Attachment 4
Executive Order DE-09-015-02

Conditions for Diesel Particulate Filter (DPF) Swapping for the Environmental Solutions Worldwide Canada (ESWC) ThermaCat™ System

Component Swapping means the movement of designated parts between different vehicles/applications within the same common ownership fleet which utilize same diesel emission control strategy (DECS). The DPF component of the ThermaCat™ system may be swapped with another available ThermaCat™ DPF, provided the following terms and conditions are met:

- The owner of the DECS receives written authorization from ESWC allowing the practice.

- ESWC must provide detailed written instructions in the owner's manual and installation manual to the authorized end-user regarding how to swap and install the ThermaCat™ DPFs. ESWC may not include any prohibitions or limitations to the required warranty (Sections 2706(i) & 2707), nor can the instructions direct the owner of the DECS to conduct any activity which violates the terms of the governing Executive Order series or any other applicable regulation.

    - Within ten days of a written request by the Air Resources Board (ARB), ESWC must provide an exact copy of these instructions in their entirety.

- ESWC must provide written instructions for assessing if the ThermaCat™ system still meets its verified emissions reductions and instructions for device movement to prevent installation on an inappropriate vehicle.

- Swapping only applies to the DPF component of the ThermaCat™ system.

- Swapping occurs within the same common ownership fleet as defined in Section 2701 of the verification procedure.

- The swapped ThermaCat™ DPFs are identical in all respects and part of the same DECS having the same DECS family name.

- The swapped ThermaCat™ DPFs all belong to verified configurations covered under Executive Order series DE-09-015.

- Recipient engines/vehicles must be fitted with the same DECS.

- The end user and installer must verify that the new recipient vehicle meets the terms of the original verification.

- ThermaCat™ DPFs cannot be swapped across verification categories (e.g. – a part of a verified off-road technology cannot be used in an on-road system).

- The donor vehicle/engine whose component has been moved must remain in compliance with the terms and conditions of the applicable Executive Order and have all DECS components present and functional.

- The swapped ThermaCat™ DPF must be installed by the procedure described within the ThermaCat™ system installation manual.

- If the installer of the swapped component of the ThermaCat™ system is not the same as the installer who did the original installation of the DECS, the new installer must assume the installation warranty responsibilities defined in Section 2707 for the remainder of the original warranty period or until another installer swaps the component or re-designates the system. If the original installation warranty has expired or has less than one year remaining, the installer must issue a new warranty to guard against potential installation defects. The new installation warranty must meet the requirements of Section 2707 except that the minimum period is reduced to one year from the date of installation. Any transfer of a DECS or component by an installer that does not offer this installation warranty is not considered a valid installation.

- ESWC must maintain accurate records of the vehicles and systems subject to the swapping policy. This must include: vehicle identification number, ThermaCat™ system serial number per the engine label, and DPF serial number for every swapped ThermaCat™ system within a common ownership fleet. ESWC must be able to track DPF movement throughout the fleet.

- ESWC must provide these records within 30 days of the written request by ARB.

- No party shall advertise, sell, lease, or offer for sale or lease a used verified ThermaCat™ system.

Attachment 4 (continued)
Executive Order DE-09-015-02

Conditions for System Re-Designation for the ESWC ThermaCat™ System

Re-designation means the movement of a used verified Diesel Emission Control Strategy (DECS) from an appropriate engine/application and installation to another engine/application meeting the terms and conditions of the DECS Executive Order within the same common ownership fleet. Re-designation of a ThermaCat™ system is allowed under Executive Order series DE-09-015 provided the following terms and conditions are met:

- The owner of the diesel emission control strategy receives written authorization from ESWC allowing the practice.

- The system must not be more than ten years old, based on the date of manufacture listed on the system label. Re-designation of devices of unknown age is prohibited.

- Re-designation occurs within the same common ownership fleet as defined in Section 2701 of the verification procedure.

- The end user and installer must verify that the new recipient vehicle meets the terms of the original verification.

- ESWC must provide detailed written instructions in the owner's manual and installation manual to the authorized end-user regarding how to re-designate and install the ThermaCat™ system. ESWC may not include any prohibitions or limitations to the required warranty (Section 2706(i)(4) & 2707), nor can the instructions direct the owner of the DECS to conduct any activity which violates the terms of the governing Executive Order series or any other applicable regulation.

    - Within ten days of a written request by ARB, ESWC must provide an exact copy of these instructions in their entirety.

- ESWC must provide written instructions for assessing if the ThermaCat™ system still meets its verified emissions reductions, and instructions for device movement to prevent installation on an inappropriate vehicle.

- Re-designation applies to the entire system, not component parts.

- The re-designated ThermaCat™ system belongs to a verified configuration covered under Executive Order series DE-09-015.

- The ThermaCat™ system cannot be re-designated across verification categories (e.g. – a verified off-road technology cannot be used in an on-road system).

- If the installer of the re-designated ThermaCat™ system is not the same as the installer who did the original installation of the DECS, the new installer must assume the installation warranty responsibilities defined in Section 2707 for the remainder of the original warranty period or until another installer swaps the component or re-designates the system. If the original installation warranty has expired or has less than one year remaining, the installer must issue a new warranty to guard against potential installation defects. The new installation warranty must meet the requirements of Section 2707 except that the minimum period is reduced to one year from the date of installation. Any transfer of a diesel emission control strategy or component by an installer that does not offer this installation warranty is not considered a valid installation.

- ESWC must maintain accurate records of the vehicles and systems subject to the re-designation policy. This must include: vehicle identification number, and ThermaCat™ system serial number. ESWC must be able to track re-designation throughout the fleet.

- ESWC must provide these records within 30 days of the written request by ARB.

- No party shall advertise, sell, lease, or offer for sale or lease a used verified ThermaCat™ system.

- Any party which removes a verified ThermaCat™ system from an engine/application must remove the verified DECS engine label. If the engine label cannot be removed whole, it must be destroyed.

- Any party which removes a verified ThermaCat™ from an engine/application must ensure the engine/application returns to its original factory configuration.

- An assessment must be performed to ensure the system is still able to achieve verified emissions reduction levels.

- The system can only be installed on a vehicle that conforms to all the terms and conditions of the most current Executive Order in DE-09-015 series.

- The system can only be installed by an ESWC authorized installer.

- The installation of the re-designated system must be performed according to the procedures listed in the ThemaCat™ installation manual.