California Environmental Protection Agency AIR RESOURCES BOARD	BAYERISCHE MOTOREN WERKE AG	EXECUTIVE ORDER A-008-0253 New Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles

Pursuant to the authority vested in the Air Resources Board by Health and Safety Code (HSC), Div. 26, Part 5, Chap. 2; and pursuant to the authority vested in the undersigned by HSC Sections 39515 & 39516 and Executive Order G-02-003;

IT IS ORDERED AND RESOLVED:
That the following exhaust and evaporative emission control systems produced by the manufacturer are certified as described below. Production vehicles shall be in all material respects the same as those for which certification is granted.

MODEL YEAR	TEST GROUP	VEHICLE TYPE	EXHAUST EMISSION STANDARD CATEGORY	USEFUL LIFE (miles)		INTERMEDIATE IN-USE COMPLIANCE (*=N/A or full in-use; A/E=exh. / evap. intermediate in-use)		FUEL TYPE
				EXH / ORVR	EVAP	EXH	EVAP	
2009	9BMXJ03.0E89	Passenger Car and LDT < 6000# GVW and 3751 – 5750# LVW	"LEV II" Ultra Low Emission Vehicle (LEV II ULEV)	150K	150K	*	*	Gasoline

No.	ECS & SPECIAL FEATURES	EVAPORATIVE FAMILY (EVAF)	DISPLACEMENT (L)
1	2WU-TWC,2TWC, 2AFS,2HO2S, SFI, OBD(F)	9BMXR0128E85	2.5, 3
*	*	*	
*	*	*	
*	*	*	

See the Attachment for Vehicle Models, Evaporative Family, Engine Displacement, Emission Control Systems, Phase-In Standards, OBD Compliance, Emission Standards and Certification Levels, and Abbreviations.

BE IT FURTHER RESOLVED:
That the exhaust, the evaporative emission standards, and the certification emission levels for the listed vehicles are as listed on the Attachment. Compliance with the 50° Fahrenheit testing requirement may have been met based on the manufacturer's submitted compliance plan in lieu of testing. Any debit in the manufacturer's "NMOG Fleet Average" (PC or LDT) or "Vehicle Equivalent Credit" (MDV) compliance plan shall be equalized as required.

BE IT FURTHER RESOLVED:
That for the listed vehicle models, the manufacturer has attested to compliance with Title 13, California Code of Regulations, (13 CCR) Sections 1965 [emission control labels], 1968.2 [on-board diagnostic, full or partial compliance], 2035 et seq. [emission control warranty], 2235 [fuel tank fill pipes and openings] (gasoline and alcohol fueled vehicles only), and "High-Altitude Requirements" and "Inspection and Maintenance Emission Standards" (California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model PC, LDT and MDV).

BE IT FURTHER RESOLVED:
The test group listed in this Executive Order is certified based on the manufacturer's reported emissions and attestation that it meets all applicable certification requirements currently in effect and enforceable for the 2009 model year, as described above. A January 16, 2007 Order currently enjoins the Executive Officer from enforcing any provision of California Health and Safety Code section 43018.5(b)(1) concerning certification to the requirements for 2009 and subsequent model passenger cars, light-duty trucks, and medium-duty vehicles adopted pursuant to AB 1493. (Document 606, Case No. 1:04-CV-06663-AWI-GSA, U.S. Dist. Ct. E. Dist. of CA (Fresno Div.).) If said injunction ceases to be in effect, the manufacturer will have 45 days from ARB notification to demonstrate compliance with AB 1493 requirements, including the determination of the greenhouse gas values for the test group listed in this Executive Order. Nothing in this Executive Order is intended to constitute enforcement of any requirement under AB 1493 for 2009 model year vehicles.

BE IT FURTHER RESOLVED:
Additional NMOG fleet average or vehicle equivalent credits are granted to the listed vehicle models pursuant to 13 CCR Section 1961(a)(8) [optional 150K certification].

Vehicles certified under this Executive Order shall conform to all applicable California emission regulations.

The Bureau of Automotive Repair will be notified by copy of this Executive Order.

Executed at El Monte, California on this 16 day of April 2009.

Annette Hebert, Chief
Mobile Source Operations Division

ATTACHMENT

EXHAUST AND EVAPORATIVE EMISSION STANDARDS AND CERTIFICATION LEVELS

(For bi-, dual- or flexible-fueled vehicles, the STD and CERT in parentheses are those applicable to testing on gasoline test fuel.)

NMOG FLEET AVERAGE [g/mi] STD-PC/LDT1	NMOG FLEET AVERAGE [g/mi] STD-LDT2	NMOG @ RAF=* CH4 RAF = * NMOG CERT [g/mi]	NMOG @ RAF=* CH4 RAF = * NMHC CERT [g/mi]	NMOG or NMHC STD [g/mi]
0.038	0.047			
	@ 50K	0.022	*	0.040
	@ UL	0.025	*	0.055
	@ 50°F & 4K	0.056	*	0.080

CH4=methane; NMOG=non-CH4 organic gas; NMHC=non-CH4 hydrocarbon; CO=carbon monoxide; NOx=oxides of nitrogen; HCHO=formaldehyde; PM=particulate matter; RAF=reactivity adjustment factor; 2/3 D [g/test]=2/3 day diurnal+ hot-soak; RL [g/mi]=running loss; ORVR [g/gallon dispensed]=on-board refueling vapor recovery; g=gram; mg=milligram mi=mile; K=1000 miles; F=degrees Fahrenheit; SFTP=supplemental federal test procedure

	CO [g/mi]		NOx [g/mi]		HCHO [mg/mi]		PM [g/mi]		Hwy NOx [g/mi]	
	CERT	STD	CERT	STD	CERT	STD	CERT	STD	CERT	STD
@ 50K	0.1	1.7	0.01	0.05	*	8.	*	*	0.00	0.07
@ UL	0.1	2.1	0.01	0.07	*	11.	*	0.01	0.00	0.09
@ 50°F & 4K	0.8	1.7	0.01	0.05	*	16.	*	*	*	*

CO [g/mi] @ 20°F & 50K			NMHC+NOx [g/mi] (composite)		CO [g/mi] (composite)		NMHC+NOx [g/mi] [US06]		CO [g/mi] [US06]		NMHC+NOx [g/mi] [SC03]		CO [g/mi] [SC03]	
			CERT	STD	CERT	STD	CERT	STD	CERT	STD	CERT	STD	CERT	STD
CERT	1.1	SFTP @ 4000 miles	*	*	*	*	0.01	0.14	0.0	8.0	0.03	0.20	0.2	2.7
STD	10.0	SFTP @ * miles	*	*	*	*	*	*	*	*	*	*	*	*

Evaporative Family	3-Days Diurnal + Hot Soak (grams/test) @ UL		2-Days Diurnal + Hot Soak (grams/test) @ UL		Running Loss (grams/mile) @ UL		On-Board Refueling Vapor Recovery (grams/gallon) @ UL	
	CERT	STD	CERT	STD	CERT	STD	CERT	STD
9BMXR0128E85	0.38	0.50	0.35	0.65	0.02	0.05	0.04	0.20
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*

* = not applicable; UL=useful life; PC=passenger car; LDT=light-duty truck; MDV=medium-duty vehicle; ECS= Emission Control System; STD= Standard; CERT= Certification; LVW=loaded vehicle weight; ALVW=adjusted LVW; LEV=low emission vehicle; TLEV=transitional LEV; ULEV=ultra LEV; SULEV=super ULEV; TWC=3-way catalyst; ADSTWC=adsorbing TWC; WU=warm-up catalyst; OC=oxidizing catalyst; O2S=oxygen sensor; HO2S=heated O2S; AFS/HAFS=air- fuel ratio sensor / heated AFS; EGR=exhaust gas recirculation; AIR=secondary air injection; PAIR=pulsed AIR; MFI= multiport fuel injection; SFI=sequential MFI; TBI=throttle body injection; TC/SC= turbo/super charger; CAC=charge air cooler; OBD (F)/(P)=full/partial on-board diagnostic; DOR=direct ozone reducing; prefix 2=parallel; (2) suffix=series; CNG/LNG= compressed/liquefied natural gas; LPG=liquefied petroleum gas; E85="85%" Ethanol Fuel

2009 MODEL YEAR: VEHICLE MODELS INFORMATION

MAKE	MODEL	EVAPORATIVE FAMILY	ECS NO.	ENGINE SIZE (L)	INTERMEDIATE IN-USE COMPLIANCE (*=N/A or full in-use; A/E=exh. / evap. intermediate in-use)		PHASE-IN STD.	OBD II
					EXH	EVAP		
BMW	528i	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	528i xDrive	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	328i	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	328i SPORT WAGON	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	323i	9BMXR0128E85	1	2.5	*	*	SFTP	Full
BMW	328Ci	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	328Ci CONVERTIBLE	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	128i	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	128I CONVERTIBLE	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	328i xDrive	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	328i xDrive SPORT WAGON	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	328Ci xDrive	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	X3 xDrive28i	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	X3 xDrive30i	9BMXR0128E85	1	3	*	*	SFTP	Full
BMW	Z4 sDrive30i	9BMXR0128E85	1	3	*	*	SFTP	Full