

**State of California
AIR RESOURCES BOARD**

EXECUTIVE ORDER D-353-60

Relating to Exemptions under Section 27156 and 38391
of the Vehicle Code

Miller Catalyzer Corporation
"Series 60000 Three-way Catalytic Converters"

WHEREAS, Vehicle Code Sections 27156 and 38395, and Title 13, California Code of Regulations (hereafter "CCR") Section 2222(h), authorize the California Air Resources Board and its Executive Officer to exempt new aftermarket catalytic converters from the prohibitions of Vehicle Code Section 27156 and 38391.

WHEREAS, Miller Catalyzer Corporation of 3295 Depot Road, Hayward, California 94545, has applied to the Air Resources Board for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 to market its new aftermarket Series 60000 three-way catalytic converters (TWC) on selected 1995 through 2004 model year BMW passenger cars equipped with on-board diagnostic II (OBD-II) systems as specified in Appendix D-353-60 and incorporated herein. Series 60000 TWC will be used for single or multiple catalytic converter systems.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Operations Division by Health and Safety Code Section 39516 and Executive Order G-02-003, the Air Resources Board finds that the above aftermarket catalytic converters comply with the California Vehicle Code Sections 27156 and 38395 and Title 13, California Code of Regulations, Section 2222(h). Emission performance of the catalytic converter was based on durability bench-aging by Umicore Automotive Catalysts using the Air Resources Board-modified RAT-A bench-aging cycle for 75 hours as specified in Appendix A to the "California Evaluation Procedures for New Aftermarket Catalytic Converters" as adopted on October 25, 2007.

WHEREAS, previous emissions and OBD II compatibility tests conducted by Miller Catalyzer Corporation using a vehicle of weight classification and exhaust configuration similar to those listed in Appendix D-353-60 and certified to Low Emission Vehicle (LEV) standards resulted in the issuance of Executive Orders D-353-24, it was determined that the installation of Series 60000 on the vehicles listed in Appendix D-353-60 meets the requirements of California regulation for aftermarket catalytic converters.

THEREFORE, IT IS HEREBY RESOLVED that Miller Catalyzer Corporation's 60000 TWCs are exempted from the prohibitions in Vehicle Code Sections 27156 and 38391 for installation on the approved vehicle applications specified in Appendix D-353-60 subject to the following conditions:

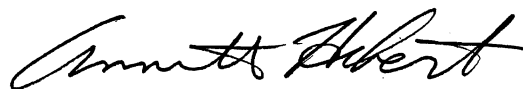
1. No changes are permitted to the catalytic converters as described in the application for exemption. Any changes to the catalytic converters or any of their components, and other factors addressed in this order must be evaluated and approved by the Air Resources Board prior to marketing in California.
2. Marketing of the catalytic converters using identifications other than those shown in the exemption application, and in this Executive Order, or marketing of the catalytic converters for application other than the ones shown in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. Exemption of these products shall not be construed as an exemption to sell, offer for sale, or advertise any components of the catalytic converters as individual devices.
3. Any oral or written references to this Executive Order or its content by Miller Catalyzer Corporation, its principals, agents, employees, distributors, dealers, or other representatives must include the disclaimer that the Executive Order or the exemption it provides is not an endorsement or approval of any emission reduction claims for the catalytic converters and is only a finding that the catalytic converters are exempt from the prohibitions of Vehicle Code Sections 27156 and 38391.
4. Miller Catalyzer Corporation's installation instructions for the new catalytic converters must conform to requirements in Section (h) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted October 25, 2007.
5. Installation of the catalytic converters shall not cause the relocation of an oxygen sensor. Oxygen sensors must be installed in the same location, position and orientation as prescribed in the original equipment manufacturer's configurations.
6. Upon installation, the catalytic converters must carry a manufacturer's warranty for five (5) years or 50,000 miles as prescribed in Section (f)(2) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted October 25, 2007.
7. Miller Catalyzer Corporation and its vendors may not advertise the new aftermarket catalytic converters as "high flow or easy flow" catalytic converters or use any phrase that could make them appear to perform better than the original equipment manufacturer (OEM) catalytic converters.
8. Any marketing arrangement of the new aftermarket catalytic converter by a third party, which involves the use of packaging identification different from the ones described in this Executive Order, must be approved by the Air Resources Board prior to shipment.
9. Miller Catalyzer Corporation, its associates, vendors, other businesses and individuals associated with Miller Catalyzer Corporation may not sell or supply new aftermarket catalytic converter substrates to a third party to be assembled in a different facility and marketed under this Executive Order without approval from the Air Resources Board.

10. Miller Catalyzer Corporation shall comply with the quality control procedures and reporting requirements in Section (f)(5) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted October 25, 2007.
11. Quality control reports must be submitted on a quarterly basis and warranty information reports on a semi-annual basis, starting with periods covering January 1 through March 31, 2009 and January 1 through June 30, 2009, respectively.
12. Miller Catalyzer Corporation must provide a permanent label or stamp as specified under Section (f)(1) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted on October 25, 2007.
13. Miller Catalyzer Corporation's vehicle application catalog must conform with the requirements specified under Section (f)(4) of the "California Evaluation Procedures for New Aftermarket Catalytic Converters," as adopted on October 25, 2007.

Executive Order D-353-38 dated August 28, 2008, is hereby superseded and of no further force and effect.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a 30-day written notice of intention to revoke it, during 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 30 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 10 day of December 2008.



Annette Hebert, Chief
Mobile Source Operations Division

APPENDIX D-353-60

Miller Catalyzer Corporation, Catalytic Converter Series 60000, For BMW PC												
No.	Model Year	Vehicle Model	Engine Size	Engine Family (Test Group)	Certification Level	Weight Class	Exhaust Type	Total Converters	Converter Type	Monitored	Universal	Direct Fit
1	1995	540i, 540iA	4.0L	SBM4.0VJGFEA	Tier 1	PC	D	2	2TWC	2	60212	TBD
		740i, 740iL										
		840CiA										
2		325i, 325is	2.5L	SBM2.5VJGFEA			S	1	TWC	1		
		325iA, 325isA										
		325iC, 325iAC										
3		525i, 525iA, 525iAT	3.0L	SBM3.0VJGFEA			D	2	2TWC	2		
		M3, M3A										
4		530i, 530iA, 530iAT	1.8L	SBM1.8VHGFEA								
		318ti, 318i, 318is, 318tiA, 318iA, 318isA, 318iC, 318iAC										
5		750iL	5.4L	SBM5.4V8GAEK			D	2	2TWC	2		
		850Ci, 850CSi										
6		750iL	2.8L	TBM2.8VJGKEK								
		850Ci										
7		328iA, 328isA, 328iAC, 328is, 328iC	3.2L	TBM2.8VJGKEK			Tier 1	1	TWC	1		
	M3											
8	1996	318iC, 318i, 318is, 318ti, 318iAC, 318iA, 318isA, 318tiA	1.9L	TBM1.9VJGKEK	D	2					2TWC	2
	Z3, Z3A											
9	740iL	4.4L	VBM4.4VJGKEK	Tier 1			1	TWC	1			
	840Ci											
10	740i, 740iL	2.8L	VBM2.8VJGKEK		TLEV	2				2TWC	2	
	840Ci											
	540i, 540iA	3.2L	VBM5.4V8GFEEK	Tier 1			1	TWC	1			
11	528iA, 528i											
	328iA, 328isA, 328iAC, 328is, 328iC, 328i	5.4L	VBM5.4V8GFEEK		Tier 1	1				TWC	1	
	M3, M3A											
12	1997	750iL	1.9L	VBM1.9VJGFEEK			Tier 1	S	1			
	850Ci											
	318iC, 318i, 318is, 318ti, 318iAC, 318iA, 318isA, 318tiA	2.8L	VBM1.9VJGKFK	TLEV	1	TWC				1		
13	Z3, Z3A											
	318iC, 318i, 318is, 318ti, 318iAC, 318iA, 318isA, 318tiA	2.8L	VBM2.8VJGKFK				TLEV	1	TWC		1	
14	Z3, Z3A											
15	Z3, Z3A											

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16		740i, 740iL	4.4L	WBMXV04.4M62	Tier 1	PC	D	2	2TWC	2	60212	TBD
17		540i, 540iA										
18	1998	318iC, 318i, 318is, 318ti, 318iAC, 318iA, 318isA, 318tiA	1.9L	WBMXV01.9M44	TLEV		S	1	TWC	1		
19	Z3, Z3A	328iA, 328isA, 328iAC, 328is, 328iC, 328iM3, M3A	2.8L 3.2L	WBMXV02.8M52			D	2	2TWC	2		
20	528iA, 528i	Z3, Z3 Coupe, Z3 A, Z3 Coupe A	2.8L				WBMXV02.8Z35	S	1	TWC		
21	1999	Z3, Z3A	2.5L	XBMXV02.8LEV	LEV		D	2	2TWC	2		
22		323i, 323iA										
		Z3, Z3 Coupe, Z3 A, Z3 Coupe A										
328i, 328iA		2.8L	XBMXV02.8M52	TLEV								
528iT, 528iAT, 528i, 528iA												
23	328is, 328isA, 328iC, 328iAC	3.2L	XBMXV02.8M52	TLEV								
24	M3, M Coupe, M3 Convertible, M3 A, M3 A Convertible											
25	M Roadster, M Coupe	1.9L	XBMXV01.9M44	LEV	S		1	TWC	1			
26	2000	318iC, 318is, 318ti, 318iAC, 318isA, 318tiA	2.5L			XBMXV02.5M52						
27		323is, 323iC, 323isA, 3223iAC	2.8L	YBMXV02.8LEV	LEV							
		M Roadster, M Coupe										
28		Z3, Z3A	2.5L	YBMXV02.8LEV	LEV							
29	2001	323i, 323Ci, 323iA, 323CiA										
30		Z3, Z3 Coupe, Z3 A, Z3 Coupe A	2.8L	YBMXV02.8LEV	LEV							
		328i, 328Ci, 328iA, 328CiA										
31		528iT, 528iAT	4.9L	YBMXV04.9S62	TLEV							
32		M5, Z8	3.0L	1BMXV03.0LEV	LEV	D	2	2TWC	2			
33		330iX										
34		325Ci, 325Ci, 325i, 325i Sport Wagon, 325Xi, 325Xi Sport Wagon	2.5L	1BMXV02.5M54								
35		525i, 525i Sport Wagon										
36		Z3 Roadster	2.2L	1BMXV02.2M54								
37		320i										
38		Z3 Roadster	3.2L	1BMXV03.2S54								
39		M3, M3 Convertible										
40		M Roadster, M Coupe										

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No.	Model Year	Vehicle Model	Engine Size	Engine Family (Test Group)	Certification Level	Weight Class	Exhaust Type	Total Converters	Converter Type	Monitored	Universal	Direct Fit
32	2001	320i	2.2L	1BMXV02.2M5R	LEV	PC	D	2	2TWC	2	60212	TBD
33		525i, 525i Sport Wagon	2.5L	1BMXV03.0LER								
		Z3										
		325i, 325Ci, 325i Sport Wagon, 325 Ci Convertible, 325Xi, 325Xi Sport Wagon										
		330Xi	3.0L									
34	2002	320i	2.2L	2BMXV02.2M5R	LEV	PC	D	2	2TWC	2	60212	TBD
35		325i, 325Ci, 325i Sport Wagon, 325Ci Convertible, 325xi, 325xi Sport Wagon	2.5L	2BMXV03.0LER								
		525i, 525i Sport Wagon										
		Z3 Roadster										
		330Xi	3.0L									
36		M Roadster, M Coupe	3.2L	2BMXV03.2S54								
		M3, M3 Convertible										
37		M5, Z8	4.9L	2BMXV04.9S62	TLEV							
38	2003	320i	2.2L	3BMXV02.2M5R	LEV	PC	D	2	2TWC	2	60212	TBD
39		325i, 325Ci, 325i Sport Wagon, 325Ci Convertible, 325xi, 325xi Sport Wagon	2.5L	3BMXV03.0LER								
		525i, 525xi Sport Wagon										
		Z4										
		330Xi										
40		M3, M3 Convertible	3.2L	3BMXV03.2S54								
41		M5, Z8	4.9L	3BMXV04.9S62	TLEV							
42	2004	320i	2.2L	4BMXV02.2M5R	LEV	PC	D	2	2TWC	2	60212	TBD
43		325xi, 325xi Sport Wagon	2.5L	4BMXV03.0LER								
		Z4										
		330xi										
44		M3, M3 Convertible	3.2L	4BMXV03.2S54								