

DOCKETED

Docket Number:	17-AAER-14
Project Title:	Appliance Efficiency Standards Certification Rulemaking for Residential Air Filters, Residential Pool Pump and Motor Combinations, and Replacement Residential Pool Pump Motors
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Document Title:	Resolution Adopting Amendments to the Appliance Energy Efficiency Regulations
Description:	N/A
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STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

IN THE MATTER OF:

**Residential Air Filters, Residential Pool
Pump and Motor Combinations, and
Replacement Residential Pool Pump
Motors Appliance Efficiency
Certification Rulemaking**

Docket No. 17-AAER-14

RESOLUTION NO. 17-0809-6

**RESOLUTION ADOPTING AMENDMENTS TO THE
APPLIANCE ENERGY EFFICIENCY REGULATIONS**

WHEREAS, on June 16, 2017, the Energy Commission published a Notice of Proposed Action (NOPA) for the proposed regulations in the California Notice Register; and

WHEREAS, the Energy Commission also made available to the public the Express Terms of the proposed regulations, and the Initial Statement of Reasons (ISOR) that summarized and explained the rationale for the proposed regulations, and prepared the legally required fiscal and economic analysis of the proposed regulations; and

WHEREAS, the NOPA, Express Terms, and ISOR were provided to every person in the Energy Commission's Appliance Listserve, to a representative number of small business enterprises or their representatives, and to every person who had requested notice of such matters; and

WHEREAS, the NOPA, Express Terms, and ISOR, as well as documents relied on for this certification rulemaking, were also posted on the Energy Commission's website; and

WHEREAS, the NOPA specified a public hearing date of August 9, 2017, and provided for a comment period of 45 days; and

WHEREAS, the Energy Commission previously adopted these amendments through emergency regulations pursuant to Government Code section 11346.1 on March 8, 2017, which the Office of Administrative Law approved on March 27, 2017, and made effective on that date; and

WHEREAS, the emergency regulations will expire on September 26, 2017 and the purpose of this rulemaking is to certify and adopt the emergency regulations on a permanent basis, pursuant to Government Code section 11346.1(e); and

WHEREAS, the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.; see also CEQA Guidelines, Cal. Code Regs., tit.14, § 15000 et seq.) requires that state agencies consider the environmental impact of their discretionary decisions; however, an activity is not subject to CEQA if: (1) the activity does not involve the exercise of discretionary powers by a public agency; (2) the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or (3) the activity is not a “project” as defined in section 15378 of the regulations. (Cal. Code Regs., tit.14, §§ 15060(c); 15378(a).) and, furthermore, the requirements of CEQA only apply to projects that have the potential for causing a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15061(b)(3).) ; and

WHEREAS, a significant effect on the environment is defined as a substantial, or potentially substantial, adverse change in the environment. (Pub. Resources Code § 21068; Cal. Code Regs., tit. 14, §15382.); and

WHEREAS, there is no possibility that the adoption of these amendments would have a significant effect on the environment or result in a physical change to the environment.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

A. The adopted regulations:

- (1) amend California Code of Regulations, title 20, section 1606, Table X, subsection C, and section 1607(d)(12), to delay the date by which residential air filters for use in forced-air heating or forced-air cooling equipment must comply with the testing, certification, and marking requirements in the Appliance Efficiency Regulations from July 1, 2016, to April 1, 2019;
- (2) amend California Code of Regulations, title 20, section 1602(g) and section 1606, Table X, subsection G, to define permanent magnet synchronous

motors and allow the certification of permanent magnet synchronous motors as a permissible motor construction type for use in residential pool pump and motor combinations or used as replacement residential pool pump motors;

- (3) certify and make permanent the amendments to California Code of Regulations, title 20, section 1602(g), section 1606, Table X, subsection C and G, and section 1607(d)(12), adopted by the Energy Commission as emergency regulations on March 8, 2017.

B. In addition, the adopted regulations:

- (1) are not inconsistent or incompatible with existing state regulations;
- (2) are not inconsistent or incompatible with existing federal law;
- (3) 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;
- (4) will result in no costs or savings in federal funding to the State of California;
- (5) will result in not costs or saving to any state agency;
- (6) will result in no nondiscretionary costs or savings to local agencies or school districts;
- (7) will have no impact on housing costs;
- (8) will have no significant, statewide adverse effect on business in general or small business in particular;
- (9) will have no cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the regulations;
- (10) will not have an economic impact on California business enterprises and individuals in an amount exceeding fifty million dollars;

- (11) will have no impact on the creation or elimination of jobs within the state;
- (12) will have no impact on the creation of new businesses or the elimination of existing businesses;
- (13) will have no impact on the expansion of businesses currently doing business within the state;
- (14) will not require any additional mandatory data reporting;
- (15) has 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
- (16) will provide increased clarity to the regulated community.

THEREFORE BE IT RESOLVED, that the Energy Commission finds that the adoption of these amendments is not subject to CEQA because of the “common sense” exemption under California Code of Regulations, title 14, section 15061(b)(3); and

BE IT FURTHER RESOLVED, based on the entire record of this proceeding, the California Energy Commission hereby adopts the herein described amendments. We take this action under the authority of, and to implement, interpret, and make specific Public Resources Code sections 25213, 25218(e), and 25402(c); and

BE IT FURTHER RESOLVED, the Energy Commission delegates the authority and directs the Executive Director, or authorized designee, 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 and preparing and filing all appropriate documents, such as the Final Statement of Reasons with the Office of Administrative Law, 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 August 9, 2017.

AYE: Weisenmiller, Douglas, McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None

Original Signed by:

Cody Goldthrite
Secretariat