

DOCKETED

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STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

IN THE MATTER OF:

**SPRAY SPRINKLER BODIES
APPLIANCE EFFICIENCY
RULEMAKING**

Docket No. 19-AAER-01

**RESOLUTION ADOPTING
REGULATIONS**

WHEREAS, on April 25, 2019, the Commission published a Notice of Proposed Action (NOPA) formally notifying the public of the Energy Commission's intent to adopt proposed regulations for spray sprinkler bodies, the Express Terms of the proposed regulations, an Initial Statement of Reasons (ISOR) describing the rationale for the proposal, Appendix B of the U.S. EPA WaterSense Specification for Spray Sprinkler Bodies, incorporated by reference, Standardized Regulatory Impact Assessment (SRIA), Final Staff Report; and

WHEREAS, on April 26, 2019, the NOPA was published in the California Regulatory Notice Register; and

WHEREAS, on May 9, 2019, the Commission published a Notice of Extension of Comment Period, extending the comment period to June 17, 2019; and

WHEREAS, on May 16, 2019, the Commission published an Initial Study and Proposed Negative Declaration for Spray Sprinkler Bodies and a Notice of Availability, concluding that the proposed regulations would result in water and energy savings and reductions in air pollution, and there would be no significant adverse impacts to the environment as a result; and

WHEREAS, on June 18, 2019, the Commission held a Public Hearing to hear comments on the proposed 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

WHEREAS, on August 2, 2019, the Commission provided notice designating August 14, 2019, 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

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 spray sprinkler bodies 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 water and energy for appliances that require a significant amount of water 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
- In adopting these regulations, the Commission considered the Irrigation Association's Smart Water Application Technology Program testing protocols, and ultimately determined that Appendix B of the U.S. EPA WaterSense Specification for Spray Sprinkler Bodies was a preferable test procedure for purposes of these regulations; and

With regard to the Administrative Procedure Act:

- 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
- 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, when savings accruing over the lifetime of the appliance is considered; and

- The proposed regulations will result in no costs or savings in federal funding to the State of California; and
- The proposed regulations will not result in cost or savings to any state agency in reasonable compliance with these regulations; and
- The proposed regulations will result in no nondiscretionary costs or savings to local agencies or school districts when savings accruing over the lifetime of the appliance is considered; 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 water use are taken into account; and
- The proposed regulations will result in some 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 water use; and
- The proposed regulations will result in non-economic benefits, on a statewide level, such as reduction in air pollution, greenhouse gas emissions, water use and demand, 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 water or energy than allowed, so that the anticipated water savings, and 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 regulations as published on April 25, 2019.

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 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 May 16, 2019. 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.

RESOLVED, additionally, 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 April 25, 2019 (Cal. Code of Regs., tit. 20, §§ 1601-1607). We take this action under the authority of, and to implement, interpret, and make specific, sections 25213, 25218(e), 25401.9 and 25402 of the Public Resources Code.

FURTHER BE IT 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 August 14, 2019.

AYE: Hochschild, Scott, McAllister, Monahan

NAY: None

ABSENT: Douglas

ABSTAIN: None

Original Signed by:

Cody Goldthrite
Secretariat