

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-640-1

Relating to Exemptions under
Section 27156 of the Vehicle Code

C&L Performance Inc.
TrueFlow Upper Intake Plenum

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-02-003;

IT IS ORDERED AND RESOLVED: That installation of the TrueFlow Upper Intake Plenums, manufactured by C&L Performance Inc. of 207 Green Cove Rd., Huntsville, Alabama 35803, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems, and therefore, the TrueFlow Upper Intake Plenums are exempt from the prohibitions in Section 27156 of the Vehicle Code for installation on the vehicles listed in Attachment A. The TrueFlow Upper Intake Plenum is installed between the throttle body and the lower intake manifold or supercharger housing.

This Executive Order is based on Cold-Start CVS-75 Federal Test Procedure tests and On-Board Diagnostic II System tests conducted by C&L Performance Inc. with the TrueFlow Upper Intake Plenums.

If evidence provides the Air Resources Board with reasons to suspect that the TrueFlow Upper Intake Plenums will affect the durability of the emission control system, C&L Performance 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 is valid provided that installation instructions for the TrueFlow Upper Intake Plenums 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 TrueFlow Upper Intake Plenums, as exempt by the Air Resources Board, which adversely affect the performance of the vehicles' emission control system, shall invalidate this Executive Order.

Marketing of the TrueFlow Upper Intake Plenums 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 TrueFlow Upper Intake Plenums shall not be construed as exemption to sell, offer for sale, or advertise any component of the system as an individual device.

This Executive Order shall not apply to any TrueFlow Upper Intake Plenums 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 TrueFlow Upper Intake Plenums may have on any warranty either expressed or implied by the vehicle 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 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 C&L PERFORMANCE INC.'S TRUEFLOW UPPER INTAKE PLENUMS.

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 30 day of September 2008.



Annette Hebert, Chief
Mobile Source Operations Division

Attachment A

C&L Performance Inc.		
TrueFlow Upper Intake Plenums		
Part Number	Model Year	Model Specification
711	1996-2001	4.6L Ford Mustang GT
711A	2002-2004	4.6L Ford Mustang GT
711b, 711Ab (w/ black powder coat finish)	1996-2004	4.6L Ford Mustang GT
711c, 711Ac (w/ chrome powder coat finish)	1996-2004	4.6L Ford Mustang GT
730	1999-2004	5.4L Ford Lightning & Harley Davidson Lightning Truck
730B (w/ black powder coat finish)	1999-2004	5.4L Ford Lightning & Harley Davidson Lightning Truck
730C (w/ chrome powder coat finish)	1999-2004	5.4L Ford Lightning & Harley Davidson Lightning Truck
730G (w/ gray powder coat finish)	1999-2004	5.4L Ford Lightning & Harley Davidson Lightning Truck