

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-744-2

Relating to Exemptions Under Section 27156
of the California Vehicle Code

Burger Motorsports
N54 Dual Cone Performance Intake system

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-14-012;

IT IS ORDERED AND RESOLVED: That the installation of the N54 Dual Cone Performance Intake system, produced and marketed by Burger Motorsports of 2235 First Street, Suite 122, Simi Valley, California 93065, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for the BMW vehicles listed in the attached Exhibit A.

The N54 Dual Cone Performance Intake system includes the following main components: open-element reusable air filter, intake system tubing, assorted brackets, and hardware.

This Executive Order is valid provided that the installation instructions for the N54 Dual Cone Performance Intake system will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

Changes made to the design or operating conditions of the N54 Dual Cone Performance Intake system, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

This Executive Order shall not apply to any N54 Dual Cone Performance Intake system advertised, offered for sale, sold with, or installed on a new motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

Marketing of the N54 Dual Cone Performance Intake system using any identification other than that shown in this Executive Order or marketing of the N54 Dual Cone Performance Intake system 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 the use of the N54 Dual Cone Performance Intake system may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on emission test results in the modified configuration using the Cold-Start CVS-75 Federal Test Procedure, Supplemental Federal Test Procedure (US06), and an examination of the On-Board Diagnostic II (OBD II) systems. A 2012 BMW 335is equipped with a 3.0 liter turbocharged engine (CBMXV03.0ULR, LEV-II ULEV) was used for the evaluation of the N54 Dual Cone Performance Intake system. Results from emissions testing conducted at the Specialty Equipment Manufacturers Association, SEMA Garage are shown below (in grams per mile):

US06		NMHC + NOx	CO
	Emission Level	0.0102	0.044
	STD	0.14	8.0

The emission test results in the modified configuration were below the applicable certification standards. Examination of the OBD II system showed the N54 Dual Cone Performance Intake system does not affect OBD II operation. Therefore, based on the test results, the staff concludes that the N54 Dual Cone Performance Intake system meet the criteria for exempting general criteria parts.

The ARB 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. Further, if test results or other evidence provides the ARB with reason to suspect that the N54 Dual Cone Performance Intake system will affect the durability of emission control systems, Burger Motorsports shall be required to submit durability data to show that the durability of vehicle emission control systems are not, in fact, affected and/or that the add-on or modified part demonstrates 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 BURGER MOTORSPORTS N54 DUAL CONE PERFORMANCE INTAKE SYSTEM.

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.

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 18th day of July 2016.



Annette Hebert, Chief

Emissions Compliance, Automotive Regulations and Science Division

Device P/N	Model-Year	Make	Model	Engine
DCIN54	2007-2010	BMW	335i	3.0l 6-Cyl Turbo
DCIN54	2007-2010	BMW	335Ci	3.0l 6-Cyl Turbo
DCIN54	2007-2010	BMW	335Ci CONVERTIBLE	3.0l 6-Cyl Turbo
DCIN54	2007-2008	BMW	335xi	3.0l 6-Cyl Turbo
DCIN54	2008	BMW	335Cxi	3.0l 6-Cyl Turbo
DCIN54	2008-2010	BMW	535i	3.0l 6-Cyl Turbo
DCIN54	2008	BMW	535xi	3.0l 6-Cyl Turbo
DCIN54	2008	BMW	535xi SPORT WAGON	3.0l 6-Cyl Turbo
DCIN54	2008-2010	BMW	135i	3.0l 6-Cyl Turbo
DCIN54	2008-2011	BMW	135i CONVERTIBLE	3.0l 6-Cyl Turbo
DCIN54	2009-2010	BMW	335i xDrive	3.0l 6-Cyl Turbo
DCIN54	2009-2010	BMW	335Ci xDrive	3.0l 6-Cyl Turbo
DCIN54	2009-2012	BMW	Z4 sDrive35i	3.0l 6-Cyl Turbo
DCIN54	2009-2010	BMW	535i xDrive	3.0l 6-Cyl Turbo
DCIN54	2009-2010	BMW	535i xDrive SPORT-WAGON	3.0l 6-Cyl Turbo
DCIN54	2011-2012	BMW	Z4 sDrive35is	3.0l 6-Cyl Turbo
DCIN54	2011	BMW	1SERIES M-COUPE	3.0l 6-Cyl Turbo
DCIN54	2011-2012	BMW	335is COUPE	3.0l 6-Cyl Turbo
DCIN54	2011-2012	BMW	335is CONVERTIBLE	3.0l 6-Cyl Turbo