

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-576-7

Relating to Exemptions Under Section 27156
of the Vehicle Code

BMW Group
BMW Performance Power Kit Retrofit

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-02-003;

IT IS ORDERED AND RESOLVED: That the installation of the BMW Performance Power Kit Retrofit manufactured and marketed by BMW Group of 200 Chestnut Ridge Road, Woodcliff Lake, NJ 07677, has been found not to reduce the effectiveness of required motor vehicle pollution control devices and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for installation on the following BMW passenger cars:

<u>Kit Part Number</u>	<u>Vehicle Application</u>
11 12 2 157 663	- 2008 model year BMW 135i and 335i/xi vehicles (beginning with 03/2008 production) - 2009-2010 model year BMW 135i and 335i/xi vehicles
11 12 2 157 664	- 2007 model year BMW 335i/xi vehicles - 2008 model year BMW 135i and 335i/xi vehicles (up to and including 02/2008 production)

The BMW Performance Power Kit Retrofit is a modified software calibration in the subject vehicle's engine control module that is designed to provide increases in engine fuel flow and maximum boost pressure generated by the vehicle's two stock turbochargers. The kit used in the older vehicles uses an already upgraded engine control module instead of an uploaded calibration for the newer vehicles. An additional radiator and a more powerful engine fan are also part of the kit for increased cooling efficiency.

This Executive Order is valid provided that the installation instructions for the BMW Performance Power Kit Retrofit will not recommend tuning the vehicle to specifications different from those of BMW Group.

Changes made to the design or operating conditions of the devices, as exempted by the Air Resources Board, that adversely affect the performance of a vehicle's pollution control system shall invalidate this Executive Order.

Marketing of these devices using any identification other than that shown in this Executive Order or marketing of this device 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 that the use of these devices may have on any warranty either expressed or implied by the vehicle manufacturer.

This exemption is issued based on previously submitted emissions test data from BMW Group on a 2009 model year BMW 335i (Test Group 9BMXV03.0ULR) certified to the Low Emission Vehicle II Ultra Low Emission Vehicle (LEV II ULEV) and Supplemental Federal Test Procedure (SFTP) standards:

Federal Test Procedure:

	<u>NMOG</u>	<u>CO</u>	<u>NOX</u>
Standards (g/mi)	0.055	2.1	0.07
Device (g/mi) with df's applied	0.029	0.2	0.02

SFTP (US06 Cycle):

	<u>NMHC+NOX</u>	<u>CO</u>
Standards (g/mi)	0.14	8.0
Device (g/mi)	0.02	0.02

Test results showed that the BMW Performance Power Kit Retrofit when installed on the vehicle did not cause exhaust emissions to exceed the applicable emission standards during the Cold Start Federal Test Procedure. The test vehicle was not required to be tested under the SFTP SC03 cycle because that cycle is run at relatively low engine speeds whereas the BMW Performance Power Kit Retrofit only impacts the vehicle at higher engine speeds. This Executive Order is also based on On-Board Diagnostic II (OBD II) testing. The BMW Performance Power Kit Retrofit when installed did not affect the vehicle's ability to perform its OBD II monitoring.

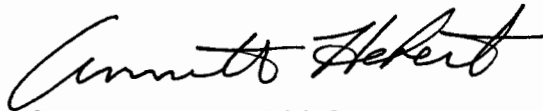
The Air Resources Board reserves the right in the future to review this Executive Order and the exemption provided herein to assure that the exempted add-on or modified part continues to meet the standards and procedures of Title 13, California Code of Regulations, Section 2222, et seq.

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 THE BMW PERFORMANCE POWER KIT RETROFIT.

No claims 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 is made after the hearing that grounds for revocation exist.

Executed at El Monte, California, this 17 day of November 2009.

A handwritten signature in cursive script, appearing to read "Annette Hebert".

Annette Hebert, Chief
Mobile Source Operations Division