

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-710U-1

Relating to Exemptions under
Sections 38390 and 38391 of the Vehicle Code

ESW CleanTech, Inc.
CMM Diesel Oxidation Catalyst

Pursuant to the authority vested in the Air Resources Board by Part 5, Division 26 of the Health and Safety Code and Sections 38390, 38391, and 38395 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Sections 39515 and 39516 of the Health and Safety Code and Executive Order G-02-003;

IT IS ORDERED AND RESOLVED: That installation of the CMM diesel oxidation catalyst, manufactured by ESW CleanTech, Inc. of 6755 Mira Mesa Boulevard, Suite 123-122, San Diego, California 92121, has been found not to reduce the effectiveness of the applicable engine pollution control system, and therefore, the CMM diesel oxidation catalyst is exempt from the prohibitions in Sections 38390 and 38391 of the Vehicle Code for installation on 1996 through 2010 model-year Tier 1, Tier 2, and Tier 3 off-road compression-ignition engines with displacements from 6.7 to 18.2 liters. The exemption covers engines used in mobile applications. It does not cover engines used in stationary applications such as pumps, compressors, or generators.

This Executive Order excludes all engines originally equipped with an aftertreatment emission control system such as a catalytic converter or a diesel particulate filter.

The CMM oxidation catalyst may be used on engines operated using biodiesel blends containing no more than 20 percent biodiesel by volume.

The CMM diesel oxidation catalyst consists of a diesel oxidation catalyst, muffler, pressure sensor, temperature sensor, and an electronic controller. Major components of the CMM diesel oxidation catalyst are identified in Attachment A.

This Executive Order is based on an engineering evaluation of the impact the CMM diesel oxidation catalyst may have on engine emissions.

This Executive Order is valid provided that installation instructions for the CMM diesel oxidation catalyst do not recommend tuning the engines to specifications different from those of the engine manufacturer.

Changes made to the design or operating conditions of the CMM diesel oxidation catalyst, as exempt by the Air Resources Board, which adversely affect the performance of the engine's pollution control system, shall invalidate this Executive Order.

Marketing of the CMM diesel oxidation catalyst using identification other than that shown in this Executive Order or for an application other than that listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board.

This Executive Order shall not apply to any CMM diesel oxidation catalyst advertised, offered for sale, sold with, or installed on an engine, vehicle, or equipment prior to or concurrent with transfer to an ultimate purchaser.

This Executive Order does not constitute any opinion as to the effect the use of the CMM diesel oxidation catalyst may have on any warranty either expressed or implied by the engine manufacturer.

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.

In addition to the foregoing, 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 California Code of Regulations, Title 13, Section 2474, 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 ESW CLEANTECH, INC.' CMM DIESEL OXIDATION CATALYST.

Violation of any of the above conditions shall be grounds for revocation of this Executive Order. The Executive Order may be revoked only after a ten-day written notice of intention to revoke the Executive Order, in which period the holder of the Executive 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 Executive Order may not be revoked until a determination is made after a hearing that grounds for revocation exist.

Executed at El Monte, California, this 13TH day of May 2013.


Erik White, Chief
For Mobile Source Operations Division

Attachment A

CMM Diesel Oxidation Catalyst			
	Part	Qty	Part Number
1	Cleaire Muffler Module	1	CMM-301x
2	Diesel Oxidation Catalyst	1	CJD-20-20
3	MLC (Monitor Logger Controller)	1	CMKM-5.0x or CMKM-6.0x
4	Pressure Transducer	1	CUE-45
5	Thermocouple	1	CMA-4

Note: "x" denotes installation-specific variables.

EVALUATION SUMMARY

Manufacturer Name: ESW CleanTech, Inc.

Name of Device: CMM diesel oxidation catalyst

Background:

ESW CleanTech, Inc. (ESW) of 6755 Mira Mesa Blvd., Suite 123-122, San Diego, California 92121 has requested transfer of ESW CleanTech, Inc.' (Cleaire) exemption Executive Order D-535U-15 to ESW. The request reflects the purchase of Cleaire and its California Vehicle Code section 38391 tampering exemption Executive Order by ESW. The transfer will allow ESW to continue to install Cleaire products as previously exempted. No changes will be made to the device or its installation as originally approved under D-535U-15.

Recommendation:

Grant exemption to ESW as requested and issue Executive Order D-710U-1. The exemption covers CMM diesel oxidation catalyst installed on 1996 through 2010 model-year Tier 1, Tier 2, and Tier 3 off-road compression-ignition engines with displacements from 6.7 to 18.2 liters. The exemption covers engines used in mobile applications. It does not cover engines used in stationary applications such as pumps, compressors, or generators. This exemption is not valid for any engines originally equipped with an aftertreatment emission control system such as a catalytic converter or a diesel particulate filter. The CMM diesel oxidation catalyst may be used on engines operated using biodiesel blends containing no more than 20 percent biodiesel by volume. Major components of the CMM diesel oxidation catalyst are identified in Attachment A.

Device Description:

The CMM diesel oxidation catalyst (DOC) combines an oxidation catalyst with a muffler. The catalyst reduces diesel particulate matter, carbon monoxide, and hydrocarbon emissions. The catalyst included in the exemption is CJD-20-20 (10.5 D x 4 L; 5.7 liters) using a metallic substrate. The CMM DOC replaces the existing muffler and is installed with exhaust pressure and temperature sensors and an electronic controller. Backpressure measurements are used to alert the operator of restrictions in the system. The passive catalyst does not require any cleaning. The CMM DOC will be used as a temporary fix and will replace the verified/exempted Allmetal diesel particulate filters already in use.

Discussion/Basis for the Recommendation:

The CMM DOC was previously manufactured by Cleaire and exempted under D-535U-15. With the purchase of Cleaire by ESW, ESW will now manufacture and install the CMM DOC as originally exempted under D-535U-15.

