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Docket Number:	18-AAER-02
Project Title:	Appliance Efficiency Standards Rulemaking for Portable Electric Spas and Battery Charger Systems
TN #:	222477
Document Title:	Initial Study & Proposed Declaration for Portable Electric Spas and Battery Charger Systems
Description:	The California Energy Commission has prepared this initial study to assess the potential significant effects of the proposed regulations on the environment for the portable electric spas and battery charger systems appliance efficiency rulemaking.
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Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	2/8/2018 9:54:58 AM
Docketed Date:	2/8/2018

California Energy Commission

INITIAL STUDY AND PROPOSED NEGATIVE DECLARATION

Initial Study and Proposed Negative Declaration for Portable Electric Spas and Battery Charger Systems

Amendment to Appliance Efficiency Regulations

California Code of Regulations
Title 20, Sections 1601-1609

2018 Appliance Efficiency Rulemaking
Docket Number 18-AAER-02

California Energy Commission

Edmund G. Brown Jr., Governor



February 2018 | CEC-400-2018-004

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ABSTRACT

This initial study demonstrates that the proposed energy efficiency regulations for portable electric spas and battery chargers will not have any significant adverse effect on the environment. The initial study includes an environmental checklist supporting this finding. This report identifies and considers the potential environmental effects of amending the regulations for portable electric spas and battery chargers.

The proposed regulations include a stricter standby power standard for standard, exercise, and combination spas. The proposed regulations also include a less stringent standard for inflatable spas. In addition to updating the performance standard, the proposed regulations will update the test procedure to accommodate exercise spas that operate below 100°F and add a labeling requirement to help consumers make informed choices. The proposed updates for standard, exercise, and combination spas would save about 19 gigawatt-hours (GWh) the first year the standard is in effect. By 2028, when the year that stock turns over, the proposed standards would have an annual savings of about 218 GWh. This amount equates to roughly \$40 million in annual savings to California businesses and individuals. The inflatable spa proposal would save 7.4 GWh the first year and 23.8 GWh when stock turns over in 2021, equivalent to \$4.4 million in annual savings. Lower electricity consumption results in reduced greenhouse gas and other particulates.

The proposed regulations would change the existing law by making the “BC” marking requirement applicable only to state-regulated battery chargers, eliminating the need to provide the “BC” mark for battery chargers that are federally regulated consumer products. The proposed modifications to battery charger systems would not impact the environment because they do not change the underlying efficiency standards, the sales associated with the efficiency standards, or the materials that would be used to comply with the standards.

Keywords: Appliance efficiency regulations, energy efficiency, portable electric spas, battery charger systems

Please use the following citation for this report:

Lopez, Jessica. 2018. *Initial Study and Negative Declaration for Portable Electric Spas and Battery Charger Systems*. California Energy Commission. Publication Number: CEC-400-2018-004.

NEGATIVE DECLARATION

Portable Electric Spas and Battery Charger Systems Appliance Efficiency Rulemaking

Public Resources Code § 25402, Subdivision (c)(1), mandates that the California Energy Commission reduce wasteful, uneconomic, inefficient, or unnecessary energy use by prescribing, through regulation standards, minimum efficiency levels for appliances. The Energy Commission adopted appliance efficiency regulations in 1976 and periodically adopts new or revised standards. The Energy Commission proposes to adopt amended Appliance Efficiency Regulations (Section 1601–1609 of Title 20 of the California Code of Regulations) to update efficiency standards for portable electric spas and to modify marking requirements for federally regulated battery chargers.

The California Environmental Quality Act (CEQA), found in Public Resources Code (PRC) Sections 21000 et seq., requires public agencies to identify and consider the potential environmental effects of their "projects," as that term is defined, and when feasible to mitigate any related adverse significant environmental consequences. The proposed adoption of these regulations is a discretionary action undertaken by a public agency and has the potential to result in a direct or indirect physical change in the environment. Thus, the proposed adoption constitutes a "project" under CEQA. (See PRC Section 21065.) The Energy Commission has prepared this initial study to assess the potential significant effects of the proposed regulations on the environment.

The proposed regulations are contained in the following document:

Proposed Amendments to Appliance Efficiency Regulations (Express Terms), California Code of Regulations, Title 20, Sections 1602 Through 1607, 2018 Appliance Efficiency Rulemaking, Portable Electric Spas and Battery Charger Systems, Docket Number 18-AAER-02.

The proposed regulations are summarized in the notice of proposed action and are available with the express terms at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=18-AAER-02>.

The potential environmental impacts of the proposed regulations are analyzed in this document.

All the documents listed above are available on the Energy Commission's website <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=18-AAER-02>, or by phone at (916) 654-4147, or by electronic mail from the Energy Commission's Appliances and Outreach and Education Office, by submitting a request to Angelica.Romo@energy.ca.gov.

Finding of No Significant Impact

The initial study demonstrates, and the Energy Commission concludes, that the proposed energy efficiency regulations for portable electric spas and battery charger systems will not have any significant adverse effect on the environment. The attached initial study and environmental checklist support this finding.

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CHAPTER 1:

Introduction

The California Energy Commission was established in 1974 by the Warren-Alquist Act to develop and implement energy policy for the State of California. One of the Energy Commission's mandates is to promote water and energy efficiency through a variety of means, including efficiency standards for appliances. (Public Resources Code § 25402[c][1]). The Energy Commission adopted its first appliance efficiency standards in 1976 and has periodically revised those standards, as well as adopted new regulations. The current regulations include provisions on testing of appliances to determine efficiency, reporting of data by manufacturers to the Energy Commission, mandatory minimum efficiency levels, and compliance and enforcement procedures, as well as general provisions on the scope of the regulations and definitions.

The California Environmental Quality Act (CEQA) requires public agencies to identify and consider the potential environmental effects of their projects, as that term is defined, and, when feasible, to reduce any related adverse environmental consequences. Adoption of the proposed regulations is a discretionary decision undertaken by a public agency and has the potential to result in direct or indirect physical changes in the environment. Thus, it constitutes a project under CEQA. (See Pub. Resources Code § 21065.) Therefore, the Energy Commission has prepared this initial study to assess the potential significant effects of the proposed regulations on the environment.

The proposed regulations update energy efficiency standards and add a label requirement for portable electric spas. The proposed regulations cover standard spas, exercise or swim spas, combination spas, and inflatable spas. The proposed updates for standard, exercise, and combination spas would save about 19 gigawatt-hours (GWh) the first year the standard is in effect. By 2028, when the year that stock turns over, the proposed standards would have an annual savings of about 218 GWh. This amount equates to roughly \$40 million in annual savings to California businesses and individuals. The inflatable spa proposal would save 7.4 GWh the first year and 23.8 GWh when stock turns over in 2021, equivalent to \$4.4 million in annual savings. Lower electricity consumption results in reduced greenhouse gas and other particulates.

The proposed regulations include changes to existing appliance marking requirements for battery charger systems, so that they apply only to state-regulated battery chargers instead of applying to both state- and federally regulated battery chargers. The proposed modifications to the battery charger system marking requirements would not impact the environment because there are no expected changes to the efficiency requirements for these products, the sales associated with these efficiency requirements, or the materials to achieve compliance.

Based on the initial study showing the regulations will result in a reduction in air pollution, staff finds that the regulations will not have a significant impact on the environment but will benefit the environment. Therefore, a negative declaration is the appropriate environmental document.

CHAPTER 2:

Description of Proposed Project

Project Name

This project is a statewide rulemaking proceeding titled Appliance Efficiency Standards Rulemaking for Portable Electric Spas and Battery Charger Systems, Energy Commission Docket # 18-AAER-02.

Project Description and Location

The project proposes statewide regulations to update levels of efficiency required for portable electric spas and add a label requirement. These products are not covered by federal appliance efficiency standards. The required new efficiency standards apply to newly manufactured products sold or offered for sale in California.

The proposed regulations apply to all types of portable electric spas, including standard spas, exercise spas, combination spas, and inflatable spas, manufactured on or after June 1, 2019. These requirements are performance standards and do not mandate any particular technology or component. Manufacturers will need to reduce the energy consumption in standby mode to meet the proposed standards. Potential efficiency improvements include better insulation in the spa and in the spa cover, such as increasing the thermal resistance (R-value) of the foam, applying uniform insulation, adding radiant barriers, and improving the control settings of the spa.

The proposed regulations include modifications to existing appliance marking requirements for battery charger systems, so that they apply only to state-regulated battery chargers instead of applying to both state- and federally regulated battery chargers. The proposed regulations do not change the efficiency requirements for these products and would not change the number of battery chargers sold or the number or types of products that would meet the existing regulations.

The proposed regulations relevant to this initial study are contained in:

Proposed Amendments to Appliance Efficiency Regulations (Express Terms), California Code of Regulations, Title 20, Sections 1602 Through 1607, 2018 Appliance Efficiency Rulemaking, Portable Electric Spas and Battery Charger Systems, Docket Number 18-AAER-02.

All the documents listed above are available on the Energy Commission's website <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=18-AAER-02> , or by phone at (916) 654-4147, or by electronic mail from the Energy Commission's Appliances and Outreach and Education Office, by submitting a request to Angelica.Romo@energy.ca.gov.

CHAPTER 3: Energy and Environmental Impacts of the Proposed Project

Energy Impacts

Portable Electric Spas

The energy efficiency standards being proposed for portable electric spas will reduce future demand for electricity in the state. The proposed standards would take effect June 1, 2019. The label requirement would allow consumers to make energy-efficient purchasing decisions, which can lead to additional energy savings. The estimated standby power savings for standard, exercise, and combination spas after complete stock turnover in 2028 are 95.4 gigawatt-hours (GWh) per year, equivalent to \$17.7 million in annual cost savings. The label requirement will yield additional energy savings estimated at 123 GWh per year with \$22.8 million of cost savings after complete stock turnover in 2028. The estimated standby power savings for inflatable spas after complete stock turnover in 2021 are 22.5 gigawatt-hours per year, equivalent to \$4.2 million in annual cost savings. The label requirement will yield an additional savings of about 1.3 GWh per year with \$0.2 million of cost savings after complete stock turnover in 2021.

This reduction will lead to a reduced need for new power plants, reduced use of fossil fuels for those plants, and fewer new transmission lines.

Battery Charger Systems

The proposed modifications to existing appliance marking regulations for battery charger systems would not increase or decrease energy consumption when compared to the existing regulations. The proposed regulations would modify the existing law by making the “BC” marking requirement applicable only to state-regulated battery chargers, eliminating the need to provide the “BC” mark for battery chargers that are federally regulated consumer products.

Environmental Impacts

Portable Electric Spas

The proposed energy efficiency standards will reduce energy consumption with no significant change in the energy or the process of manufacturing this appliance type. The proposed standards are performance standards and do not require the use of any specific material to improve the efficiency of the product.

For standard, exercise, and combinations spas, the framework consists of the tub, an exterior cabinet, a plumbing/heating system, and a spa cover. The tub is generally made of molded acrylic or fiberglass, the exterior cabinet is made of wood or plastic with a supporting structure, and the space between the tub and exterior cabinet is insulated. There are various ways to insulate a spa. Common practice includes insulating the perimeter of the interior cabinet and sometimes the floor with spray foam (polyurethane)

or flat panel rigid foam boards (polystyrene), while keeping the interior space free of foam to produce an air barrier or full foam insulation where the majority of interior space is completely lined with foam. The design and insulation used in spa covers also varies. Most spa covers use foam (polystyrene) in combination with other barriers. The thermal resistance of the insulating material, in this case the foam core, is measured or rated by the R-value, which depends on the insulation type, thickness, and density. Most manufacturers of standard, exercise, and combination spas already insulate spas using high R-value insulation materials. As of March 2017, 100 percent of the spas listed in the Energy Commission's appliance efficiency database are fully insulated. However, staff found that units with the same volume capacity have very different standby energy consumption values. The cause of this difference is in the application and materials of insulation. For example, hit-and-miss spots in the interior cabinet within spas can largely reduce the effectiveness of insulation. Therefore, improvements on the method of applying uniform insulation would improve efficiency. This is the easiest method to implement, requiring little additional engineering and design work. Reducing the length and number of plumbing pipes and hoses where possible, which act as heat exchangers with the surrounding air, will also reduce heat loss. Improvements to spa covers, such as using high R-value and less water-absorbent insulation, adding radiant barriers, and using better sealing covers, can reduce heat and water loss from the spa and already exist in the industry. Improving the construction and design work of the spa cover, such as using single-hinged or insulated hinge covers instead of double-hinged, can yield additional efficiency savings. Other options include improved pump efficiency with advanced multi-speed motor designs and using variable-speed motors and controls. Since these improvements are already common practice, updating the energy efficiency of standard, exercise, and combination spas is not likely to change industry practice, the spa design, or the material composition of these spas. Depending on the design and the combination of possible improvements, some materials may be integrated less. In addition, the non-hazardous materials found in the final product do not pose any harm to the user and would not cause a significant environmental impact.

An inflatable spa is typically made up of a three-layered polyvinyl chloride (PVC) shell and is filled with air to produce the structure of the spa, with an external, detachable pumping and heating system. For inflatable spas, setting a separate energy efficiency standard may require additional insulating materials such as foam, radiant barriers, and PVC. Some manufacturers are incorporating a thin layer of foam to the body of the spa, such as within the base of the spa, to improve the efficiency. Insulating the external pump and heating system will also reduce heat loss. Other possibilities include adding foam to the inner or outer shell, adding a radiant barrier, increasing the thickness of shell material, or restructuring the air chambers. Supplementing an improved design with a combination of insulation technologies would produce a compliant product. There is also a great opportunity to improve the spa covers for inflatable spa covers, since most covers are made of PVC. Adding radiant barriers, incorporating a thin layer of foam, extending the length of the cover, increasing the thickness of the spa cover material, and adjusting the buckles for a tighter fit reduces heat loss. Some of these techniques are currently being used in the inflatable spa industry. For example, an inflatable spa manufacturer has incorporated a radiant barrier and increased the thickness of the vinyl material to prevent further heat loss. A combination of these possible improvements and design creativity will result in a more efficient product and compliance with the proposed standard. Since these improvements are becoming common features, setting a separate energy efficiency standard for inflatable spas is not likely to change industry practice, the framework of

the spa, or the material composition of these spas. In addition, the non-hazardous materials in the final product do not pose any harm to the user and would not cause a significant environmental impact.

Although the proposed regulations target only the standby mode, reducing the standby power can lead to reductions in startup mode, active mode, and treatment modes and, therefore, save some potential material and disposal impacts by extending the design life of the spa. The proposed regulations affect only new appliances and do not require consumers to swap out their spas before the end of the useful life of the spa. Thus, the proposed regulations are not expected to have any major impact on waste within the state.

The label requirement instructs manufacturers to use a removable adhesive-backed white polymer label or an equivalent. The paper stock and adhesive may vary from manufacturer to manufacturer. Most manufacturers already include labels on their spas to provide the consumer with safety instructions, connection instructions, or basic product information. Thus, an additional label will not change industry practice, or the material composition of the label. In addition, the non-hazardous materials in the label do not pose any harm to the user and would not cause a significant environmental impact.

The proposed regulations will lead to improved environmental quality in California. Saved energy translates to fewer power plants built and less pressure on the limited energy resources, land, and water use associated with them. In addition, lower electricity consumption results in reduced greenhouse gas and criteria pollutant emissions, primarily from lower generation in hydrocarbon-burning power plants, such as natural gas power plants.

Battery Charger Systems

The proposed modifications to existing appliance marking regulations for battery charger systems are not expected to have any environmental impacts, as they do not increase or decrease energy consumption, change the materials used to comply with the regulations, or change the total sales or shipments of these products into the state.

CHAPTER 4:

Environmental Checklist

The following is the Energy Commission’s analysis of the potential impacts of the proposed project using the initial study environmental checklist.

Table 4-1: Lead and Responsible Agencies

Project Title	Portable Electric Spas and Battery Charger Systems Appliance Efficiency Rulemaking, Docket # 18-AAER-02
Lead Agency Name and Address	California Energy Commission, 1516 Ninth Street–MS 25, Sacramento, California, 95814
Contact Person and Phone Number	Jessica Lopez, Appliances and Outreach and Education Office, Efficiency Division, Jessica.Lopez@energy.ca.gov , (916) 654-5125
Project Description	The project is a proposal for statewide regulations to update the levels of efficiency required for portable electric spas, which are not covered by federal appliance efficiency standards. The required new efficiency standards apply to newly manufactured products and are attainable through normal and existing manufacturing processes. The proposed regulations include modifications to existing appliance marking requirements for battery charger systems, so that they only apply to state-regulated battery chargers instead of applying to both state- and federally regulated battery chargers.
Responsible Agencies	None
Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement)	None

Source: 2017 CEQA Handbook Appendix G and California Energy Commission

Environmental Factors Potentially Affected

For each of the environmental factors checked below, there is likely to be a positive environmental impact due to the decrease in power generation associated with reduced electrical demand by the use of more efficient appliances. The Energy Commission's analysis reveals no significant adverse impacts.

Table 4-2: Potentially Affected Areas

Potential Positive Impact Determined	Environmental Factor	Potential Positive Impact Determined	Environmental Factor
	I. Aesthetics		XI. Mineral Resources
	II. Agriculture and Forestry Resources		XII. Noise
X	III. Air Quality		XIII. Population/Housing
	IV. Biological Resources		XIV. Public Services
	V. Cultural Resources		XV. Recreation
	VI. Geology/Soils		XVI. Transportation/Traffic
X	VII. Greenhouse Gas Emissions		XVII. Tribal Cultural Resources
X	VIII. Hazards & Hazardous Materials	X	XVIII. Utilities/Service Systems
	IX. Hydrology/Water Quality		XIV. Mandatory Findings of Significance
	X. Land Use/Planning		

Source: 2017 CEQA Handbook Appendix G and California Energy Commission

Evaluation of Environmental Impacts

Table 4-3 lists specific potential issues for each of the factors presented in **Table 4-2**.

Table 4-3: Specific Potential Issues

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X
COMMENT: The proposed regulations will have no impact to aesthetics and no impact on any of the specific concerns listed above.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>II. AGRICULTURE RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert prime farmland, unique farmland, or farmland of statewide importance (farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])?				X
d) Result in the loss of forest land or conversion of forest land to nonforest use?				X
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland, to nonagricultural use or conversion of forest land to nonforest use?				X
<p>COMMENT: The proposed regulations will have no impact to agricultural resources and no impact on any of the specific concerns listed above. These regulations do not require land, including forest or agriculture land, to convert to other uses.</p>				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
COMMENT: The proposed regulations will have no adverse impact to the air quality concerns listed above. The proposed efficiency standards will result in reduced power plant operation and related facility emissions in California as compared to no standards.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				
COMMENT: The proposed regulations will have no impact on biological resources and no impact on the specific concerns listed above. The proposed regulations do not require land, including wetlands or habitat, to convert to other uses.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside formal cemeteries?				X
<p>COMMENT: The proposed regulations will have no impact on any cultural resources and no impact on any of the specific concerns listed above. The proposed regulations do not require land, including burial grounds or archaeological/paleontological sites, to convert to other uses.</p>				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable because of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
COMMENT: The proposed regulations will have no impact to geology and soils and no impact on the specific concerns listed above. The proposed regulations do not require changes to land use that might affect its seismic or stability characteristics.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy, or regulation adopted for the services of reducing the emissions of greenhouse gases?				X
<p>COMMENT: The proposed regulations will have no adverse greenhouse gas emissions and will not generate greenhouse gas emissions, either directly or indirectly. The proposed regulations are part of state policy to reduce greenhouse gas emissions and would reduce greenhouse gas emissions by reducing energy consumption associated with portable electric spas, resulting in a corresponding decrease in the electricity produced by power plants, and the greenhouse gases associated with those power plants, especially natural gas-fired power plants.</p>				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury; or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p>COMMENT: The proposed regulations will have no impact on hazards and hazardous material. While the proposed regulations may yield additional materials to improve the energy efficiency of portable electric spas, the regulations do not prescribe their use or require these materials to be used. The additional material may include various types of foam or plastic. The label requirement will use various types of paper stock and adhesive. These materials are not new to the manufacturing process of spas. The proposed regulations also do not alter the way in which these materials are disposed. The proposed regulations may lead to prolonged life that would reduce the amount of toxic and hazardous materials disposed of and processed in the state.</p>				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or-off-site?				X
e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
COMMENT: The proposed regulations will have no impact on hydrology and water quality and no impact on any of the specific concerns listed above. The proposed regulations do not require land, including flood zones and drainage, to be altered.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the services of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
COMMENT: The proposed regulations will have no impact to land use and planning and no impact on to any of the specific concerns listed above. The proposed regulations do not require land, including habitat and community development sites, to convert to other uses.				
XI. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
COMMENT: The proposed regulations will have no adverse impact to mineral resources and no impact on any of the concerns listed above. The proposed regulations do not require land, including mineral-rich land, to convert to other uses.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or ground borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
COMMENT: The proposed regulations will have no noise impact and no impact on the specific concerns listed above.				
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
COMMENT: The proposed regulations will have no impact on population and housing and no impact on any of the concerns listed above.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES -- Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				X
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X
COMMENT: The proposed regulations will not require the construction or alteration of governmental buildings in a way that will cause significant negative environmental impact. This reduction in energy consumption will lead to environmental benefits by reducing greenhouse gas emissions, criteria pollutants, and the need to site and construct new power plants.				
XV. RECREATION -- Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X
COMMENT: The proposed regulations will have no impact on recreation and no impact on any of the specific concerns listed above. The proposed regulations do not require park or recreational land to convert to other uses.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and nonmotorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the country congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.				X
COMMENT: The proposed regulations will have no impact on transportation/traffic and no impact on any of the specific concerns listed above.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X
COMMENT: The proposed regulations will have no impact on landscape, sacred places, or objects with cultural value to a California Native American tribe.				

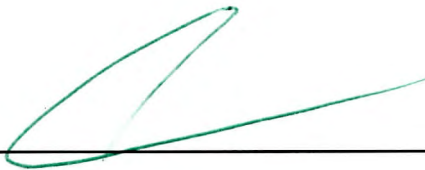
Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers' existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
COMMENT: The proposed regulations will have no adverse impact on any of the concerns listed above. By reducing electricity use, the proposed regulations will have beneficial effects on energy utilities by reducing the need to procure additional electricity generation and increased reliability.				

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIV. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X
<p>COMMENT: The proposed regulations will have no adverse impact on any of the concerns listed in the above checklist. No potential exists for any adverse impacts on any animal or human populations, and none of the impacts are cumulatively considerable. Improvements in the energy efficiency of portable electric spas resulting from the proposed standards are likely to result in beneficial impacts including reduced electricity consumption, reduced power plant operation, and reduced need to build power plants and power lines in the future. Modifications to the marking requirements for battery charger systems will have no impact on any of the concerns listed in the above checklist.</p>				

Source: 2017 CEQA Handbook Appendix G and California Energy Commission

CHAPTER 5: Determination

On the basis of this evaluation:

X	I find that the proposed project WILL NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.
<p>Signing Officer:</p> <p>Drew Bohan Executive Director California Energy Commission</p> <p style="text-align: center;">  </p> <p>Signature _____ Date <u>2-5-18</u></p>	

APPENDIX A:

Summary of Proposed Changes to Appliance Efficiency Standards and Resulting Energy and Environmental Effects

Table A-1 summarizes the proposed changes and the resulting energy and environmental effects for portable electric spas and battery charger systems.

Table A-1: Summary of Proposed Changes

No.	Existing Standard	Proposed Standard	Energy Effects	Potential Environmental Issues
1	There are existing standards for portable electric spas, which are intended to include exercise spas, combinations spas, and inflatable spas.	The proposed standards increase the stringency of the maximum standby mode power limit for standard, exercise, and combination spas, and set a new maximum standby mode power limit for inflatable spas.	<p>The proposed standard for standard spas, exercise spas, and combination spas would result in annual savings of 95.4 gigawatt-hours (GWh) per year in 2028.</p> <p>The inflatable spa proposal would save 22.5 GWh per year in 2021.</p>	Lower electricity consumption results in reduced greenhouse gas and other particulates.
2	There are no existing labeling requirements for portable electric spas.	The proposed regulation requires all portable electric spas display the normalized standby power and the spa cover used during testing.	<p>The proposed label requirement would result in an estimated reduction of about 123 GWh per year in electricity consumption in 2028, for standard, exercise, and combination spas.</p> <p>Labeling inflatable spas would save 1.3 GWh per year in 2021.</p> <p>Labeling portable electric spa units will lead to energy savings by educating consumers to choose a more efficient unit</p>	Lower electricity consumption results in reduced greenhouse gas and other particulates.

3	There are existing marking requirements for all battery chargers.	The proposed regulations would require that only state-regulated battery chargers be marked with a "BC" in a circle.	There are no energy effects from the proposed regulations for battery chargers.	There are no potential environmental issues from the proposed regulations for battery chargers.
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Source: California Energy Commission

APPENDIX B:

References

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- California Energy Commission. (2018, January 29). Proposed Amendments to Appliance Efficiency Regulations (Express Terms) for Portable Electric Spas and Battery Charger Systems. *Docket # 18-AAER-02, TN# 222395*. Retrieved from http://docketpublic.energy.ca.gov/PublicDocuments/18-AAER-02/TN222395_20180129T162306_Express_Terms_for_Portable_Electric_Spas_and_Battery_Charger_Sy.pdf
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APPENDIX C:

Acronyms and Glossary

<u>Term</u>	<u>Description</u>	<u>Definition</u>
CEQA	California Environmental Quality Act	A statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.
GWh	Gigawatt-hour	One thousand megawatt-hours, or one million kilowatt-hours, or one billion watt-hours of electrical energy.
PRC	Public Resources Code	
PVC	Polyvinyl chloride	A tough chemically resistant synthetic resin made by polymerizing vinyl chloride and used for a wide variety of products, including pipes, flooring, and sheeting.