

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-186-24
Relating to Exemptions Under Section 27156
of the Vehicle Code

HKS USA, INC.
ELECTRONIC VALVE CONTROLLER

Pursuant to the authority vested in the Air Resources Board by Section 27156 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Section 39515 and Section 39516 of the Health and Safety Code and Executive Order G-45-9;

IT IS ORDERED AND RESOLVED: That the installation of the Electronic Valve Controller, EVC IV & EVC EZ, produced and marketed by HKS USA, Inc., 2801 E. 208th Street, Carson, California 90810-1102, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for 2000 and older model-year vehicles equipped with OEM turbochargers and certified to Tier-1 or Tier-0 standards (not TLEV, LEV, or ULEV).

The Electronic Valve Controller (EVC IV & EVC EZ) modifies the boost levels of turbocharged vehicles by interrupting the actuator signal to the turbocharger wastegate, thereby, increasing boost to the engine. The Electronic Valve Controller measures boost and vacuum as part of the criteria for the level of elevated boost selected by the user.

This Executive Order is valid provided that the installation instructions for the Electronic Valve Controller will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

Changes made to the design or operating conditions of the Electronic Valve Controller, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

This Executive Order shall not apply to any Electronic Valve Controller advertised, offered for sale, sold with, or installed on, a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

Marketing of the Electronic Valve Controller using any identification other than that shown in this Executive Order or marketing of the Electronic Valve Controller for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board.

This Executive Order does not constitute any opinion as to the effect the use of the Electronic Valve Controller may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on emission test results in the modified configuration using the Cold-Start CVS-75 Federal Test Procedure and an examination of the On-Board Diagnostic II (OBD II) system. A 1999 model-year Mitsubishi Eclipse with a 2.0 liter fuel injected engine (XDSXV02.0GBP, Tier-1, PC) was used for the evaluation of the Electronic Valve Controller. Results from emissions testing conducted at California Environmental Engineering are shown below (in grams per mile):

50k	NMHC	CO	NOx
Emission Level	0.203	2.270	0.241
(w. DF applied)			
STD	0.25	3.4	0.4
100k	NMHC	CO	NOx
Emission Level	0.220	2.482	0.262
(w. DF applied)			
STD	0.31	4.2	n/a

The emission test results in the modified configuration were below the applicable emission standards with the deterioration factors applied. Examination of the OBD II system showed the Electronic Valve Controller does not affect OBD II operation. Therefore, based on the test results, the staff concludes that the Electronic Valve Controller meets the criteria for exempting general criteria parts. However, the ARB finds that reasonable grounds exist to believe that use of the Electronic Valve Controller may adversely affect emissions of motor vehicles when operating under conditions outside the parameters of the CVS-75 Federal Test Procedure. Accordingly, the ARB reserves the right to conduct additional emission tests, in the future, as such tests are developed, that will more adequately measure emissions from all cycle phases. If such test results demonstrate that the Electronic Valve Controller adversely affects emissions during off-cycle conditions (defined as those conditions which are beyond the parameters of the Cold-Start CVS-75 Federal Test Procedure), this Executive Order shall be effectively rescinded as of the date the test results are validated. Further, if

such test results or other evidence provides the ARB with reason to suspect that the Electronic Valve Controller will affect the durability of the emission control system, HKS USA, Inc., shall be required to submit durability data to show that the durability of the vehicle emission control system is not, in fact, affected and/or that the add-on or modified part demonstrates adequate durability.

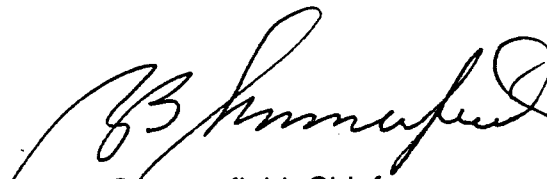
In addition to the foregoing, the ARB reserves the right in the future to review this Executive Order and the exemption provided herein to assure that the exempted add-on or modified part continues to meet the standards and procedures of Title 13, California Code of Regulations, Section 2222, et seq.

THIS EXECUTIVE ORDER DOES NOT CONSTITUTE A CERTIFICATION, ACCREDITATION, APPROVAL, OR ANY OTHER TYPE OF ENDORSEMENT BY THE AIR RESOURCES BOARD OF ANY CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF HKS USA, INC.'S ELECTRONIC VALVE CONTROLLER.

No claim of any kind, such as "Approved by the Air Resources Board", may be made with respect to the action taken herein in any advertising or other oral or written communication.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a ten-day written notice of intention to revoke the order, in which period the holder of the order may request in writing a hearing to contest the proposed revocation. If a hearing is requested, it shall be held within ten days of receipt of the request and the order may not be revoked until a determination after hearing that grounds for revocation exist.

Executed at El Monte, California, this 28th day of December 2000.

A handwritten signature in black ink, appearing to read "R. B. Summerfield", is written over a horizontal line.

R. B. Summerfield, Chief
Mobile Source Operations Division