

DOCKETED

Docket Number:	24-BSTD-01
Project Title:	2025 Energy Code Rulemaking
TN #:	258659
Document Title:	Notice of 15-Day Comment Period (August 2024), 2025 Building Energy Standards and Reference Appendices
Description:	This is the notice of proposed changes to the 2025 Building Energy Efficiency Standards and Reference Appendices, and 15-day public comment period (August 2024).
Filer:	Javier Perez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/22/2024 3:51:19 PM
Docketed Date:	8/22/2024

CALIFORNIA ENERGY COMMISSION715 P Street
Sacramento, California 95814energy.ca.gov

CEC-057 (Revised 1/21)



Notice of Availability and Opportunity to Comment

15-DAY PUBLIC COMMENT PERIOD

PROPOSED REVISIONS TO THE Building Energy Efficiency Standards California Code of Regulations (CCR), Title 24, Part 6, and Part 1, Chapter 10

California Energy Commission Docket No. 24-BSTD-01

This notice provides an opportunity for interested parties to comment on an updated set of proposed revisions to regulatory text for the 2025 update to California's Building Energy Efficiency Standards (Energy Code). As described in this notice, written comments can be submitted from August 22, 2024, to September 6, 2024.

On March 29, 2024, the California Energy Commission (CEC) published the Notice of Proposed Action (NOPA) with proposed amendments to the Building Energy Efficiency Standards contained in the California Code of Regulations (CCR), Title 24, Part 6 (also known as the California Energy Code) and associated administrative regulations in Title 24, Part 1, Chapter 10 (collectively called the Express Terms). The CEC made all of the documents available for a 45-day public comment period ending May 13, 2024, and held three lead commissioner public hearings on April 16, 17, and 18, 2024. This initial set of regulatory text is designated "45-day language (March 2024)."

Based on comments received during the 45-day comment period and the lead commissioner public hearings, on June 13, 2024, the CEC published an initial Notice of 15-Day Comment Period with proposed changes to the 45-day language (March 2024). The CEC made all the documents available for a 15-day public comment period ending June 28, 2024, and this set of regulatory text is designated as "June 2024 Express Terms." For reference, the complete version of the June 2024 Express Terms is available at the rulemaking docket number 24-BSTD-01 on the CEC's website, at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-BSTD-01>.

In response to comments received on the June 2024 Express Terms, the CEC is publishing this second Notice of 15-Day Public Comment Period with proposed additional changes specifically limited to the following sections of the California Code of Regulations, Title 24:

- Administrative Procedures for the Energy Code Compliance Program, Part 1, Chapter 10, Section 10-103.3,

- Compliance Software, Alternative Component Packages, Exceptional Methods, Data Registries and Related External Digital Data Sources, Alternative Residential Field Verification Protocols, Electronic Document Repositories, Photovoltaic, and Battery Energy Storage System Requirement Determinations, Part 1, Chapter 10, Section 10-109,
- Definitions, Part 6, Section 100.1,
- Mandatory Requirements for Fans, Part 6, Section 120.10,
- Performance Approach: Energy Budgets for Nonresidential Buildings, Part 6, Section 140.1(a),
- Prescriptive Requirements for Space Conditioning Systems, Multi-zone Space-conditioning System Types, Part 6, Section 140.4(a)3,
- Prescriptive Requirements for New or Replacement Space-Conditioning Systems or Components in Nonresidential Buildings, Alterations, Part 6, Section 141.0(b)2C,
- Performance and Prescriptive Compliance Approaches for Single-Family Residential Buildings, Part 6, Section 150.1(b)1A,
- Mandatory Requirements for Space Conditioning Systems in Multifamily Buildings, Dwelling Unit Space-Conditioning and Air Distribution Systems, Part 6, Section 160.3(b)5Liii,
- Multifamily Buildings Performance Compliance Approach, Part 6, Section 170.1(a)1,
- Qualification Requirements for High Luminous Efficacy Light Sources, Marking, Joint Appendix JA8.5 and JA8.9, and
- Qualification Requirements for Heat Pump Water Heater Demand Management Systems, Minimum Performance Requirements, Efficiency, Joint Appendix JA13.3.2(a).

This newly published set of regulatory text is designated, “August 2024 Express Terms.” Only sections that include proposed changes are included in the associated regulatory text; all other sections of the proposed California Energy Code update remain the same as in the June 2024 Express Terms.

The public is invited to submit written comments on the proposed changes to these sections included in the August 2024 Express Terms during a second 15-day comment period from August 22 through September 6, 2024. **Any interested person may submit written comments to the CEC for consideration on or prior to September 6, 2024.** The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely. The CEC may, but is not required to, respond to untimely comments.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=24-BSTD-01> which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent with California Code of Regulations, Title 20, Section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 24-BSTD-01 in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket No.24-BSTD-01
715 P Street, MS-4
Sacramento, CA 95814

The proposed August 2024 Express Terms and related documents are available for review on the CEC website at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency>.

New deletions and additions to the proposed language are shown in italics double ~~strike through~~ to indicate deletions and italics double underline to indicate additions.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The California Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in the proposed August 2024 Express Terms at the above-referenced website.

PLEASE TAKE NOTICE that the CEC may consider and possibly adopt the proposed regulations at a CEC business meeting at the date and time listed below. Interested persons, or their authorized representative, may present oral and written statements, arguments, or contentions relevant to the proposed regulations at the business meeting. The business meeting will be hybrid, both in person and on Zoom. If the date, time, place, or nature of the proposed adoption changes, the CEC will provide updated information in the rulemaking docket.

California Energy Commission
Business Meeting
Wednesday, September 11, 2024

10:00 a.m. - 3:00 p.m. (Pacific Time)

For further details on attending the September 11, 2024, business meeting, visit the CEC website at <https://www.energy.ca.gov/event/meeting/2024-09/energy-commission-business-meeting>.

To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the proceeding subscription service at the CEC website at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency>. The subscription service sends out email notifications and direct links when documents and notices are filed in the proceeding docket.

CEC Contacts

If you are unable to access the website and would like a copy of the rulemaking documents mailed or emailed to you, or if you have any questions, please contact Tajanee Ford-Whalen at tajanee.ford-whelan@energy.ca.gov.

For all questions related to the California Energy Code, please reach out to our Energy Standards Hotline at (800) 772-3300.

The CEC's Public Advisor assists the public with participation in CEC proceedings. To request assistance, interpreting services, or reasonable modifications and accommodations, call (916) 957-7910 or email publicadvisor@energy.ca.gov as soon as possible but at least five days in advance. The CEC will work diligently to meet all requests based on availability.

Summary of Proposed Amendments

A list of the proposed modifications has been added to the end of this document in the table titled Summary of Amendments. These amendments do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis because the modifications consist primarily of provision clarifications that do not alter implementation or compliance with the regulations. Therefore, no additional environmental analysis or recirculation of the analysis is required.

Additional Documents Incorporated by Reference

The existing California Energy Code incorporates a number of industry test standards by reference. The amendments proposed for the 2025 California Energy Code include updates to these standards as needed to maintain currency. The following documents are in addition to those identified in the Notice of Proposed Action and are being incorporated by reference into the California Energy Code. These documents are available from the CEC upon request (please reach out to the CEC contact above) or are otherwise reasonably accessible from commonly available sources.

Appendix B to Subpart B of 10 CFR 430 - Uniform Test Method for Measuring the Input Power, Lumen Output, Lamp Efficacy, Correlated Color Temperature (CCT), Color Rendering Index (CRI), Power Factor, Time to Failure, and Standby Mode Power of Integrated Light-Emitting Diode (LED) Lamps.

Appendix A to Subpart J of 10 CFR 431 - Uniform Test Method for the Measurement of Energy Consumption of Fans and Blowers Other Than Air Circulating Fans

Northwest Energy Efficiency Alliance (NEEA) Specification, Version 8.1, effective date July 15, 2024.

Additional Documents Relied Upon

The following documents are being added to the record for this rulemaking to provide additional support for the proposed changes to the regulatory text.

Excerpt of Revised Staff Draft – Title 24 FV&DT Regulations Showing Revisions – Appendix B. TN# 258652.

Staff Memo – Revisions to 2025 Energy Code, Section 141.0(b)2Cii for Nonresidential HVAC Alterations. TN# 258651.

Staff Memo – Revisions to Cost-effectiveness Analysis for 2025 Energy Code, Section 140.4(a)3. TN# 258646.

Staff Memos – Revisions to 2025 Energy Code, Section 140.4(a)3:

- Variable Refrigerant Flow Systems for Schools. TN# 258645.
- Variable Air Volume with AWHP and Parallel Fan-Powered Boxes. TN# 258650.
- Dual-Fan Dual-Duct with Air-Source Heat Pump. TN# 258644.

CalCERTS, Inc. Final Notice – Closing as a HERS Provider. TN# 258647.

Approval Memo from the Office of the State Fire Marshal at CAL FIRE. TN# 258648.

Nine-Point Criteria Analysis for the Proposed Revisions to 2025 Title 24, Part 1 and Part 6. TN# 258649.

Excerpt of Pre-Rulemaking Draft 2025 Energy Code Express Terms – Section 10-103.3. TN# 258642.

Air-to-Water Heat Pump Incremental Costs – Additional Detail.

<https://www.energy.ca.gov/filebrowser/download/6569?fid=6569>

Multizone Heat Pump Analysis – Additional Detail.

<https://www.energy.ca.gov/filebrowser/download/6570?fid=6570>

Variable Refrigerant Flow Incremental Costs for Schools – Additional Detail.

<https://www.energy.ca.gov/filebrowser/download/6582?fid=6582>

Summary of Amendments

Section	Summary of Amendment
10-103.3(b)1Avii	Define the registration of and associated procedures for the Consumer Information Form as submitting the information outlined in the coded section.
10-103.3(b)1Avii	Minor language edits to provide clarity.
10-103.3(b)5B	Delete “one non QII shadow audit, one in lab audit,” which was intended to be removed prior to publication of 45-day express terms based on feedback during the pre-rulemaking process.
10-103.3(d)5Ci	Remove language that is duplicated in Section 10-103.3(d)5Cif.
10-103.3(d)5Cif	Add a start-trigger for onsite audits of sample-groups (the 100th unit) for clarity, as well as other clarifying edits.
10-103.3(d)11G	Simplify the ECC-Rater Company Annual Report requirement for ECC-Provider to include only the current ECC-Provider pricing assigned to each ECC-Rater Company and Independent ECC-Rater. Specify terms of confidentiality for the ECC-Rater Company Annual Report.
10-103.3(e)2G	Redirect the reported Rater Company financial data to the Energy Commission rather than to the Providers.
10-103.3(e)2G	Clarify the name of the annual report required to be submitted by independent ECC-Raters as "the Annual Activity Report" and correct an improper reference to a coded section.
10-103.3(f)2A	Remove the proposed regulation that requires the ECC-Rater Companies to post a list of all employed ECC-Raters because this information is duplicated as a responsibility of the ECC-Provider.
10-103.3(f)2F	Clarify the name of the annual report required to be submitted by ECC-Rater Companies as "the Annual Activity Report," and make other minor language edits to provide clarity.
10-103.3(f)2F	Redirect the Annual Activity Report to the Energy Commission rather than to the ECC-Provider. Specify terms of confidentiality.

10-109(c)1B	Replace energy budget pointer "below" in the first sentence of Section 10-109(c)1B with specific section references, e.g. Title 24 Part 6 Sections 140.1(a), 150.1(b)1 and 170.1(a). Update the description of long-term system (LSC) cost to remove the end use breakdowns for Efficiency LSC and Total LSC.
100.1	Update definition for "NEEA Advanced Water Heater Specification" from version 8.0 to version 8.1.
100.1	Add definition for "Self-Utilization Credit" for clarity.
120.10	Replace reference to ANSI/AMCA 208-18 with reference to Appendix A to Subpart J of 10 CFR 431.
140.1(a)	To more accurately reflect energy use sources within the Energy Code's Metrics: update Efficiency LSC description to include lighting and revise Total LSC description to reference battery energy storage system and remove lighting, and other plug loads.
140.4(a)3	Revise nonresidential multizone HVAC prescriptive requirements for added flexibility and clarity.
Table 141.0-E-1	Update Table 141.0-E-1 to align with August 2024 15-day amendments.
150.1(b)1A	Update description of Long-Term System Cost for consistency.
160.3(b)5Liii, Exception 1	Edit this multifamily exception to align with the single-family exception, Exception 1 to Section 150.0(m)13B.
170.1(a)1	Update the description of Long-Term System Cost for consistency.
JA8.5, and JA8.9	Replace reference to Elevated Temperature Life Test in the ENERGY STAR Product Specification for Luminaires with a reference to the federal test procedure specified in Appendix BB to Subpart B of 10 CFR 430 (2018).
JA13.3.2(a)	Correct reference to NEEA Advanced Water Heater Specification.