

DOCKETED

Docket Number:	15-AAER-07
Project Title:	Appliance Efficiency Rulemaking for kitchen faucets, tub spout diverters and showerheads
TN #:	210327
Document Title:	OAL Memorandum- Kitchen Faucet, Tub Spout Diverter and Showerhead Regulations
Description:	N/A
Filer:	Sean Steffensen
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	2/16/2016 11:46:01 AM
Docketed Date:	2/16/2016

OFFICE OF ADMINISTRATIVE LAW

300 Capitol Mall, Suite 1250
Sacramento, CA 95814
(916) 323-6225 FAX (916) 323-6826



DEBRA M. CORNEZ
Director

MEMORANDUM

TO: Jared Babula
FROM: OAL Front Desk
DATE: February 10, 2016
RE: Return of Rulemaking Materials
OAL Matter Number 2015-1228-02
OAL Matter Type File and Print Only (FP)

OAL hereby returns the rulemaking record your agency submitted for review regarding “Kitchen Faucet, Tub Spout Diverter, and Showerhead Regulations.”

If this is an approved matter, it contains a copy of the regulation(s) stamped “ENDORSED APPROVED” by the Office of Administrative Law and “ENDORSED FILED” by the Secretary of State. The effective date of an approved regulation is specified on the Form 400 (see item B.5). **Beginning January 1, 2013**, unless an exemption applies, Government Code section 11343.4 states the effective date of an approved regulation is determined by the date the regulation is filed with the Secretary of State (see the date the Form 400 was stamped “ENDORSED FILED” by the Secretary of State) as follows:

- (1) **January 1** if the regulation or order of repeal is filed on September 1 to November 30, inclusive.
- (2) **April 1** if the regulation or order of repeal is filed on December 1 to February 29, inclusive.
- (3) **July 1** if the regulation or order of repeal is filed on March 1 to May 31, inclusive.
- (4) **October 1** if the regulation or order of repeal is filed on June 1 to August 31, inclusive.

If an exemption concerning the effective date of the regulation approved in this matter applies, then it will be specified on the Form 400. The Notice of Approval that OAL sends to the agency will include the effective date of the regulation. The history note that will appear at the end of the regulation section in the California Code of Regulations will also include the regulation’s effective date. Additionally, the effective date of the regulation will be noted on OAL’s web site after OAL posts the Internet Web site link to the full text of the regulation that is received from the agency. (Gov. Code, secs. 11343 and 11344.)

Please note this new requirement: Unless an exemption applies, Government Code section 11343 now requires:

1. **Section 11343(c)(1):** Within 15 days of OAL filing a state agency’s regulation with the Secretary of State, the state agency is required to post the regulation on its Internet Web site in an easily marked and identifiable location. The state agency shall keep the regulation posted on its Internet Web site for at least six months from the date the regulation is filed with the Secretary of State.
2. **Section 11343(c)(2):** Within five (5) days of posting its regulation on its Internet Web site, the state agency shall send to OAL the Internet Web site link of each regulation that the agency posts on its Internet Web site pursuant to section 11343(c)(1).

OAL has established an email address for state agencies to send the Internet Web site link to for each regulation the agency posts. Please send the Internet Web site link for each regulation posted to OAL at postedregslink@oal.ca.gov.

NOTE ABOUT EXEMPTIONS. Posting and linking requirements do not apply to emergency regulations; regulations adopted by FPPC or Conflict of Interest regulations approved by FPPC; or regulations not subject to OAL/APA review. However, an exempt agency may choose to comply with these requirements, and OAL will post the information accordingly.

DO NOT DISCARD OR DESTROY THIS FILE

Due to its legal significance, you are required by law to preserve this rulemaking record. Government Code section 11347.3(d) requires that this record be available to the public and to the courts for possible later review. Government Code section 11347.3(e) further provides that "...no item contained in the file shall be removed, altered, or destroyed or otherwise disposed of." See also the State Records Management Act (Government Code section 14740 et seq.) and the State Administrative Manual (SAM) section 1600 et seq. regarding retention of your records.

If you decide not to keep the rulemaking records at your agency/office or at the State Records Center, you may transmit it to the State Archives with instructions that the Secretary of State shall not remove, alter, or destroy or otherwise dispose of any item contained in the file. See Government Code section 11347.3(f).

Enclosures

FILE PRINT

(See instructions)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2015-1228-02FP	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

FEB 10 2016
1:31 PM

2015 DEC 28 A 10:40
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY California Energy Commission	AGENCY FILE NUMBER (if any) Docket 15-AAER-07
--	--

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Kitchen Faucet, Tub Spout Diverter, and Showerhead Regulations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 1601,1604, 1605.3
	REPEAL
TITLE(S) 20	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
---	---	--	--

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Jared Babula	TELEPHONE NUMBER (916) 651-1462	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jared.babula@energy.ca.gov
-----------------------------------	------------------------------------	-----------------------	---

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 12-18-15
TYPED NAME AND TITLE OF SIGNATORY Robert P. Oglesby Executive Director	per agency request 2/10/16

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 10 2016

OFFICE OF ADMINISTRATIVE LAW

Section 1601. Scope.

...

(h) Plumbing fittings, which are showerheads, lavatory faucets, kitchen faucets that are consumer products, metering faucets, replacement aerators, wash fountains, tub spout diverters, public lavatory faucets, and commercial pre-rinse spray valves.

...

Section 1604. Test Methods for Specific Appliances.

...

(h) Plumbing Fittings.

...

(5) A tub spout diverter manufactured before June 1, 2016 shall be tested per 10 C.F.R. section 430.23(s) (Appendix S to Subpart B of part 430).

(6) A tub spout diverter manufactured on or after June 1, 2016 shall be tested in accordance with ASME A112.18.1-2012/CSA B125.1-12, Section 5.3.6 for the rate of leakage conducted prior to life cycle testing and Section 5.6.1.5 for the rate of leakage conducted after life cycling testing.

...

(i) Plumbing Fixtures.

The test methods for plumbing fixtures are:

...

(3) Waste Extraction Test for Water Closets. The waste extraction test for water closets is (Section 7.10) of ASME A112.19.2/CSA B45.1-2013.

...

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-25402(c) and 25960, Public Resources Code; and sections 16, 26 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25402(a)-25402(c) and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

Section 1605.3. State Standards for Non-federally-Regulated Appliances.

(h) Plumbing Fittings.

- (5) **Showerheads.** The flow rate of showerheads shall be not greater than the applicable values shown in Table H-5.

Table H-5: Standards for Showerheads

<i>Appliance</i>	<i>Maximum Flow Rate</i>		
	Manufactured on or after January 1, 1994 and prior to July 1, 2016	Manufactured on or after July 1, 2016 and prior to July 1, 2018	Manufactured on or after July 1, 2018
Showerheads	2.5 gpm at 80 psi	2.0 gpm at 80 psi ^{1,2,3}	1.8 gpm at 80 psi ^{1,2,3}
<p>¹ The maximum flow rate shall be the highest value obtained through testing at a flowing pressure of 80 ± 1 psi and shall not exceed the maximum flow rate in Table H-5.</p> <p>² Minimum flow rate. The minimum flow rate, determined through testing at a flowing pressure of 20 ± 1 psi, shall be not be less than 60 percent of the maximum flow rate <u>reported by the manufacturer pursuant to section 1606(a) in Table H-5.</u> The minimum flow rate determined through testing at flowing pressures of 45 and 80 ± 1 psi shall be not be less than 75 percent of the maximum flow rate <u>reported by the manufacturer pursuant to section 1606(a) in Table H-5.</u></p> <p>³ Showerheads with multiple nozzles. The total flow rate of showerheads with multiple nozzles must be less than or equal to the maximum flow rate in Table H-5 when any or all nozzles are in use at the same time.</p>			

Note: Authority cited: Sections 25213, 25218(e), 25402(a)-25402(c) and 25960, Public Resources Code; and sections 16, 26 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 25216.5(d), 25402(a)-25402(c), 25402.5.4 and 25960, Public Resources Code; and section 16, Governor's Exec. Order No. B-29-15 (April 1, 2015).

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

Appliance Efficiency Regulations)	Docket No. 15-AAER-07
California Code of Regulations)	
Title 20, Section 1601, et seq.)	Resolution Number 15-1209-05
_____)	

**RESOLUTION ADOPTING AMENDMENTS TO THE
APPLIANCE EFFICIENCY REGULATIONS**

I. INTRODUCTION

California is in a severe drought and water supplies continue to be severely depleted. Aggressive water conservation actions need to be implemented including amending the water efficiency regulations covering faucets, showerheads, and tub spout diverters.

The California Energy Commission (“Commission”) hereby adopts amendments to its Appliance Efficiency Regulations regulating the water use of faucets, showerheads, and tub spout diverters. (California Code of Regulations, title 20, sections 1601–1605.) The Commission takes this action under the authority of, and to implement, Executive Order B-29-15 issued on April 1, 2015 and sections 25213 and 25218(e) of the Public Resources Code.

In adopting and implementing these regulations for showerheads, California would allow the development and sale of lower flow showerheads than currently allowed under the regulation. The minimum flow at 20 and 45 pounds per square inch (psi) would be a percentage of the measured flow rather than the maximum flow.

Amending the regulations to limit the scope of the kitchen faucet regulation to consumer products would be consistent with the Department of Energy Appliance regulations. The commercial kitchen faucets would be permitted to provide the flow rate required to meet the commercial kitchen operation while maintaining the recently adopted flow rates for consumer products.

The current tub spout diverter test method regulation does not provide a clear test method. The proposed changes will clarify the test method to ensure functionality.

II. FINDINGS

Based on the entire record for Docket No. 15-AAER-07, the Commission finds as follows:

- A. Executive Order B-29-15, paragraph 16, issued on April 1, 2015, directs the Commission to adopt emergency regulations establishing standards that improve the

1041
Edge
Legal

efficiency of water appliances such as faucets and showerheads available for sale and installation in California.

- B. Implementation of the regulations will allow lower flowing showerheads, commercial kitchen faucets to meet the needs of commercial kitchens and clarity for the tub spout diverter test method.
- C. The Warren-Alquist Act. The regulations will complement existing water efficiency regulations previously adopted to reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of water on a statewide basis for faucets, showerheads, and tub spout diverters and are otherwise consistent with the Public Resources Code section 25402 and Executive Order B-29-15. Under paragraph 30 of the Executive Order, the regulations are exempt from the procedural limitations and requirements of the Public Resources Code, commencing with section 25400 that would delay implementation of the regulations.
- D. The Administrative Procedure Act. Under paragraph 30 of Executive Order B-29-15, the regulations are exempt from the requirements of the Government Code, commencing with section 11340.

III. EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT

Under Executive Order B-29-15, paragraph 26, adoption of the regulations is exempt from the California Environmental Quality Act, Public Resources Code section 21000, et seq.

IV. ADOPTION OF PROPOSED AMENDMENTS FOR DOCKET 15-AAER-07

The Commission, after considering the entire record in Docket Number 15-AAER-07, the directive of Executive Order B-29-15, and all relevant public comments, hereby adopts the proposed water efficiency amendments to the Appliance Efficiency Regulations as presented to the Commission.

V. DELEGATION OF AUTHORITY AND DIRECTIVES TO THE EXECUTIVE DIRECTOR

The Commission delegates the authority and directs the Executive Director for the Commission to take, on behalf of the Commission, all actions reasonably necessary to have the adopted amendments to the Appliance Efficiency Regulations go into effect, including but not limited to, making any appropriate non-substantive changes, changes for consistency within the regulations and preparing and filing all appropriate documents as may be required for publication by the Secretary of State.

CERTIFICATION

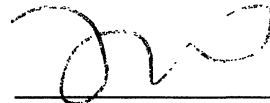
The undersigned Secretariat to the California Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of an approved RESOLUTION duly and regularly adopted at a meeting of the California Energy Commission held on December 09, 2015:

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None



Tiffani Winter,
Secretariat

California Energy Commission
BUSINESS MEETING AGENDA



December 9, 2015

1516 Ninth Street
Art Rosenfeld Hearing Room – First Floor
Sacramento, California 95814
10 a.m.
(Wheelchair Accessible)

THE COMMISSION WILL CONSIDER AND MAY TAKE ACTION ON THE FOLLOWING ITEMS:

1. **CONSENT CALENDAR.** (Items on the Consent Calendar will be taken up and voted on as a group. A commissioner may request that an item be moved and discussed later in the meeting.)
 - a. **SYCAMORE COGENERATION PROJECT (84-AFC-6C).** Proposed order approving the petition to transfer the ownership of the Sycamore Cogeneration project, from Sycamore Cogeneration Company to Chevron Power Holdings Inc. Contact: Mary Dyas.
 - b. **KERN RIVER COGENERATION PROJECT (82-AFC-2C).** Proposed order approving the petition to transfer the ownership of the Kern River Cogeneration project, from Kern River Cogeneration Company to Chevron Power Holdings Inc. Contact: Mary Dyas.
 - c. **SIMERGY V2.0.** Proposed resolution approving Simergy Version 2.0, by Digital Alchemy, Inc., as an alternative calculation method for demonstrating performance compliance with the nonresidential provisions of the 2013 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Part 6, and associated administrative regulations in Part 1, Chapter 10 (Standards). (Cal. Code Regs., tit. 24, §§ 10-109 (c)2). Contact: RJ Wichert.
 - d. **ENERGY ANALYSIS AND COMFORT SOLUTIONS INC (EACS).** Proposed resolution approving the request from EACS President, Max McKinney to be decertified as a Home Energy Rating System (HERS) Provider for field verification and diagnostic testing to show compliance with the 2013 Building Energy Efficiency Standards for Prescriptive residential HVAC Alterations and the EACS HERS Data Registry as a residential data registry. Contact: Suzie Chan.
 - e. **BIENNIAL AMENDMENTS TO CONFLICT OF INTEREST CODE.** Proposed resolution approving proposed amendments to the Energy Commission's conflict of interest code, at Title 20, California Code of Regulations, Sections 2401 and 2402. The resolution authorizes the initiation of a public comment period on the proposed amendments and submission of the proposed amendments to the FPPC for approval per the Political Reform Act. The conflict of interest code specifies which employees must file an annual Form 700 Statement of Economic Interests, and which interests they must report. The Political Reform Act requires state agencies

to review and update their Conflict of Interest Codes every two years. Contact: Jennifer Martin-Gallardo.

- f. **WESTERN INTERSTATE ENERGY BOARD.** Proposed resolution approving Agreement 150-15-003 with the Western Interstate Energy Board (WIEB) for a \$54,000 contract for the Energy Commission's membership in WIEB to fulfill the State's obligations under the Western Interstate Nuclear Compact, as set forth in Government Code Sections 67400, 67401. Membership dues are \$18,000 annually. This contract would cover FYs 15-16, 16-17, and 17-18. (ERPA funding) Contact: Clare Laufenberg Gallardo.
- g. **NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS.** Proposed resolution approving Agreement 200-15-006 with National Association of State Energy Officials (NASEO) for a \$21,894.00 contract to formalize the Energy Commission's membership in NASEO. This one-year membership allows the Energy Commission staff to connect with key policy and decision makers, and officials from other state and territorial energy offices, and affiliates from the private and public sectors. The membership also provides a forum for exchanging information, ideas and resources, and to learn about new funding and partnership opportunities. (ERPA funding) Contact: Rachel Grant-Kiley.
2. **ENERGY COMMISSION COMMITTEE APPOINTMENTS.** Proposed approval of appointments to the Energy Commission's Standing Committees and Siting Case Committees. Contact: Kevin Barker. (5 minutes)
3. **COLUSA GENERATING STATION (06-AFC-09).** Proposed order approving the petition to amend the Energy Commission Decision. The modifications in the petition would make consistent the Energy Commission Air Quality Conditions of Certification and the Conditions contained in the Federal Title V Operating Permit issued by the Colusa County Air Pollution Control District. The Title V Permit contains new administrative requirements and a reorganized condition structure, but does not make changes to any emission limits, technology, or equipment. Contact: Eric Veerkamp. (Staff presentation: 5 minutes)
4. **MENDOTA BIOENERGY, LLC.** Proposed order terminating agreement ARV-12-033 with Mendota Bioenergy, LLC. Staff is recommending termination with cause pursuant to agreement term and condition Section 13.a. (ARFVTP funding) Contact: John Butler. (Staff presentation: 10 minutes)
5. **APPLIANCE EFFICIENCY STANDARDS FOR KITCHEN FAUCETS, TUB SPOUT DIVERTERS AND SHOWERHEADS—HEARING AND POSSIBLE ADOPTION OF REGULATIONS (15-AAER-07).** Proposed resolution approving amendments to the Appliance Efficiency Regulations in Title 20 of the California Code of Regulations relating to energy and water efficiency standards for kitchen faucets, tub spout diverters and showerheads. The proposal is under the emergency rulemaking authority granted by Governor Brown in Executive Order B-29-15. The proposed standards would limit the scope to kitchen faucets that are consumer products, clarify the tub spout diverter test method and update the minimum flow rate standard for showerheads. Contact: Sean Steffensen. (Staff presentation: 10 minutes)
6. **LAMONT PUBLIC UTILITY DISTRICT.** Proposed resolution approving Agreement 005-15-ECD with the Lamont Public Utility District for a \$2,580,767 loan at one percent interest to install a 1,006.5 kW DC ground mounted single-axis tracking solar PV system at the District wastewater treatment plant. The project is estimated to generate 1,857,941 kWh of electricity annually and reduce the District's yearly utility expense by \$271,866.

The project will be fully funded by the Energy Commission loan. The simple payback on the loan amount is 9.5 years. (ECAA Program funding) Contact: Amir Ehyai. (Staff presentation: 5 minutes)

7. **OROVILLE UNION HIGH SCHOOL DISTRICT.** Proposed resolution approving Agreement 005-15-ECG with the Oroville Union School District for a \$2,800,000 loan at zero percent interest to install 839 kW roof and parking structure mounted photovoltaic (PV) panels at Oroville High and Las Plumas High Schools. On completion, the project will reduce about 1,357,662 kWh of grid electricity consumption annually saving the District about \$302,534 in utility costs. In addition, the project will reduce about 468 tons of carbon dioxide equivalent (CO₂e) GHG emissions every year. Based on the loan amount, the simple payback is 9.3 years. (ECAA-Ed Program funding) Contact: Shahid Chaudhry. (Staff presentation: 5 minutes)
8. **LIGHTSAIL ENERGY.** Proposed resolution approving Agreement EPC-15-011 with LightSail Energy for a \$1,200,276 grant to accelerate commercialization of Isothermal Compressed Air Energy Storage (I-CAES) technology. LightSail Energy will pilot test an I-CAES system for use in integrating renewable energy and providing grid support. (EPIC funding) Contact: David Chambers. (Staff presentation: 5 minutes)
9. **KENNEDY/JENKS CONSULTANTS, INC.** Proposed resolution approving Agreement EPC-15-012 with Kennedy/Jenks Consultants, Inc., for a \$1,167,034 grant to demonstrate a technology that directly measures the colloidal particles in treated wastewater before being further processed in water reclamation facilities. This technology will help reduce energy use and operating costs by minimizing membrane fouling at the water reclamation facility. (EPIC funding) Contact: Paul Robinson. (Staff presentation: 5 minutes)
10. **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT.** Proposed resolution approving Agreement 500-15-002 with the South Coast Air Quality Management District for a \$2,000,000 contract to conduct on-road, in-use emission and fuel usage testing for heavy duty natural gas vehicles. (PIER natural gas funding) Contact: Matt Fung. (Staff presentation: 5 minutes)
11. **NATURAL GAS FUELING INFRASTRUCTURE, PON-14-608.** This solicitation sought proposals from school districts and other public entities for projects that establish or expand infrastructure necessary to store, distribute and dispense compressed natural gas (CNG) for use in natural gas vehicles. (ARFVTP funding) Contact: Tami Haas. (Staff presentation: 10 minutes)
 - a. **KERN COUNTY SUPERINTENDENT OF SCHOOLS.** Proposed resolution approving Agreement ARV-15-019 with Kern County Superintendent of Schools for a \$500,000 grant to expand infrastructure necessary to store, distribute and dispense compressed natural gas for use in natural gas vehicles and to also purchase a mobile CNG refueling trailer to refuel vehicles in remote areas that serve County school districts and communities.
 - b. **KINGS CANYON UNIFIED SCHOOL DISTRICT.** Proposed resolution approving Agreement ARV-15-020 with Kings Canyon Unified School District for a \$500,000 grant to install a natural gas fuel dispenser at the Central Valley Transportation Center. The Central Valley Transportation Center combines current daily operations of the District transportation facilities and the City of Reedley's Public Works Department in one facility.
 - c. **LAS GALLINAS VALLEY SANITARY DISTRICT.** Proposed resolution approving Agreement ARV-15-038 with Las Gallinas Valley Sanitary District for a \$250,000 grant to install a single dispenser, fast fill natural gas fueling station at their wastewater treatment facility in San Rafael, CA.

12. **HYDROGEN REFUELING INFRASTRUCTURE, PON-13-607.** This solicitation had two goals: 1) to develop infrastructure necessary to dispense hydrogen transportation fuel; and 2) to provide needed Operation and Maintenance (O&M) funding to support hydrogen fueling operations prior to the large-scale roll-out of Fuel Cell Electric Vehicles. (ARFVTP funding) Contact: Sarah Williams. (Staff presentation: 10 minutes)
- a. **H2 FRONTIER, INC.** Proposed resolution approving Agreement ARV-15-021 with H2 Frontier, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 12600 East End Ave., Chino, CA and gather data about the station.
 - b. **AIR LIQUIDE INDUSTRIAL US LP.** Proposed resolution approving Agreement ARV-15-031 with Air Liquide Industrial US LP for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 3731 East La Palma Ave., Anaheim, CA and gather data about the station.
 - c. **AIR PRODUCTS AND CHEMICALS, INC.** Proposed resolution approving Agreement ARV-15-025 with Air Products and Chemicals, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 1819 Cloverfield Blvd., Santa Monica, CA and gather data about the station.
 - d. **AIR PRODUCTS AND CHEMICALS, INC.** Proposed resolution approving Agreement ARV-15-026 with Air Products and Chemicals, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 7751 Beverly Blvd., Los Angeles, CA and gather data about the station.
 - e. **AIR PRODUCTS AND CHEMICALS, INC.** Proposed resolution approving Agreement ARV-15-027 with Air Products and Chemicals, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 19172 Jamboree Blvd., Irvine, CA and gather data about the station.
 - f. **AIR PRODUCTS AND CHEMICALS, INC.** Proposed resolution approving Agreement ARV-15-035 with Air Products and Chemicals, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 5314 Topanga Canyon Rd., Woodland Hills, CA and gather data about the station.
 - g. **AIR PRODUCTS AND CHEMICALS, INC.** Proposed resolution approving Agreement ARV-15-036 with Air Products and Chemicals, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 11261 Santa Monica Blvd., Los Angeles, CA and gather data about the station.
 - h. **FIRSTELEMENT FUEL, INC.** Proposed resolution approving Agreement ARV-15-022 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 248 So. Airport Blvd., South San Francisco, CA and gather data about the station.
 - i. **FIRSTELEMENT FUEL, INC.** Proposed resolution approving Agreement ARV-15-023 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 391 West A St., Hayward, CA and gather data about the station.
 - j. **FIRSTELEMENT FUEL, INC.** Proposed resolution approving Agreement ARV-15-024 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and

- maintenance costs for the hydrogen refueling station located at 2101 N. 1st Street, San Jose, CA and gather data about the station.
- k. FIRSTELEMENT FUEL, INC. Proposed resolution approving Agreement ARV-15-028 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 5700 Hollywood Blvd., Los Angeles, CA and gather data about the station.
 - l. FIRSTELEMENT FUEL, INC. Proposed resolution approving Agreement ARV-15-029 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 8126 Lincoln Blvd., Los Angeles, CA and gather data about the station.
 - m. FIRSTELEMENT FUEL, INC. Proposed resolution approving Agreement ARV-15-030 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 3401 Long Beach Blvd., Long Beach, CA and gather data about the station.
 - n. FIRSTELEMENT FUEL, INC. Proposed resolution approving Agreement ARV-15-032 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 150 South La Cumbre Rd., Santa Barbara, CA and gather data about the station.
 - o. FIRSTELEMENT FUEL, INC. Proposed resolution approving Agreement ARV-15-033 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 12105 Donner Pass Road, Truckee, CA and gather data about the station.
 - p. FIRSTELEMENT FUEL, INC. Proposed resolution approving Agreement ARV-15-034 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 24505 West Dorris Ave., Coalinga, CA and gather data about the station.
 - q. FIRSTELEMENT FUEL, INC. Proposed resolution approving Agreement ARV-15-037 with FirstElement Fuel, Inc. for a \$300,000 grant to cover operation and maintenance costs for the hydrogen refueling station located at 2050 Harbor Blvd., Costa Mesa, CA and gather data about the station.
13. CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE, DIVISION OF MEASUREMENT STANDARDS. Proposed resolution approving Agreement 600-15-010 with the California Department of Food and Agriculture, Division of Measurement Standards for a \$1,300,000 contract to develop standards for commercial measurement of electricity as a transportation fuel for light duty vehicles. (ARFVTP funding) Contact: Sharon Purewal. (Staff presentation: 5 minutes)
14. **Minutes:** Possible approval of the November 12, 2015, Business Meeting Minutes.
15. **Lead Commissioner or Presiding Member Reports.** A Lead Commissioner on a policy matter may report to the Commission on the matter and discussion may follow. A Presiding Member on a delegated committee may report to the Commission on the matter and discussion may follow.
16. **Chief Counsel's Report:** The Energy Commission may adjourn to closed session with its legal counsel [Government Code Section 11126(e)] to discuss any of the following matters to which the Energy Commission is a party:
- a. *In the Matter of U.S. Department of Energy (High Level Waste Repository), (Atomic Safety Licensing Board, CAB-04, 63-001-HLW).*

- b. *Communities for a Better Environment and Center for Biological Diversity v. Energy Commission* (Court of Appeal, First Appellate District, # A141299).
- c. *Energy Commission v. SoloPower, Inc. and SPower, LLC.* (Sacramento County Superior Court # 34-2013-00154569)

The Energy Commission may also discuss any judicial or administrative proceeding that was formally initiated after this agenda was published; or determine whether facts and circumstances exist that warrant the initiation of litigation, or that constitute a significant exposure to litigation against the Commission.

- a. *Grant ARV-12-033* with Mendota Bioenergy, LLC.

17. **Executive Director's Report.**

18. **Public Adviser's Report.**

19. **Public Comment:** People may speak up to three minutes on any matter concerning the Energy Commission, with the exception of items appearing elsewhere on this agenda or items related to pending adjudicative (certification or enforcement) proceedings.

If you require special accommodations, contact Lourdes Quiroz at 916-654-5146, five days before the meeting.

News media inquiries should be directed to:

Media and Public Communications - 916-654-4989

Questions about participation in the Business Meeting should be directed to:

Public Adviser's Office - 916-654-4489 or 800-822-6228

Participating by Telephone at a Business Meeting

To participate by telephone, please call toll free 1-888-823-5065 on Business Meeting days after 10:01 a.m. (PDT). The pass code for the meeting is "Business Meeting" and the call leader is Jerome Lee. If you plan to speak about a specific item, please give the operator the item number.

To avoid occasional technical problems with the Commission's telephone link, the Commission recommends that a written comment also be submitted either by facsimile or e-mail to the Public Adviser by 5 p.m. two days before the scheduled business meeting. Fax (916) 654-4493 or e-mail publicadviser@energy.ca.gov.

The Business Meeting is broadcast via WebEx, the Energy Commission's on-line meeting service. To listen to the meeting and view any presentations, please click the following link or paste it into your browser:

<https://energy.webex.com/energy/onstage/g.php?t=a&d=927594216>

You may also go to **<https://energy.webex.com/ec>** and enter Meeting Number **927 594 216**. The meeting password is **mtg@10am**.

The Energy Commission building has wireless Internet access available in the atrium, coffee shop, and library.

Subscribe to Electronic Mail Lists

To reduce paper and mailing costs, the Energy Commission offers an automated e-mail system for the business meeting agendas. To subscribe, please go to our Business Meetings page www.energy.ca.gov/business_meetings/ and use the form on the right side under 'Subscribe'.

Adjournment of Hearings and Meetings: Depending upon time available and the orderly management of proceedings, the Commission may order adjournment (recess or postponement) of any noticed hearing or meeting, to be continued to the next day, another specific date or time, or to the next business meeting, as appropriate. Any such adjournment will be noticed at the time the order of adjournment is made (Government Code §§11128.5, 11129).