

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-176-35

Relating to Exemptions Under Section 27156
of the California Vehicle Code

Dinan Engineering, Inc.
Dinan Engineering Performance Software

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-02-003;

IT IS ORDERED AND RESOLVED: That the installation of the Dinan Engineering Performance Software, produced and marketed by Dinan Engineering, Inc. of 865 Jarvis Drive, Morgan Hill, California 95037, 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 2002 to 2006 model year Mini Cooper S and selected 2000 to 2008 model year BMW vehicles listed in Exhibit A.

The Performance Software is an ECU upgrade only. Installation is conducted using a laptop computer and Dinan Engineering data files. The new program is uploaded through the vehicle's OBD II port. There are no user adjustments, installation is only conducted by an authorized Dinan Dealer.

This Executive Order is valid provided that the installation instructions for the Dinan Engineering Performance Software 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 Dinan Engineering Performance Software, 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 Dinan Engineering Performance Software 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 Dinan Engineering Performance Software using any identification other than that shown in this Executive Order or marketing of the Dinan Engineering Performance Software 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 Dinan Engineering Performance Software 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) system. A 2007 model year BMW 335i with a 3.0 liter engine (7BMXV03.0N54, LEV II LEV, PC) was used for the evaluation of the Dinan Engineering Performance Software. Results from emissions testing conducted at Automotive Testing and Development Services, Inc., located in Ontario, California, are shown below (in grams per mile with deterioration factors applied):

	CVS-75				US06	
	NMOG	CO	NOx	HCHO	NMHC+NOx	CO
Standards, 50k	0.075	3.4	0.05	0.015	0.14	8.0
Device Test	0.034	0.5	0.02	0.001	0.04	5.9

The emission test results in the modified configuration were all below the applicable certification standards. Examination of the OBD II system showed the Dinan Engineering Performance Software does not affect OBD II system operation.

Similar effect on vehicle emissions is expected with the installation of the Dinan Engineering Performance Software on vehicles listed in this Executive Order.

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 Title 13, California Code of Regulations, 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 DINAN ENGINEERING, INC.'S DINAN ENGINEERING PERFORMANCE SOFTWARE.

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 8th day of August 2008.


Annette Hebert, Chief
Mobile Source Operations Division

Exhibit A

<u>BMW Model</u>	<u>Model Years</u>	<u>Engine Size</u>	<u>Dinan Part#</u>	<u>Notes</u>
135i	2008	3.0L T	D900-30TB(10 psi) D900-30T (11.5 psi) D900-30TC(13 psi)	
325i	2004-05	2.5L	D900-273 D903-2732 D903-2733	(Excluding Engine Test Groups 4BMXX03.0UL2, 4BMXV02.5M56, 5BMXB03.0UL2, 5BMXV02.5M56)
325xi	2004-05	2.5L	D900-273X D903-273X2 D903-273X3	
325ci	2004-05	2.5L	D900-273 D903-2732 D903-2733	(Excluding Engine Test Groups 4BMXX03.0UL2, 4BMXV02.5M56, 5BMXB03.0UL2, 5BMXV02.5M56)
325i	2003-05	2.5L	D900-293 D903-2932	(Excluding Engine Test Groups 3BMXV03.0UL2, 3BMXV02.5M56, 4BMXX03.0UL2, 4BMXV02.5M56, 5BMXB03.0UL2, 5BMXV02.5M56)
325ci	2003-05	2.5L	D900-293 D903-2932	(Excluding Engine Test Groups 3BMXV02.5M56, 4BMXX03.0UL2, 4BMXV02.5M56, 5BMXB03.0UL2, 5BMXV02.5M56)
330i	2001-03	3.0L	D903-3035	(Excluding Engine Test Group 3BMXV03.0UL2)
330i	2003-05	3.0L	D900-313 D903-3132 D903-3133 D903-3135	(Excluding Engine Test Groups 3BMXV03.0UL2, 4BMXX03.0UL2, 5BMXB03.0UL2)
330i	2003-05	3.0L	D900-313P D903-313P2 D903-313P3 D903-313P5	(Excluding Engine Test Groups 3BMXV03.0UL2, 4BMXX03.0UL2, 5BMXB03.0UL2)
330xi	2001-03	3.0L	D903-303X5	
330xi	2003-05	3.0L	D900-313X D903-313X2 D903-313X3 D903-313X5	
330ci	2003-05	3.0L	D900-313 D903-3132 D903-3133 D903-3135	(Excluding Engine Test Groups 4BMXX03.0UL2, 5BMXB03.0UL2)
330ci	2003-05	3.0L	D900-313P D903-313P2 D903-313P3 D903-313P5	(Excluding Engine Test Groups 4BMXX03.0UL2, 5BMXB03.0UL2)

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<u>BMW Model</u>	<u>Model Years</u>	<u>Engine Size</u>	<u>Dinan Part#</u>	<u>Notes</u>
335i	2007-08	3.0L T	D900-30TB(10 psi) D900-30T (11.5 psi) D900-30TC (13 psi)	
335xi	2007-08	3.0L T	D900-30TB (10 psi) D900-30T (11.5 psi) D900-30TC (13 psi)	
525i	2004-05	2.5L	D900-265A D903-265A3	(Excluding Engine Test Groups 4BMXX03.0UL2, 5BMXB03.0UL2)
530i	2001-03	3.0L	D903-3055	
530i	2004-05	3.0L	D900-305A D903-305A3 D903-305A5	(Excluding Engine Test Groups 4BMXX03.0UL2, 5BMXB03.0UL2)
535i	2007-08	3.0L T	D900-30TB(10 psi) D900-30T(11.5 psi) D900-30TC(13 psi)	
535xi	2007-08	3.0L T	D900-30TB(10 psi) D900-30T(11.5 psi) D900-30TC(13 psi)	
545i	2004-05	4.4L	D900-455 D903-4552 D903-4553 D903-4554	
645ci	2004-05	4.4L	D900-456 D903-4562 D903-4563 D903-4564	
745i ,Li	2004-05	4.4L	D900-457 D903-4573	
M3	2001-06	3.2L	D900-34M D903-34M2 D903-34M3 D903-34M4 D903-34M5	
M-Roadster (S52)	2001-02	3.2L	D903-34Z5	
M-Coupe (S52)	2001-02	3.2L	D903-34Z5	
M5	2000-03	4.9L	D903-50M6	
M5	2006-08	5.0L	D900-51M D903-51M2	
M6	2006-08	5.0L	D900-51M D903-51M2	
X3 2.5i (M54)	2004-05	2.5L	D900-27X D903-27X2 D903-27X3	

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<u>BMW Model</u>	<u>Model Years</u>	<u>Engine Size</u>	<u>Dinan Part#</u>	<u>Notes</u>
X3 3.0i	2004-06	3.0L	D900-31X D903-31X2 D903-31X3 D903-31X5	(Excluding Engine Test Groups 4BMXX03.0UL2, 5BMXB03.0UL2 6BMXB03.0UL2)
X5 3.0i	2001-06	3.0L	D900-30X D903-30X2 D903-30X3 D903-30X5	
X5 4.4i	2000-03	4.4L	D900-44X D903-44X3 D903-44X3A D903-44X4 D903-44X5	
X5 4.4i	2004-06	4.4L	D900-45X D903-45X2 D903-45X3 D903-45X4	
X5 4.8is	2004-06	4.8L	D900-48X D903-48X2 D903-48X3 D903-48X4	
Z3 3.0i	2001-02	3.0L	D903-30Z5	
Z4 2.5i (M54)	2003-05	2.5L	D900-27Z D903-27Z2 D903-27Z3	
Z4 3.0i (M54)	2003-05	3.0L	D900-31Z D903-31Z2 D903-31Z3 D903-31Z5	
Z4 M Roadster	2006-08	3.2L	D900-37Z	
Z4 M Coupe	2006-08	3.2L	D900-37Z	
Z8	2000-03	4.9L	D900-50Z D903-50Z3 D903-50Z4 D903-50Z5 D903-50Z6	
MINI COOPER S	2002-06	1.6L	D900-16R D903-16R2 D903-16R D903-16R3 D903-16R D903-16R4 D903-16R D903-16R5 D903-16R D903-16R6	