

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-797

Relating to Exemptions under
Section 27156 of the Vehicle Code

Bayerische Motoren Werke AG
E46 PZEV/SULEV (M56) Remanufactured Fuel Tank

Pursuant to the authority vested in the California Air Resources Board (CARB) by Vehicle Code (VC) Section 27156; and

Pursuant to the authority vested in the undersigned by Health and Safety Code Sections 39515 and 39516 and Executive Order G-14-012;

IT IS ORDERED AND RESOLVED: That the installation of the E46 PZEV/SULEV (M56) Remanufactured Fuel Tank, re-manufactured for Bayerische Motoren Werke AG (BMW) of Petuelring 130, 80788 Munich, Germany, by Continental Aktiengesellschaft (Continental AG) of Vahrenwalder Str. 9, 30001 Hannover, Germany, has been found not to reduce the effectiveness of the applicable vehicle pollution control system, and therefore, the E46 PZEV/SULEV (M56) Remanufactured Fuel Tank is exempt from the prohibitions in VC Section 27156 for installation on the following vehicles, test groups, and evaporative families:

Vehicle:

2003 through 2006 model-year BMW 325i, 325Ci, 325i Sport Wagon

Test Group/Evaporative Family:

3BMXV02.5M56/3BMXR0134M56; 4BMXV02.5M56/4BMXR0134M56;
5BMXV02.5M56/5BMXR0134M56; 6BMXV02.5M56/6BMXR0134M56

This exemption is valid only for installation of the E46 PZEV/SULEV (M56) Remanufactured Fuel Tank on vehicles outside their BMW 15-year or 150,000-mile warranty.

This Executive Order is based on testing and engineering evaluation of the E46 PZEV/SULEV (M56) Remanufactured Fuel Tank for impact on emissions.

Exemption of the E46 PZEV/SULEV (M56) Remanufactured Fuel Tank shall not be construed as an exemption to sell, offer for sale, or advertise any component of the assembly as individual devices.

This Executive Order shall not apply to any device 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 is valid provided that installation instructions for the E46 PZEV/SULEV (M56) Remanufactured Fuel Tank 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 E46 PZEV/SULEV (M56) Remanufactured Fuel Tank, as exempt by CARB, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

Marketing of the E46 PZEV/SULEV (M56) Remanufactured Fuel Tank using an identification other than that shown in this Executive Order or for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from CARB.

In addition to the foregoing, CARB 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.

This Executive Order does not constitute any opinion as to the effect the use of the E46 PZEV/SULEV (M56) Remanufactured Fuel Tank may have on any warranty either expressed or implied by the vehicle manufacturer.

No claim of any kind, such as "Approved by the California Air Resources Board," may be made with respect to the action taken herein in any advertising or other oral or written communication.

THIS EXECUTIVE ORDER DOES NOT CONSTITUTE A CERTIFICATION, ACCREDITATION, APPROVAL, OR ANY OTHER TYPE OF ENDORSEMENT BY CARB OF CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF BMW'S E46 PZEV/SULEV (M56) REMANUFACTURED FUEL TANK.

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 19 day of July 2017.



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