

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-792

Relating to Exemptions under
Section 27156 of the Vehicle Code

Optimized Fuel Technologies, Inc.
Optec

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 Sections 39515 and 39516 of the Health and Safety Code and Executive Order G-14-012;

IT IS ORDERED AND RESOLVED: That installation of the Optec, manufactured by Optimized Fuel Technologies, Inc. of 2173 Salk Avenue Suite 250, Carlsbad, California 92008, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems, and therefore, is exempt from the prohibitions in Section 27156 of the Vehicle Code for the vehicles listed in the attached Exhibit A.

The Optec consists of a metal hydrogen generator unit, open-element air filter at the unit inlet, rubber hose (SAE J30R7 or equivalent) connected from the unit outlet to the stock air intake tube, and various barbs, rubber grommets, electrical wiring and connectors. The Optec does not allow for user adjustability and no changes are made to any other component of the stock engine.

This Executive Order is valid provided that installation instructions for the Optec do not recommend tuning the vehicles to specifications different from those of the vehicle manufacturer.

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

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.

Marketing of the Optec 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.

Exemption of the Optec shall not be construed as exemption to sell, offer for sale, or advertise any component of the kit as an individual device.

This Executive Order shall not apply to any Optec advertised, offered for sale, sold with, or installed on a motor vehicle 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 Optec may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on emission test results, submitted by Optimized Fuel Technologies, Inc., using the Federal Test Procedure (FTP), Supplemental Federal Test Procedure (SFTP), and an examination of the On-Board Diagnostic II (OBD II) system. A 2015 BMW 328d equipped with a 2.0 liter turbocharged-diesel engine (FBMXV02.0N47, LEV-II ULEV) was used for the evaluation of the Optec. Results from emissions testing conducted at California Environmental Engineering in Santa Ana, California are shown below (in grams per mile):

2015 BMW 328d (modified configuration)

FTP	Emission Level (DF applied)	NMOG	CO	NOx	PM
	50,000 mi.	0.027	0.1	0.03	-
	50,000 mi. Standard	0.040	1.7	0.05	-
	120,000 mi.	0.050	0.3	0.03	0.01
	120,000 mi. Standard	0.055	2.1	0.07	0.01
		NMHC + NOx		CO	
SFTP US06	Emission Level	0.01		0.02	
	Standard	0.14		8.0	
SFTP SC03	Emission Level	0.02		0.3	
	Standard	0.20		2.7	

Emission test results in the modified configuration met the applicable certification standards. Examination of the OBD II system showed the Optec does not affect OBD II operation. Therefore, based on the test results, the staff concludes that the Optec meets the criteria for exemption.

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 2222, et seq. If evidence provides the Air Resources Board with reasons to suspect that the Optec will affect the durability of the emission control system, Optimized Fuel Technologies, 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 parts demonstrate adequate durability.

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 OPTIMIZED FUEL TECHNOLOGIES, INC. OPTEC DEVICE.

The hydrogen generator device described herein does not qualify as a potential compliance option for the California Air Resources Board's in-use diesel fleet rules.

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 the hearing that grounds for revocation exist.

Executed at El Monte, California, this 27 day of February 2017.

A handwritten signature in black ink, appearing to read "Annette Hebert", with a stylized, flowing script.

Annette Hebert, Chief
Emissions Compliance, Automotive Regulations and Science Division

Exhibit A

Part Number	Model Year	Make	Engine	Model*
PSV38	2014 – 2016	BMW	2.0L Turbocharged Diesel	All PC & LDT
	2009 – 2016	BMW	3.0L Turbocharged Diesel	All PC & LDT

*Definitions: PC=passenger car; LDT=light-duty truck