

CALIFORNIA ENERGY COMMISSION1516 Ninth Street
Sacramento, California 95814Main website: www.energy.ca.gov**09-AAER-1A**DATE MAY 13 2009RECD. MAY 21 2009

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the matter of:)	Docket No. 09-AAER-1A
)	
2008 Rulemaking on Appliance Efficiency)	Order Directing Scope of 2008
Regulations: California Code of Regulations,)	Appliance Efficiency Rulemaking
Title 20, Section 1601 through Section 1608)	Proceeding for Landscape Irrigation
_____)	Efficiency Standards

COMMITTEE SCOPING ORDER

In this order, the California Energy Commission's Efficiency Committee (Committee) establishes the scope of the landscape irrigation equipment proposed regulations as Phase 2, Part 1A of the 2008 Rulemaking on *Appliance Efficiency Regulations (Regulations)*. These regulations will amend Title 20, California Code of Regulations, Section 1601 through Section 1608. This Committee order addresses the equipment to be considered and a schedule of key milestones for adopting amendments to the *Regulations* by January 1, 2010. Commissioner Arthur Rosenfeld is the Presiding Member, and Commissioner Julia Levin is the Associate Member of the Efficiency Committee.

Process

On December 5, 2007, the Energy Commission approved an Order Instituting Rulemaking (OIR) to amend the *Regulations*. The OIR stated the Committee may divide the rulemaking into phases and establish the scope of each phase appropriately and, in addition to specific appliances listed, indicates that the phases would potentially cover "other priority matters as determined by the Committee."¹ Under this OIR, the Committee will open Phase 2, Part 1A of the 2008 Rulemaking on Appliance Efficiency Regulations for Landscape Irrigation Equipment.

On April 1, 2009, the Committee held a workshop to discuss and receive public comment on the scope of possible amendments to the *Regulations* necessary to fulfill the requirements of the Water Conservation in Landscaping Act of 2006, also called Assembly Bill (AB) 1881 (Laird, Chapter 559, Statutes of 2006).

¹ "This rulemaking shall focus initially on (1) "general purpose lighting" in order to help meet the requirements of AB 1109 (Stats. 2007, ch. 534, enacting Pub. Resources Code, § 25402.5.4); (2) battery chargers; (3) updates and clarification; and (4) other priority matters as determined by the Committee. The Committee may divide the rulemaking into phases and shall establish (and may from time to time modify) the scope of each phase, following one or more scoping workshops and with appropriate attention to staffing needs and resources."

[http://www.energy.ca.gov/appliances/2008rulemaking/documents/2007-12-05_ORDER.PDF]

AB 1881 requires the Energy Commission, in consultation with the Department of Water Resources and as far as funds are available, to adopt, by regulation, performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves, to reduce energy or water consumption.

AB 1881 added Section 25401.9 to the Public Resources Code and requires the Energy Commission to adopt requirements for landscape irrigation controllers and moisture sensors (specifically) by January 1, 2010, and, on and after January 1, 2012, prohibit the sale or installation of irrigation controllers or moisture sensors that do not meet the adopted requirements. The Energy Commission is also to prepare and submit to the Legislature a report that sets forth a proposed schedule for adopting performance standards and labeling requirements for emission devices and valves on or before January 1, 2010.

Scope of the Landscape Irrigation Efficiency Standards and Labeling Requirements

This proceeding will focus on (1) irrigation controllers, including but not limited to clock timers, weather and soil moisture based controllers, and add-on devices to controllers; (2) moisture sensors, including but not limited to rain and soil moisture sensors; and (3) to the extent resources are available and adequate supporting evidence can be produced, check valves, flow sensors, low-head anti-drain, automatic shut off devices, pressure regulating devices, and other such elements of landscape irrigation equipment.

The Committee directs staff to evaluate the equipment listed above and other applicable devices and develop performance standards that will reduce consumption of energy or water. Staff is directed to evaluate and propose labeling requirements if found to be needed to inform consumers of potential water or energy savings associated with proper installation, operation, and maintenance of these devices. Staff is also directed to report to the Committee when additional proceedings need to be initiated to evaluate additional appropriate standards and labeling requirements consistent with the requirements of AB 1881.

Staff is directed to work with state and federal agencies, stakeholders, utilities, water agencies and other interested parties to develop the needed analyses and evaluations to justify any proposed efficiency standards, data collection regulations, and labeling requirements. To the extent appropriate, staff is to include in their analyses existing and ongoing studies by outside parties including but not limited to: Smart Water Application Technologies (SWAT) test results, studies funded under Proposition 13 regarding landscape efficiency, assessments of onsite and embedded energy impacts, existing performance and conservation requirements and programs, and case studies developed by local agencies while implementing landscape efficiency programs.

Schedule

The Committee's tentative schedule for completion of Phase 2, Part 1A of the 2008 Appliance Efficiency Rulemaking is attached.

**2008 Appliance Efficiency Rulemaking
Schedule for Phase 2, Part 1A
Regarding Landscape Irrigation Efficiency Standards**

Task/Event	Date(s) 2009
Committee Scoping Workshop	April 1, 2009
Committee Scoping Order Issued	May 13, 2009
Meetings/discussions with stakeholders	June
Staff draft report published	End of July
Committee workshop on staff report and proposals	Early August
Publication of the Notice of Proposed Action and the Express Terms to begin the 45-Day period of the rulemaking	August
Committee hearing on 45-Day language*	September
Hearing to adopt 45-Day language if the Committee decides to not publish 15-Day language revision to the proposed regulations	October Business Meeting
Publish 15-Day language, as needed	November
Commission adoption of final amendments	December 16

*If there is substantial comment on the proposed regulations, the Committee may decide to hold another Committee workshop or hearing or allow more time for written comments to be provided or for staff to reconsider the proposed changes or develop additional information to respond to comments.

Participation

Proposed amendments to the *Regulations* will be based on the record developed during this proceeding, including data and technical analyses by staff, stakeholders, industry representatives, and other parties provided they are submitted to the Energy Commission for inclusion in the public record. Parties will be directed to use the docket established for this proceeding (Docket No. 09-AAER-1A) when submitting information for the Energy Commission's consideration. The Committee encourages the active participation of all interested and affected parties.

The Energy Commission's Public Adviser provides assistance to the public participating in Energy Commission activities. If you would like information on how to participate in this proceeding, please contact the Public Adviser's Office by phone at (916) 654-4489 or toll-free at (800) 822-6228, by FAX at (916) 654-4493, or by e-mail at [publicadviser@energy.state.ca.us].

The service list for the 2009 Irrigation Equipment Performance Standards and Labeling Requirements Proceeding will be handled electronically. Notices and documents related to this proceeding will continue to be posted to the Energy Commission website at [www.energy.ca.gov/appliances/irrigation/]. When new information is posted, an e-mail will be sent to those on the appliance standards e-mail list server. We encourage those who are interested in receiving these notices to sign up for the list server through the website <http://www.energy.ca.gov/listservers/>.

Technical questions should be directed to Lorraine White, by phone at (916) 654-4075 or by e-mail at [lwhite@energy.state.ca.us], or alternatively to Tim Tutt, Process Energy, Appliances, and Load Management Office Manager, by phone at (916) 654-4590 or by e-mail at [ttutt@energy.state.ca.us]. Please direct all news media inquiries to the Media Office at (916) 654-4989, or by e-mail at [mediaoffice@energy.state.ca.us].

The Committee will provide further direction on the scope of Phase 2, Part 1A and subsequent phases of the 2008 Appliance Efficiency Rulemaking as needed and appropriate in the coming months.

May 13, 2009



ARTHUR H. ROSENFELD
Commissioner and Presiding Member
Efficiency Committee



JULIA LEVIN
Commissioner and Associate Member
Efficiency Committee

Note: The California Energy Commission's formal name is the State Energy Resources Conservation and Development Commission.