

DOCKETED

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Project Title:	Portable Air Conditioners
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Document Title:	Resolution Adopting Negative Declaration and Updates to the Appliance Efficiency Regulations
Description:	Resolution Adopting Regulations
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

Docket No. 18-AAER-04

PORTABLE AIR CONDITIONERS
APPLIANCE EFFICIENCY
RULEMAKING

RESOLUTION ADOPTING NEGATIVE
DECLARATION AND UPDATES TO THE
APPLIANCE EFFICIENCY
REGULATIONS

WHEREAS, on September 19, 2018, the Commission published the U.S. Department of Energy (DOE) Pre-publication Energy Conservation Program Standards for Portable Air Conditioners, and the DOE Technical Support Document for these standards, but has yet to publish the completed standards; and

WHEREAS, on October 11, 2018, the Commission published a Notice of Proposed Action (NOPA) concerning the adoption of appliance efficiency standards for Portable Air Conditioners, and the Express Terms of the proposed regulations, which are the same as those contemplated by DOE, and the Initial Statement of Reasons (ISOR) describing the rationale for the proposed regulations; and

WHEREAS, adoption of these standards would constitute a project as defined in the California Environmental Quality Act (California Public Resources Code section 21000 et seq.) and the Guidelines for the Implementation of CEQA (California Code of Regulations, title 14, section 15000 et seq.) (collectively, "CEQA"), for which the Commission is the lead agency for the preparation and consideration of environmental documents; and

WHEREAS, on October 26, 2018, the Commission published an Initial Study and Proposed Negative Declaration for the proposed regulations, 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 October 26, 2018, the Commission published a Notice of Completion and Environmental Document Transmittal, indicating that the Initial Study and Proposed Negative Declaration were submitted to the State Clearinghouse on October 25, 2018; and

WHEREAS, the comment period on the Initial Study and Proposed Mitigated Negative Declaration ended on November 26, 2018; 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, all of which remain on file and may be viewed on the Commission website or at the Commission's headquarters in Sacramento; and

WHEREAS, on November 27, 2018, Commission staff held a hearing to receive comments on the Proposed Negative Declaration and the proposed regulations pursuant to CEQA and the Administrative Procedure Act; and

WHEREAS, no written or oral comments were received on the Initial Study or proposed negative declaration; and

WHEREAS, the Commission has reviewed and considered the Initial Study and Negative Declaration, and other related documents in the record before it;

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With respect to CEQA compliance:

1. The foregoing recitals are true and correct.
2. The Commission has independently reviewed, analyzed, and considered the Initial Study, Proposed Negative Declaration and the whole record before it). Based on this evidence, the Commission finds that there is no substantial evidence supporting a fair argument that the adoption of standards for portable air conditioners will have a significant adverse effect on the environment.
3. The Negative Declaration has been completed in compliance with CEQA.
4. The Negative Declaration represents the independent judgment and analysis of the Commission as lead agency for the project within the meaning of CEQA.
5. The Commission's Dockets Unit is the custodian of records of the proceeding on which this decision is based. The record of this proceeding may be obtained online and is available at the Commission's headquarters in Sacramento.
6. The Commission hereby directs staff to appropriately file a notice of determination within five working days of the adoption of this resolution.

With respect to the Warren-Alquist Act:

7. 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

8. The proposed regulations are technologically feasible and attainable, as supported by the presence of products currently in the market that meet the proposed standards; and
9. The proposed regulations do not result in any added total costs to the consumer over the designed life of the appliances concerned, as supported by staff's calculation of a nearly 3:1 benefit to cost ratio; and

With respect to the Administrative Procedure Act:

10. The proposed regulations will not create new businesses, eliminate existing businesses, or have an effect on the 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
11. The proposed regulations will not create or eliminate a significant number of jobs within California; and
12. 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
13. The proposed regulations will result in no costs or savings in federal funding to the State of California; and
14. The proposed regulations will not result in cost or savings to any state agency in reasonable compliance with these regulations; and
15. The proposed regulations will result in no nondiscretionary costs or savings to local agencies or school districts; and
16. The proposed regulations will have no impact on housing costs; and
17. The proposed regulations will have no significant, statewide adverse effect on businesses in general or small businesses in particular; and
18. The proposed regulations will impose no net costs on private persons when savings from reduced electricity use are taken into account; and
19. The proposed regulations may result in costs that a representative business may necessarily incur in reasonable compliance with the regulations, but any costs would be passed on to consumers and outweighed by savings resulting from reduced electricity use; and
20. 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
21. 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

22. 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
23. None of the comments received during the comment period or at the adoption hearing, and nothing else in the record, justifies or requires any changes to the proposed regulations, or the Initial Study and Proposed Negative Declaration.

THEREFORE BE IT RESOLVED, after considering all comments received and the staff's responses, and based on the entire record of the proceeding, the California Energy Commission hereby adopts the Negative Declaration ; and

BE IT FURTHER RESOLVED, after considering all comments received and the staff's responses, and based on the entire record of the proceeding, the California Energy Commission hereby adopts the amendments to its appliance efficiency regulations, as set forth in the express terms. (California Code of Regulations, sections 1601-1609.) 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; and

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); and making any changes to the rulemaking file required by OAL.

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 December 10, 2018.

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat