

DOCKETED

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Project Title:	Appliance Efficiency Standards Rulemaking for Portable Electric Spas and Battery Charger Systems
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

PORTABLE ELECTRIC SPAS AND
BATTERY CHARGER SYSTEMS
APPLIANCE EFFICIENCY
RULEMAKING

Docket No. 18-AAER-02

RESOLUTION ADOPTING
REGULATIONS

WHEREAS, on January 29, 2018, the Commission published a Notice of Proposed Action (NOPA) proposing the modification of existing regulations, the Express Terms of the proposed regulations, and an Initial Statement of Reasons (ISOR) describing the rationale for the proposal; and

WHEREAS, on February 2, 2018, the NOPA was published in the California Regulatory Notice Register and the Commission published the final staff report Analysis of Efficiency Standards and Marking for Spas and the Economic and Fiscal Impact Statement (Form 399) and Attachment analyzing the potential effects of the regulations; and

WHEREAS, on February 8, 2018, the Commission published an Initial Study and Proposed Negative Declaration for Portable Electric Spas and Battery Charger Systems and a Notice of Availability, concluding that the proposed regulations would result in energy savings and reductions in statewide greenhouse gas emissions, and there would be no significant adverse impacts to the environment as a result; and

WHEREAS, on March 6, 2018, the Commission held a Lead Commissioner's Meeting to hear comments on the proposed regulations; and

WHEREAS, on March 22, 2018, the Commission published a Notice of Availability of 15-Day Language, which included proposed changes to the Express Terms (Notice); and

WHEREAS, both the NOPA and the Notice designated April 11, 2018, as the date for the hearing to consider adoption of the proposed regulations and on this date the Commission held a public hearing to receive comments on the proposed regulations and to consider their adoption and did so adopt the regulations; and

WHEREAS, each of these documents and notices was provided to every person on the Energy Commission's Appliances list server and to every person who had requested notice of such matters, and was posted to the Commission's website; and

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act:

- The California Energy Commission has considered the application of the California Environmental Quality Act (CEQA) to the proposed regulations and concluded that the proposed energy efficiency regulations for portable electric spas and battery charger systems will not have any direct, indirect, or cumulatively considerable significant adverse effect on the environment; and

With regard to the Warren-Alquist Act:

- The proposed regulations will reduce the wasteful, uneconomic, inefficient, and unnecessary consumption of energy for appliances that require a significant amount of energy on a statewide basis; and
- The proposed regulations are technologically feasible and attainable; and
- The proposed regulations do not result in any added total costs to the consumer over the designed life of the appliances concerned; and

With regard to the Administrative Procedure Act:

- The proposed regulations will not create new businesses or eliminate existing businesses, may result in the slight expansion of businesses in California, and will not result in a significant statewide adverse impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulations will not create or eliminate a significant number of jobs within California; and
- The proposed regulations will impose no direct costs, or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; and
- The proposed regulations will result in no costs or savings in federal funding to the State of California, will not result in cost or savings to any state agency in

reasonable compliance with these regulations, and will result in no nondiscretionary costs or savings to local agencies or school districts; and

- The proposed regulations will have no impact on housing costs; and
- The proposed regulations will have no significant, statewide adverse effect on businesses in general or small businesses in particular; and
- The proposed regulations will impose no net costs on private persons when savings from reduced electricity use are taken into account; and
- The proposed regulations will result in costs that a representative business would necessarily incur in reasonable compliance with the regulations, but any costs will be passed on to consumers and outweighed by savings resulting from reduced electricity use; and
- The proposed regulations will result in non-economic benefits, on a statewide level, such as reduction in pollution, greenhouse gas emissions, and energy generation demand; and
- The proposed regulations have no alternatives that would be more effective in carrying out the purposes of the Warren-Alquist Act, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and
- The proposed regulations require completion of certain reports regarding the efficiency and performance of the regulated appliances; this information is necessary for consumers and the Energy Commission to confirm that the standards are met and that the appliances consume no more energy than allowed, so that the anticipated energy, environmental and cost benefits will actually be achieved. Accordingly, it is necessary that these reporting requirements apply to businesses in order to protect the health, safety and welfare of the people of California, as required by Government Code section 11346.3, subdivision (d); and
- None of the comments received during the comment period or at the adoption hearing, and nothing else in the record, justified any changes to the proposed amendments as published on March 22, 2018.

THEREFORE BE IT RESOLVED, after considering the Initial Study, and all related materials in the record, the Energy Commission finds that (1) there is no substantial evidence that the adoption of the proposed amendments to the Appliance Efficiency Regulations will have a significant adverse effect on the environment, and (2) the Negative Declaration reflects the Commission's independent judgment and analysis. The Commission hereby adopts the Negative Declaration and Initial Study published February 8, 2018. Documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based can be

found at the California Energy Commission, 1516 9th Street, Sacramento, California, 95814 in the custody of the Docket Unit.

BE IT FURTHER RESOLVED, after considering all comments received and the staff's responses, and based on the entire record of this proceeding, the California Energy Commission hereby adopts the amendments to its appliance efficiency regulations, as set forth in the express terms that were published on March 22, 2018 (Cal. Code of Regs., tit. 20, §§ 1602-1607). We take this action under the authority of, and to implement, interpret, and make specific, sections 25213, 25218(e), and 25402 of the Public Resources Code.

BE IT FURTHER RESOLVED, the Energy Commission delegates the authority and directs Commission staff to take, on behalf of the Commission, all actions reasonably necessary to have the adopted regulations go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and preparing and filing the Notice of Determination with the State Clearinghouse.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the California Energy Commission held on April 11, 2018.

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None

Original Signed by:

Cody Goldthrite
Secretariat