspondence, and a notation made as to the expiration date so that a renewal may be requested in a timely manner.

## LIST OF ATTACHMENTS

Attachment 1	Example of Digital Photo of Tamper for Special Inspection
Attachment 2	Vehicle Emissions Inspection Report for Special Inspection
Attachment 3	Referee Inspection form for Special Inspection
Attachment 4	Special Inspection Report (2 Pages)
Attachment 5	“Page 3” of Special Inspection Report
Attachment 6	Covert Exemption Request Memorandum
Attachment 7	Notice of Compliance Form
Attachment 8	List of Covert Vehicles
Attachment 9	Memorandum of Exemption (Not an Exemption Letter)
Attachment 10	EPA Exemption Letter (with new expiration date)



1992 Acura Vigor  
VIN # JH4CC2650NC005965

PCV Fresh Air Hose disconnected.

Image captured July 1, 2010 by Don Crossman.

DUPLICATE



COMMONWEALTH OF VIRGINIA  
VEHICLE EMISSIONS INSPECTION REPORT



Test Date/Time: 07/01/2010 @ 10:43:27  
Inspection Type: I

<b>VEHICLE INFORMATION</b>					
Year:	1992	Make:	ACURA	Model:	VIGOR
VIN:	JH4CC2650NC005965	Engine Size:	2.5	Cylinders:	5
GVWR:	4245	Est Test Weight:	3500	Mileage:	120167

<b>ASM2 TAILPIPE EMISSIONS INSPECTION</b>						<b>EMISSIONS CONTROL SYSTEMS INSPECTION</b>	
						Air Injection System:	N/A
						Exhaust Gas Recirculation System:	PASS
						Positive Crankcase Ventilation System:	PASS
						Catalytic Converter:	PASS
						Fuel Evaporative System:	PASS
						Thermostatic Air Cleaner System:	N/A
						Gas Cap Pressure Test:	PASS
						<b>ON BOARD DIAGNOSTICS SYSTEM INSPECTION</b>	
						OBD Malfunction Indicator Lamp:	N/A
						OBD Diagnostic Connector:	N/A
						OBD Diagnostic Trouble Codes:	N/A

	15 MPH			25 MPH		
	Limit	Reading	Result	Limit	Reading	Result
HC ppm	110	13	PASS	120	13	PASS
CO%	0.44	0.03	PASS	0.64	0.02	PASS
NO ppm	1440	15	PASS	1400	288	PASS
	RPM	0	BYPASS	RPM	0	BYPASS
	Dilution	15.03	VALID	Dilution	15.02	VALID

VISIBLE SMOKE INSPECTION: **PASS**

Transaction Identification Number: **083766774**

**OVERALL TEST RESULTS: PASS**



**PLEASE RETAIN THIS DOCUMENT FOR YOUR RECORDS.**

The results of the emissions inspection for this vehicle have been transmitted to DMV. You may now register this vehicle for a period of up to two (2) years.

<b>EMISSIONS INSPECTION STATION</b>			
STATION NAME:	West Falls Texaco	REPORT NUMBER:	1324
ADDRESS:	7399 Lee Hwy, Falls Church 22042 1721	STATION #:	1232
PHONE:	7036987799	ANALYZER #:	A1543
INSPECTOR NAME:	Phu Q Le	SOFTWARE VERSION:	ESP 0901

<b>VEHICLE EMISSIONS INSPECTION QUESTIONS</b> For additional information, please contact the Department of Environmental Quality, Mobile Source Operations Section (703) 583-3900; (800) 275-3844; www.deq.state.va.us/mobile/	Inspector's Signature: _____
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COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
NORTHERN VIRGINIA REGIONAL OFFICE  
MOBILE SOURCE OPERATIONS SECTION

REFEREE INSPECTION FORM

OWNER'S NAME: DEQ-NVRO DATE: 6/11/10  
OWNER'S ADDRESS: 13901 CROWN COURT, WOODBRIDGE, VA 22193  
VEHICLE YEAR/MAKE/MODEL: 1992 ACURA VIGOR-4000R SEDAN  
VIN: JH4CC2650NC005965 TIN: 073767774  
LOCATION OF INSPECTION: DEQ-NVRO  
(STATION ID & NAME IF APPLICABLE)

REMARKS: STATE INSPECTION PERFORMED TO  
DOCUMENT COVERT INSPECTION. PCV FRESH  
AIR HOSE DISCONNECTED.

KTS 6-11-10

OWNER'S SIGNATURE: DEQ-NVRO DATE: 6/11/10  
VECO'S SIGNATURE: Don Crossman DATE: 6/11/10

Commonwealth of Virginia  
 Department of Environmental Quality  
 Mobile Source Operations Section

Officer	: _____
Log #	: _____
Due	: _____

Date: 6/11/2010

**SPECIAL INSPECTION REPORT**

Station ID/Name: 1763/Frank's Auto Service & Repair

Inspector ID/Name: 2746/Harry W. Hanback

TAMPHERED ITEMS:

- |  |          |
|--|----------|
| 1. <u>PCV Fresh Air Hose disconnected.</u> | 3. _____ |
| 2. _____                                   | 4. _____ |

ACCESSORIES LEFT ON (IN WHAT CONDITION):

- |  |          |
|--|----------|
| 1. <u>Radio left on with the volume on medium.</u>       | 3. _____ |
| 2. <u>Air conditioning left on with the fan on high.</u> | 4. _____ |

OFFICER'S OBSERVATIONS:

	Yes	No	N/A
Inspection Turned Away _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Preliminary Inspection Performed Properly _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Verification of VIN from Vehicle _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle Information Properly Entered _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Proper Inspection of the Following Items:

	Yes	No	N/A		Yes	No	N/A
Air Injection System _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TAC System _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EGR System _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gas Cap Pressure _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCV System _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Evap. System Pressure _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Catalytic Converter _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	OBD System Inspection _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fuel Evaporative System _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (See Comments) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

All Accessories Turned Off _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cooling Fan Properly Used _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle Properly Restrained _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle Properly Preconditioned _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle Exhaust Properly Ventilated _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle Properly Evaluated for Visible Smoke Emissions _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proper Test Type Performed _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Retest Information Processed Correctly _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Inspection Aborted _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proper Customer Advisement Provided _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicle Inspection Report Signed and Issued _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Officer : \_\_\_\_\_  
 Log # : \_\_\_\_\_  
 Due : \_\_\_\_\_

VEHICLE INFORMATION

Year/Make/Model: 1992 Acura Vigor VIN: JH4CC2650NC005965

STATE Inspection Results					STATION Inspection Result				
Air Injection System	N/A				Air Injection System	N/A			
EGR System	Pass				EGR System	Pass			
PCV System	Fail				PCV System	Fail			
Catalytic Converter	Pass				Catalytic Converter	Pass			
Fuel Evaporative System	Pass				Fuel Evaporative System	Pass			
TAC System	N/A				TAC System	N/A			
Gas Cap Pressure	Pass				Gas Cap Pressure	Pass			
Evaporative System Pressure	N/A				Evaporative System Pressure	N/A			
OBD Malfunction Indicator Lamp	N/A				OBD Malfunction Indicator Lamp	N/A			
OBD Diagnostic Connector	N/A				OBD Diagnostic Connector	N/A			
OBD Diagnostic Trouble Codes	N/A				OBD Diagnostic Trouble Codes	N/A			
	15 mph	25 mph	IDLE	2500 rpm		15 mph	25 mph	IDLE	2500 rpm
HC ppm	N/A	N/A	N/A	N/A	HC ppm	19	32	N/A	N/A
CO %	N/A	N/A	N/A	N/A	CO %	0.03	0.08	N/A	N/A
NO ppm	N/A	N/A	N/A	N/A	NO ppm	28	46	N/A	N/A
RPM	1841	1788	N/A	N/A	RPM	1680	1861	N/A	N/A
Dilution	14.3	14.2	N/A	N/A	Dilution	14.8	14.8	N/A	N/A
Smoke	Pass				Smoke	Pass			
Mileage	120112				Mileage	120127			
Test Time	09:24				Test Time	11:28			
TIN	073767774				TIN	073766773			

COMMENTS

Service Writer: Female approximately 5'4" tall with brown hair.  
Inspection results: Pass was entered for the Positive Crankcase Ventilation System.  
Miscellaneous: I did not view the inspection or the inspector.

Covert Officer: Don Crossman Time In: 11:23 Time Out: 11:56

Covert Officer Signature: \_\_\_\_\_ Date: 6/11/2010

Officer	:	_____
Log #	:	_____
Due	:	_____

V.E.C. OFFICER FINDINGS			
Inspection Turned Away	<input type="checkbox"/>	TAC System	<input type="checkbox"/>
Preliminary Inspection	<input type="checkbox"/>	Gas Cap Pressure	<input type="checkbox"/>
Verification of VIN	<input type="checkbox"/>	Evaporative System Pressure	<input type="checkbox"/>
Vehicle Information Properly Entered	<input type="checkbox"/>	OBD Fault Code(s)	<input type="checkbox"/>
Air Injection System	<input type="checkbox"/>	Other	<input type="checkbox"/>
EGR System	<input type="checkbox"/>	Accessories Turned Off	<input type="checkbox"/>
PCV System	<input type="checkbox"/>	Cooling Fan Used	<input type="checkbox"/>
Catalytic Converter(s)	<input type="checkbox"/>	Vehicle Restrained	<input type="checkbox"/>
Fuel Evaporative System	<input type="checkbox"/>	Vehicle Preconditioned	<input type="checkbox"/>
Exhaust Ventilated	<input type="checkbox"/>	Visible Smoke Evaluated	<input type="checkbox"/>
Proper Test Type	<input type="checkbox"/>	Retest Information Correct	<input type="checkbox"/>
Inspection Aborted	<input type="checkbox"/>	Customer Advisement	<input type="checkbox"/>
Sign and Issue VIR	<input type="checkbox"/>	Exhaust Ventilated	<input type="checkbox"/>

RECOMMENDATIONS								
S	I		S	I		S	I	
<input type="checkbox"/>	<input type="checkbox"/>	In Compliance	<input type="checkbox"/>	<input type="checkbox"/>	w/ Commendation	<input type="checkbox"/>	<input type="checkbox"/>	Probation
<input type="checkbox"/>	<input type="checkbox"/>	Letter of Reprimand	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Suspension
<input type="checkbox"/>	<input type="checkbox"/>	Probationary Act (See Remarks)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Civil Charge
<input type="checkbox"/>	<input type="checkbox"/>	Other (See Remarks)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Revocation
(S - Station I - Inspector)								

Months	<input type="checkbox"/>	<input type="checkbox"/>
Days	<input type="checkbox"/>	<input type="checkbox"/>
Amt. \$	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS**

V.E.C. Officer: Robert E. Ellis

V.E.C. Officer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Program Manager Signature: \_\_\_\_\_

Date: \_\_\_\_\_



*COMMONWEALTH of VIRGINIA*

*DEPARTMENT OF ENVIRONMENTAL QUALITY*  
NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193-1453

(703) 583-3800 Fax (703) 583-3821

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

Thomas A. Paha  
Regional Director

July 1, 2010

Mr. David C. Hurlin  
U.S. Environmental Protection Agency  
Compliance & Innovative Strategies Division

BY EMAIL

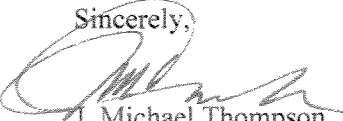
Dear Mr. Hurlin:

Enclosed please find a "Notice of Compliance" document to request an extension of Virginia's investigation exemption for vehicles used in undercover operations. The current exemption expires July 16, 2010.

The Mobile Source Operations Section of the Department obtains vehicles from a variety of sources on a rotating basis to be used for these investigations. All vehicles used in this manner are subject to the terms and conditions accepted and agreed upon in the prior Memorandum of Exemption.

Thank you for your attention to this request. If you have any questions or need additional information, please don't hesitate to contact me at 703-583-3866.

Sincerely,



J. Michael Thompson, Jr.  
Program Manager  
Air Check Virginia

c: file

**Notification of Compliance**

Upon expiration of the Memorandum of Exemption, Notification of compliance with all terms of the memorandum is required. Part IV section (e) of the memorandum requires the exemption holder to conduct one of the activities listed below for all exempt vehicles in order to comply with the terms of the Memorandum.

**Methods of Compliance**

- (A) Regain physical possession of the subject vehicle and remove it from commerce by storing or scrapping.
- (B) Regain physical possession and modify the vehicle or engine to be in all material respects of the same model year or later, label the vehicle or engine as prescribed under 40 CFR part 85 for the appropriate model year and comply with the other requirements of 40 CFR 85.505.
- (C) Where the subject vehicle or engine is in all material respects of the same design specifications as a certified motor vehicle or engine of the model year of manufacture or later, label the vehicle or engine as prescribed under 40 CFR part 86 for the appropriate model year.
- (D) File for an extension of the exemption.
- (E) Re-apply for an expired testing exemption.

In the space provided below, please note the exempted vehicle/s VIN number and the compliance reference letter above (A, B, C, D, or E) which corresponds to the status of each specific vehicle/s upon expiration of the memorandum.

<b>Vehicle Identification Number</b>	<b>Compliance Reference Letter</b>
Exempted vehicles used on a rotating basis.	D
_____	_____
_____	_____
_____	_____

Please return this Notification of Compliance with any relevant documentation no later than thirty (30) days after expiration of the exemption to:

James Blubaugh, Acting Manager  
Outreach & Planning Group  
Certification & Compliance Division  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW (6405J)  
Washington, DC 20460



Signature of Official  
Commonwealth of Virginia  
Dept. of Environmental Quality

Company or name exemption  
filed under

Phone ( 703 ) 583 - 3866

July 1, 2010

Date

**VEHICLES USED FOR COVERT AUDITS**

<b><u>Year, Make, and Model</u></b>	<b><u>VIN</u></b>	<b><u>Date Issued-Returned</u></b>
1992 Acura Vigor	JH4CC2650NC005965	6/1/10 - In use
1992 Dodge Shadow	1B3XP48D1NN215911	5/2/05 - 6/1/10
2002 Kia Optima	KNAGD126925106234	03/2005 - In use
1997 Ford Taurus	1FALP52W6VA228081	06/2003 - 03/2005
1998 Dodge Stratus	1B3EJ56H2WN311262	06/2003 - 03/2005
1993 Chevrolet T-10 Blazer	1GNDT13W5P2158788	10/2001 - 05/2003
1993 Chevrolet T-10 Blazer	1GNDT13W5P2158788	10/2000 - 10/2001
1989 Chevrolet Cavalier	1G1JC5117K7228810	08/1999 - 07/2003
1992 Buick Regal	2G4WB14T3N1473445	06/2002 - 06/2003
1992 Buick Regal	2G4WB14T3N1473445	10/1998 - 06/2002
1991 Ford Tempo	2FAPP36X4MB162868	08/1999 - 10/2000
1991 Ford Tempo	2FAPP36X9MB173560	09/1996 - 08/1999
1993 Plymouth Sundance	1P3XP28DXPN593649	09/1996 - 08/1999
1992 Buick Regal	2G4WB14T3N1473445	07/1997 - 10/1998
1989 Buick Century	1G4AH51N3KT466054	07/1997 - 11/1997
1990 Buick Century	3G4AH14N8LS613954	09/1966 - 07/1997
1990 Pontiac Grand Prix	1G2WJ14T3LF259251	09/1996 - 07/1996
1990 Chevrolet Lumina	2G1WL14T0L9210614	01/1996 - 09/1996
1992 Buick Regal	2G4WB14T9N1410253	01/1996 - 09/1996
1989 Oldsmobile Cutlass Ciera	1G3AJ51W8KG305936	04/1995 - 01/1996
1988 Chevrolet Celebrity	1G1AW51W2J6208018	04/1995 - 01/1996
1988 Dodge Diplomat	1B3BG26P7JW173938	06/1994 - 07/1995
1988 Dodge Diplomat	1B3BG26PXJW173934	06/1994 - 07/1995
1988 Buick Century	1G4AH11W6JT420105	08/1994 - 04/1995
1989 Oldsmobile Cutlass Ciera	2G3AM11W4K2378583	08/1994 - 04/1995
1986 Buick Regal	1G4GJ47A2GP430031	06/1993 - 04/1995
1989 Pontiac 6000SE	1G2AJ51W9KT210281	06/1993 - 08/1994
1987 Chrysler LeBaron	1C3BH48E6HN383289	12/1992 - 06/1993
1987 Buick Century	1G4AH11WW6HT425976	12/1992 - 06/1993
1988 Chevrolet Celebrity	1G1AW51W7J6207933	06/1992 - 12/1992
1988 Dodge Dynasty	1B3BU4631JD141659	06/1992 - 12/1992
1988 Chevrolet Beretta	1G1LV11W8JE509273	01/1992 - 12/1992
1988 Oldsmobile Cutlass Ciera	2G3AJ51W3J9319949	01/1992 - 06/1992
1982 Pontiac Grand Prix	1G2AJ37A9CP630505	05/1991 - 01/1992
1982 Pontiac Grand Prix	1G2AJ37A4CP624114	05/1991 - 01/1992

**MEMORANDUM OF EXEMPTION**  
**THIS IS NOT AN EXEMPTION LETTER**

**I. Authority**

Section 203(b)(1) of the Clean Air Act, as amended, and regulations implementing this section, provide that the Administrator of the Environmental Protection Agency may exempt any new motor vehicle or motor vehicle engine from the prohibitions of §203(a) of the Act upon such terms and conditions as he may find necessary for the purpose of research, investigations, studies, demonstrations or training, or for reasons of national security.

**II. Subject**

**Requestor of Exemption:** Commonwealth of Virginia, Air Check Virginia  
Mr. J. Michael Thompson, Jr.

**Vehicle(s) Exempted:** List of vehicles to be provided at the end of the  
Exemption by the Commonwealth of Virginia

**Type of Exemption:** Testing/Investigation Exemption

**Effective Date of Exemption:** July 17, 2009

**Expiration Date of Exemption:** July 16, 2010

**III. Purpose**

Subject to the terms and conditions set forth under part IV. below, exemption from the prohibitions of §203(a)(1), (3), and (4) is granted to the requestor for the exempted motor vehicle(s) which are intended for use in a test program, details of which are set forth in the documentation referenced in part V. below. The requestor is authorized, or may authorize a regulated party, to conduct the necessary testing on the above vehicles.

#### **IV. Terms and Conditions**

If the requestor elects to accept the exemption and carry out the described test program, it must:

(a) conduct the testing program as described in the documents referenced in Part V below:

(b) agree **not** to sell or otherwise transfer ownership to another party in the U.S.

(c) agree **not** to operate the vehicle(s) on public roads or highways in the U.S. except as necessary for the test program as described in Part V below.

(d) create, at the initiation of the testing program, a record of the subject vehicle(s) including the vehicle identification number, and reflects the use for the purpose set forth in Part III above, maintain that record for the duration of the program and make available, at reasonable times, that record for review or copying by appropriate EPA employees.

**(e) at the end of the testing period, either request an extension of the exemption from EPA prior to the expiration date or remove the vehicle(s), or engine(s) from exempt status by performing one of the following for each vehicle or engine that is removed from exempt status:**

(1) Obtain prior EPA approval to extend the exemption (before the current exemption expires (Up to two extensions)); or

(2) Regain physical possession of the subject vehicle(s) and/or engine(s) and remove from commerce by exporting or destroying the vehicle(s) and/or engine(s); or

(3) Return the vehicle(s) and/or engine(s) to the original certified configuration.

(f) take steps as may be necessary to prevent any violations of the terms and conditions for this exemption by any person; and

(g) accept the exemption and agree to the terms and conditions herein described by returning the signed original of this memorandum via fax or email to:

U.S. Environmental Protection Agency  
Compliance & Innovative Strategies Division  
Light Duty Vehicle Group  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
Attention: David C. Hurlin  
Fax: 734-214-4676  
Email : [imports@epa.gov](mailto:imports@epa.gov)



(h) If the terms of the exemption are agreed to: **The specified motor vehicles are exempt from the prohibitions of Sections 203(a) (1) and (a) (3) of the Clean Air Act as amended**

This exemption shall be deemed void if the copy signed by the subject requestor is not received within (20) days of the date of granting in Part VI below.

This exemption shall be deemed to cover the subject motor vehicle(s) only to the extent that the terms and conditions are complied with. A breach of any term or condition with respect to the vehicle shall cause the exemption to be void ab initio with respect to such vehicle. Consequently, the causing or performing of an act prohibited under sections 203 (a) (1) or (a) (3) of the Clean Air Act other than in strict conformity with all terms and conditions of this exemption shall render the person to whom the exemption is granted and any other person to whom the provisions of section 203 are applicable, liable to suit under sections 204 & 205 of the Act.

**V. Documentation**

Application letter dated July 9, 2009 from Mr. J. Michael Thompson, Jr., Program Manager, Commonwealth of Virginia, Air Check Virginia.

**VI. Signature**



---

Ted Trimble  
U.S. Environmental Protection Agency  
Compliance & Innovative Strategies Division  
Light Duty Vehicle Group

DATE : 7/17/09

**VII. Acceptance and Agreement**

This exemption and the terms and conditions set forth above are hereby accepted and agreed to.



Mr. J. Michael Thompson, Jr.,  
Program Manager,  
Commonwealth of Virginia, Air Check Virginia

DATE : 7-17-09



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
NATIONAL VEHICLE AND FUEL EMISSIONS LABORATORY  
2565 PLYMOUTH ROAD  
ANN ARBOR, MICHIGAN 48105-2498

July 17, 2009

OFFICE OF  
AIR AND RADIATION

Air Check Virginia  
Northern Virginia Regional Office  
Mobile Source Operations Section  
13901 Crown Court  
Woodbridge, VA. 22193-1453

Attention: Mr. J. Michael Thompson, Jr.

Subject: Investigation Exemption

Dear Mr. Thompson, Jr.,

This letter is in response to your July 9, 2009 letter requesting a renewal of your current Inspection Exemption for vehicles used by the Commonwealth of Virginia while conducting undercover investigations for the Virginia Emission Inspection and Maintenance program (I/M).

The renewal of your exemption is hereby granted subject to the terms and conditions of the Memorandum of Exemption (MOE) from July 17, 2009 until July 16, 2010. It is imperative that you record the dates that each vehicle was taken out of compliance, brought back into compliance, and what emission control components were removed or rendered inoperative for the purpose of performing the convert audits. The Commonwealth of Virginia must meet the conditions of the MOE and attach the signed copy to this exemption letter.

Please note that Section IV (e) of the signed Memorandum states that "at the end of the testing period, either request an extension of the exemption from the EPA prior to the expiration date or remove the engines, vehicles or equipment from exempt status." Failure to do this may result in the exemption being void ab initio and lead to substantial penalties. Please retain a copy of this exemption for your files. Should you have any questions please contact David C. Hurlin by phone at (734) 214-4098.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ted Trimble".

Ted Trimble  
Compliance & Innovative Strategies Division  
Light Duty Vehicle Group