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

DOCKET**09-AAER-1A**

DATE July 28 2009

RECD. July 29 2009

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

**COMMITTEE ORDER SUSPENDING
THE PROCEEDING FOR LANDSCAPE IRRIGATION EQUIPMENT
EFFICIENCY PERFORMANCE STANDARDS**

The California Energy Commission's Efficiency Committee (Committee) hereby suspends the proceeding to establish landscape irrigation equipment efficiency performance standards and labeling requirements, Phase 2, Part 1A of the 2008 Rulemaking on *Appliance Efficiency Regulations (Regulations)*. Commissioner Arthur H. Rosenfeld is the Presiding Member, and Commissioner Julia Levin is the Associate Member of the Efficiency Committee.

Background

The Water Conservation in Landscaping Act (Assembly Bill 1881, Laird, Chapter 559, Statutes of 2006) added Section 25401.9 to the Public Resources Code and directs the Energy Commission, to the extent funds are available, to adopt performance standards and labeling requirements for landscape irrigation controllers and moisture sensors by January 1, 2010, and to prepare and submit a report to the Legislature by January 1, 2010, that sets forth a proposed schedule for adopting performance standards and labeling requirements for emission devices and valves.

Process

On December 5, 2007, the Energy Commission approved an Order Instituting Rulemaking (OIR) to amend the *Regulations*. Pursuant to the OIR, the Committee opened Phase 2, Part 1A of the 2008 Rulemaking on Appliance Efficiency Regulations for Landscape Irrigation Equipment in March 2009.

On April 1, 2009, the Committee held a workshop to receive and discuss public comment on the scope of possible amendments to the *Regulations* necessary to fulfill the requirements of the Water Conservation in Landscaping Act. On May 12, 2009, the

Committee issued the Scoping Order for the proceeding, addressing the equipment to be considered and a schedule of key milestones for adopting amendments to the *Regulations* by the statutory deadline of January 1, 2010.

In addition to outreach and information gathering, staff held several meetings with the Department of Water Resources, researchers, manufacturers, and water conservation organizations to better understand available studies. On June 1 and 30, 2009, staff held two public workshops to discuss with interested parties the regulatory requirements incumbent on the Energy Commission in setting standards, to explore issues, and to solicit information, data, and analyses. Parties were asked to submit responses to key questions by June 15, 2009 and additional information by July 10, 2009.

Proceeding Suspension

After reviewing the available information and submittals by the parties, the Committee has determined that there is insufficient technical data and analyses necessary to substantiate specific standards or labeling requirements for the landscape irrigation equipment defined in the Scoping Order.

Public Resources Code section 25402, subdivision (c), requires the Energy Commission to set standards for appliances that use a significant amount of energy or water; that are feasible, and reduce energy or water demand growth; and do not result in any added total costs for consumers over the designed life of the appliances.

As a result of the information gained through the staff's technical workshops and review of available studies, it is clear that initial expectations that adequate information would be available on which to base a proposed standard that met the above requirements and criteria were incorrect.

Sufficient information on costs, actual performance, and methods to verify savings is lacking. In addition, recent studies have shown that the use of industry-preferred controllers, or "Smart Controllers", frequently increases water use as well as energy consumption. The only industry accepted test methods available for controllers do not test for water conservation, but rather measure the efficiency of applying adequate amounts of water supplies to landscapes. Industry accepted test methods, albeit under development, are not finalized for other landscape irrigation equipment, such as rain or soil moisture sensors.

In order to develop the needed information and evidence, the Committee recognizes that significant additional time and resources are necessary to conduct the needed studies and to complete the analyses. Due to increasing Energy Commission workload and priorities and increased staff furloughs, it will be necessary to retain paid consultants to provide the Committee and staff with the necessary studies and analyses to properly conduct this proceeding. The funds to retain such consultants have not been identified, and are not provided for in the authorizing legislation, and thus such funds are not "available" as required in the Water Conservation in Landscaping Act.

As a result, the Committee is suspending the proceeding until such time as sufficient funding resources become available to pursue and complete the evidence-gathering,

studies, and analyses necessary to re-initiate the proceeding. In the interim, staff is directed, as resources are available, to work with the Department of Water Resources and other interested parties on further data gathering, studies, analyses and issue resolution.

Public Record and 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. The docket established for this proceeding (Docket No. 09-AAER-1A) will contain the record on which the Energy Commission will base its regulations.

The service list for the 2009 Irrigation Equipment Performance Standards and Labeling Requirements Proceeding is 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 at <http://www.energy.ca.gov/listservers/>.

Questions about this order or technical issues should be directed to Lorraine White, by phone at (916) 654-4075 or by e-mail at lwhite@energy.state.ca.us. Please direct all news media inquiries to the Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffice@energy.state.ca.us.

July 28, 2009



ARTHUR H. ROSENFELD
Commissioner and Presiding Member
Efficiency Committee



JULIA LEVIN
Commissioner and Associate Member
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Note: The California Energy Commission's formal name is the State Energy Resources Conservation and Development Commission.