

[Second Reprint]

## **ASSEMBLY, No. 4819**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

INTRODUCED OCTOBER 19, 2020

**Sponsored by:**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

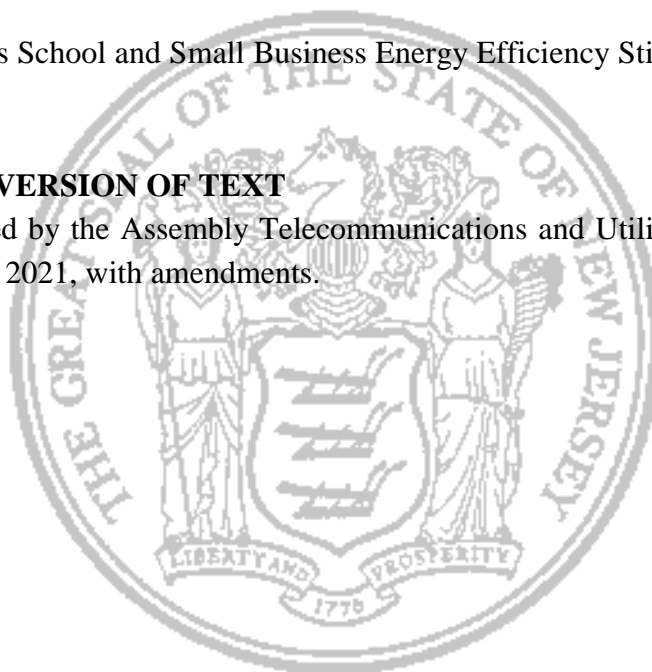
**Assemblymen Benson, Bergen, McClellan, Assemblywoman Chaparro,  
Assemblymen Simonsen, Caputo, Assemblywomen Reynolds-Jackson,  
Lopez, Assemblymen Karabinchak, Johnson, Assemblywomen Vainieri  
Huttle and Jasey**

### **SYNOPSIS**

Establishes School and Small Business Energy Efficiency Stimulus Program in BPU.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Telecommunications and Utilities Committee on March 15, 2021, with amendments.



**(Sponsorship Updated As Of: 5/20/2021)**

1 AN ACT establishing the School and Small Business Energy  
 2 Efficiency Stimulus Program in the Board of Public Utilities and  
 3 supplementing Title 48 of the Revised Statutes and amending  
 4 P.L.1999, c.23.

5  
 6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 7 *of New Jersey:*

8  
 9 1. (New section) As used in in P.L. , c. (C. ) (pending  
 10 before the Legislature as this bill):

11 “ANSI” means American National Standards Institute.

12 “ASHRAE” means the American Society of Heating,  
 13 Refrigerating and Air-Conditioning Engineers.

14 “Board” means the Board of Public Utilities or any successor  
 15 agency.

16 "Board of education" means and includes the board of education  
 17 of any local school district, consolidated school district, regional  
 18 school district, county vocational school and any other board of  
 19 education or other similar body other than the State Board of  
 20 Education, the Commission on Higher Education or the Presidents'  
 21 Council, established and operating under the provisions of Title  
 22 18A of the New Jersey Statutes and having authority to make  
 23 purchases and to enter into contracts for the provision or  
 24 performance of goods or services. "Board of education" shall  
 25 include the board of trustees of a charter school established under  
 26 P.L.1995, c.426 (C.18A:36A-1 et seq.).

27 <sup>1</sup>“Certified TAB technician” means a technician certified to  
 28 perform testing, adjusting, and balancing of HVAC systems by the  
 29 Associated Air Balance Council (AABC), the National  
 30 Environmental Balancing Bureau (NEBB), or the Testing,  
 31 Adjusting and Balancing Bureau (TABB).<sup>1</sup>

32 “Coronavirus 2019” means the coronavirus disease 2019, as  
 33 announced by the World Health Organization on February 11, 2020,  
 34 and first identified in Wuhan, China.

35 “HVAC” means heating, ventilation, and air conditioning.

36 <sup>1</sup>**“Licensed professional” means a professional licensed in this**  
 37 **State to perform system design, construction, or installation of**  
 38 **features, materials, components, or manufactured devices for**  
 39 **mechanical systems required pursuant to P.L. , c. (C. )**  
 40 **(pending before the Legislature as this bill).<sup>1</sup>]**

41 “Licensed mechanical engineer” means an engineer licensed by  
 42 the State Board of Professional Engineers and Land Surveyors in  
 43 active and good standing, subject to no disciplinary or other State  
 44 board actions.

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly ATU committee amendments adopted February 24, 2021.

<sup>2</sup>Assembly ATU committee amendments adopted March 15, 2021.

1 “MERV” means minimum efficiency reporting value.<sup>1</sup>

2 “Noncompliant appliance” means all of the following:

3 a. a commercial dishwasher that was manufactured prior to  
4 January 1, 2010, that does not meet the efficiency requirement of  
5 the Energy Star Product Specification for Commercial Dishwashers,  
6 Version 1.1;

7 b. an automatic commercial ice maker that was manufactured  
8 prior to January 1, 2010, that does not meet the efficiency  
9 requirement of the Energy Star Product Specification for Automatic  
10 Commercial Ice Makers, Version 1; or

11 c. a commercial clothes washer that was manufactured prior to  
12 1 January 1, 2010, that does not meet the efficiency requirement of  
13 the Energy Star Product Specification for Clothes Washers, Version  
14 5.0.

15 “Noncompliant plumbing fixture” means:

16 a. a toilet manufactured to use more than 1.6 gallons of water  
17 per flush;

18 b. a urinal manufactured to use more than one gallon of water  
19 per flush;

20 c. a showerhead manufactured to have a flow capacity of more  
21 than 2.5 gallons of water per minute; or

22 d. an interior faucet that emits more than 2.2 gallons of water  
23 per minute.

24 <sup>1</sup>“PPM” means parts per million.<sup>1</sup>

25 “Program” means the School and Small Business Energy  
26 Efficiency Stimulus Program established pursuant to section 2 of  
27 P.L. , c. (C. ) (pending before the Legislature as this bill).

28 <sup>1</sup>“Qualified adjusting personnel” means either of the following:

29 a. a certified TAB technician; or

30 b. a skilled and trained workforce under the supervision of a  
31 certified TAB technician.

32 “Qualified testing personnel” means either of the following:

33 a. a certified TAB technician; or

34 b. a skilled and trained workforce under the supervision of a  
35 TAB technician.

36 “Registered apprenticeship program” means a plan containing all  
37 the terms and conditions for the qualification, recruitment,  
38 selection, employment, and training of apprentices, as required  
39 under Part 29 and Part 30 of Title 49 of the Code of Federal  
40 Regulations, including meeting all requirements set forth under  
41 section 2 of P.L.2019, c.518 (C.34:11-56.71).

42 “Skilled and trained workforce” means a workforce where at  
43 least 60 percent of the construction workers are graduates of a  
44 registered apprenticeship program for the applicable occupation.<sup>1</sup>

45 “Small business” means a sole proprietorship, partnership or  
46 corporation that has its principal place of business in the State, is of  
47 a size and type determined by the board, and is a women’s business

1 or minority business, as those terms are defined in section 2 of  
2 P.L.1987, c.55 (C.52:27H-21.8).

3 “SSBNPFA Program” means the School and Small Business  
4 Noncompliant Plumbing Fixture and Appliance Program established  
5 pursuant to section 4 of P.L. , c. (C. ) (pending before the  
6 Legislature as this bill).

7 “SSBVEEVR Program” means the School and Small Business  
8 Ventilation and Energy Efficiency Verification and Repair Program  
9 established pursuant to section 3 of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill).

11 <sup>1</sup>“TAB” means testing, adjusting, and balancing.<sup>1</sup>

12 “Underserved community” means a school district in which at  
13 least 75 percent of public school students are eligible to receive free  
14 or reduced-price meals under the National School Lunch Program  
15 established pursuant to the "Richard B. Russell National School  
16 Lunch Act," Pub.L.79-396 (42 U.S.C. s.1751 et seq.).

17 “Water-conserving appliance” means any of the following:

18 a. a commercial dishwasher that meets the criteria of the  
19 Energy Star Product Specification for Commercial Dishwashers,  
20 Version 2.0, or any revision to those criteria published by the  
21 United States Environmental Protection Agency that is adopted by  
22 the board for the program;

23 b. an automatic commercial ice maker that meets the criteria of  
24 the Energy Star Product Specification for Automatic Commercial  
25 Ice Makers, Version 3.0, or any revision to those criteria published  
26 by the United States Environmental Protection Agency that is  
27 adopted by the board for the program; or

28 c. a commercial clothes washer that meets the criteria of the  
29 Energy Star Product Specification for Clothes Washers, Version  
30 8.0, or any revision to those criteria published by the United States  
31 Environmental Protection Agency that is adopted by the board for  
32 the program.

33

34 2. (New section) a. The Board of Public Utilities shall establish  
35 and administer a School and Small Business Energy Efficiency  
36 Stimulus Program for the purpose of providing grants to boards of  
37 education and small businesses for the installation of certain HVAC  
38 systems and energy efficient and water-conserving appliances to  
39 improve air quality and energy efficiency in school districts under the  
40 jurisdiction of a board of education and small businesses, including  
41 school districts and small businesses in underserved communities. The  
42 program shall consist of the following programs:

43 (1) The School and Small Business Ventilation and Energy  
44 Efficiency Verification and Repair Program; and

45 (2) The School and Small Business Noncompliant Plumbing  
46 Fixture and Appliance Program.

47 b. Not less than 25 percent of projects funded by the SSBVEEVR  
48 Program or SSBNPFA Program shall be allocated for school districts

1 and small businesses located in underserved communities. The  
2 SSBVEEVR Program and SSBNPFA Program shall prioritize an  
3 underserved community by ensuring that all boards of education and  
4 small businesses that are located in an underserved community are  
5 offered the opportunity to apply for and receive grants, pursuant to this  
6 section, before those boards of education and small businesses that are  
7 not located in an underserved community.

8 c. The board shall begin to solicit applications from boards of  
9 education and small businesses for grants made pursuant to this section  
10 on or before <sup>2</sup>~~April~~ July<sup>2</sup> 1, 2021 and begin to approve applications  
11 for a grant no later than <sup>2</sup>~~May~~ August<sup>2</sup> 1, 2021, subject to the  
12 availability of funds.

13 d. The program shall be funded by monies collected from the  
14 societal benefits charge, as determined by the board, pursuant to  
15 paragraph (6) of subsection a. of section 12 of P.L.1999, c.23 (C.48:3-  
16 60) and shall be allocated as follows:

17 (1) 75 percent of funds for the SSBVEEVR Program; and

18 (2) 25 percent of funds for the SSBNPFA Program.

19  
20 3. (New section) a. The board shall establish and administer  
21 the SSBVEEVR Program to award grants to boards of education  
22 and small businesses to ensure schools under board of education  
23 jurisdiction and small businesses shall have functional HVAC  
24 systems that are tested, adjusted, and, if necessary or cost effective,  
25 repaired, upgraded, or replaced to increase efficiency and  
26 performance.

27 b. A board of education or small business may apply for a grant  
28 pursuant to section 2 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill) by submitting an application to the board, in  
30 a form and manner determined by the board, for reasonable costs of  
31 the HVAC assessment, assessment report, general maintenance,  
32 adjustment of ventilation rates, filter replacement, and carbon  
33 dioxide monitor installation.

34 c. (1) The board shall award a grant if the amount requested in  
35 the application is verified by a licensed <sup>1</sup>~~professional's~~  
36 mechanical engineer's<sup>1</sup> estimate and the board of education and  
37 small business meet other requirements determined by the board to  
38 be appropriate to achieve the purposes of P.L. , c. (C. )  
39 (pending before the Legislature as this bill). A grant shall be  
40 awarded in the amount requested plus, as contingency funding, an  
41 additional amount, up to 20 percent of the requested amount for  
42 repairs, upgrades, or replacements necessary, as identified by the  
43 licensed <sup>1</sup>~~professional~~ mechanical engineer<sup>1</sup>, to make the system  
44 functional or more energy efficient.

45 (2) If a licensed <sup>1</sup>~~professional~~ mechanical engineer<sup>1</sup> identifies  
46 cost-effective energy efficiency upgrades or repairs that would  
47 exceed the additional 20 percent awarded, a board of education or

1 small business may apply for additional funding for the cost-  
2 effective energy efficiency upgrades or repairs.

3 (3) The board shall award a grant pursuant to section 2 of  
4 P.L. , c. (C. ) (pending before the Legislature as this bill) for  
5 reimbursement of work already performed where the work was  
6 contracted and performed after August 1, 2020, and meets the  
7 requirements of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill), and the board of education and small  
9 business meet other requirements determined by the board to be  
10 appropriate to achieve the purposes of P.L. , c. (C. )  
11 (pending before the Legislature as this bill).

12 (4) The 20-percent contingency funding set forth in paragraph  
13 (1) of this subsection shall be returned to the SSBVEEVR Program  
14 if not used for the purposes specified in P.L. , c. (C. )  
15 (pending before the Legislature as this bill). A board of education  
16 and small business shall provide the board with documentation, as  
17 specified by the board, demonstrating how contingency funds were  
18 spent.

19 (5) The board shall have the authority to establish the timing of  
20 grant funding, including the ability to provide some or all funding  
21 in advance of the performance of work where requirements to  
22 ensure performance are established.

23 <sup>1</sup>d. (1) Qualified testing personnel or qualified adjusting  
24 personnel shall do all of the following:

25 (a) For a board of education or small business receiving a grant  
26 to install filtration with a MERV of 13 or better in the HVAC  
27 system of a school and small business building, where feasible,  
28 qualified testing personnel shall review system capacity and airflow  
29 to determine the highest MERV filtration that can be installed  
30 without adversely impacting equipment, shall replace or upgrade  
31 filters where needed, and shall verify that those filters are installed  
32 correctly. If a HVAC system uses ultraviolet germicidal irradiation  
33 to disinfect the air, the ultraviolet germicidal irradiation lamp shall  
34 be checked for proper operation, replacing bulbs as needed and  
35 verifying that the ultraviolet light does not shine on filters.  
36 Recommendations for additional maintenance, replacement, or  
37 upgrades to allow for more protective filtration shall be recorded in  
38 the assessment report.

39 (b) For HVAC systems with economizers, qualified testing  
40 personnel shall test HVAC system economizer dampers.  
41 Economizer dampers and controls that are not properly functioning  
42 shall be repaired by a skilled and trained workforce.  
43 Recommendations for additional maintenance, replacement, or  
44 upgrades shall be recorded in the assessment report.

45 (c) Concerning a school building, after completing the  
46 requirements of subparagraph (b) of this paragraph, qualified  
47 testing personnel shall verify the ventilation rates in the school and  
48 small business building, and other occupied areas to assess whether

1 they meet the minimum ventilation rate requirements set forth in  
2 ANSI/ASHRAE Standard 62.1-2019, Ventilation for Acceptable  
3 Indoor Air. Assessment, which shall include all of the following:

4 (i) A calculation of the required minimum outside air  
5 ventilation rates for each occupied area based on the anticipated  
6 occupancy and the minimum required ventilation rate per occupant.  
7 Calculations shall be based on maximum anticipated building or  
8 other occupied area occupancy rates and determined by the  
9 performing technician. Natural ventilation shall be designed in  
10 accordance with Section 402 of the 2018 International Mechanical  
11 Code and shall include mechanical ventilation systems designed in  
12 accordance with Section 403 of the 2018 International Mechanical  
13 Code; and

14 (ii) The measurement of outside air and verification of whether  
15 the HVAC system provides the minimum outside air ventilation  
16 rates calculated under this subparagraph.

17 If the HVAC system does not meet the minimum ventilation rate  
18 requirements, the licensed mechanical engineer or qualified  
19 adjusting personnel shall review the HVAC system airflow and  
20 capacity to determine if additional ventilation can be provided  
21 without adversely impacting equipment performance and building  
22 indoor environmental quality. If additional ventilation can be  
23 provided, qualified adjusting personnel shall adjust ventilation rates  
24 to meet the minimum ventilation rate requirements set forth,  
25 pursuant to this paragraph, to the extent feasible. After the  
26 adjustment, the measurement of outside air and verification of  
27 whether the HVAC system provides the minimum outside air  
28 ventilation rates calculated under this subparagraph shall be  
29 repeated. If minimum ventilation rate requirements cannot be met,  
30 this deficiency shall be reported in the assessment report and the  
31 verification report and shall be addressed by a licensed mechanical  
32 engineer as required.

33 (d) Survey readings of inlets and outlets to verify that all  
34 ventilation is reaching the served zone and that there is adequate  
35 distribution. Qualified testing personnel or qualified adjusting  
36 personnel shall verify if inlets and outlets are balanced within  
37 tolerance of the system design. Qualified testing personnel or  
38 qualified adjusting personnel shall document read values and  
39 deficiencies. If the original HVAC system design values are not  
40 available, qualified testing personnel or qualified adjusting  
41 personnel shall document the available information and note the  
42 unavailability of HVAC system design values in the assessment  
43 report.

44 (e) Verify building pressure relative to the outdoors to ensure  
45 positive pressure differential and to ensure the building is not over  
46 pressurized.

1     (f) Verify coil velocities and coil and unit discharge air  
2     temperatures as required to maintain desired indoor conditions and  
3     to avoid moisture carry over from cooling coils.

4     (g) Verify that separation between outdoor air intakes and  
5     exhaust discharge outlets meet requirements of the 2018  
6     International Mechanical Code.

7     (h) Confirm that the air handling unit is bringing in outdoor air  
8     and removing exhaust air as intended by the system design.

9     (i) Measure all exhaust air volume for exhaust fans, including  
10    restrooms and document any discrepancies from system design.

11    (j) If a demand control ventilation system is installed, qualified  
12    testing personnel or qualified adjusting personnel shall test it and  
13    adjust the ventilation to a carbon dioxide set point of 800 PPM or  
14    less. If the demand control ventilation system does not maintain  
15    average daily maximum carbon dioxide levels below 1,100 PPM, it  
16    shall be disabled until such time as the board of education or small  
17    business determines that the COVID-19 pandemic has ended, unless  
18    disabling the control would adversely affect operation of the overall  
19    system. When disabling a demand control ventilation system, the  
20    system shall be configured to meet the minimum ventilation rate  
21    requirements and tested and adjusted in accordance with  
22    subparagraph (b) of this paragraph. Recommendations for  
23    additional maintenance, replacement or upgrades shall be recorded  
24    in the assessment report.

25    (k) A qualified testing personnel or a skilled and trained  
26    workforce shall verify coil condition, condensate drainage, cooling  
27    coil air temperature differentials, heat exchanger operation, and  
28    drive assembly. If repairs, replacement, or upgrades are necessary,  
29    these deficiencies shall be reported in the assessment report and the  
30    verification report, and addressed by a licensed mechanical  
31    engineer.

32    (l) Review control sequences to verify the HVAC systems will  
33    maintain intended ventilation, temperature and humidity conditions  
34    during school and small business operation. Previously unoccupied  
35    buildings shall perform the recommended practices of reopening a  
36    building as covered in the ASHRAE Building Readiness document  
37    – Restarting a Building.

38    (m) Verify a daily flush is scheduled for two hours before and  
39    after scheduled occupancy or demonstrate calculation of flush times  
40    per ASHRAE Guidance for Reopening and Operating Schools and  
41    Buildings or otherwise applicable local or State guidance.

42    (n) Verify that HVAC system operational times, exhaust fans  
43    operation times, setpoints, and enabled features meet ASHRAE  
44    Guidance for Reopening and Operating Schools and Buildings or  
45    otherwise applicable local or State guidance.

46    (2) Requirements for filtration levels, ventilation rates, and  
47    ventilation schedules may be amended by the board based on the  
48    latest COVID-19 or other applicable guidance.



1     (3) If installed HVAC systems or system components are  
2 broken, fail to meet minimum ventilation requirements, or are  
3 unable to operate to the original design and intent, this information  
4 shall be set forth in the assessment report prepared and be provided  
5 to a licensed mechanical engineer for determination of appropriate  
6 corrective measures. Repairs, upgrades, or replacements shall be  
7 performed by a skilled and trained workforce.

8     (4) (a) For a school building, to ensure proper ventilation is  
9 maintained throughout the school year, all classrooms shall be  
10 equipped with a carbon dioxide monitor that meets all of the  
11 following requirements:

12     (i) The monitor shall be hard-wired or plugged-in and mounted  
13 to the wall between three and six feet above the floor and at least  
14 five feet away from the door and operable windows.

15     (ii) The monitor shall display the carbon dioxide readings to the  
16 teacher or other building staff through a display on the device or  
17 other means such as a web-based application or cellular phone  
18 application.

19     (iii) The monitor shall provide a notification through a visual  
20 indicator on the monitor, such as an indicator light, or other alert  
21 system, such as an electronic mail, text, or cellular telephone  
22 application, when the carbon dioxide levels in the classroom have  
23 exceeded 1,100 PPM.

24     (iv) The monitor shall maintain a record of previous data that  
25 includes at least the maximum carbon dioxide concentration  
26 measured.

27     (v) The monitor shall have a carbon dioxide concentration range  
28 of 400 PPM to 2000 PPM or greater.

29     (vi) The monitor shall be certified by the manufacturer to be  
30 accurate within 75 PPM at 1,000 PPM carbon dioxide concentration  
31 and certified by the manufacturer to require calibration no more  
32 frequently than once every five years.

33     (b) If a classroom carbon dioxide concentration exceeds 1,100  
34 PPM more than once a week as observed by the teacher or other  
35 building staff, the classroom ventilation rates shall be adjusted by  
36 qualified personnel to ensure peak carbon dioxide concentrations in  
37 the classroom remain below the maximum allowable carbon dioxide  
38 PPM setpoint. Verification of the installation of carbon dioxide  
39 monitors in all classrooms shall be included in the assessment  
40 report.

41     (c) The requirements of subsubparagraphs (i) to (vi) of  
42 subparagraph (a) of this paragraph, may be amended by the board as  
43 necessary to reflect available technology and to achieve the intent  
44 of this paragraph.

45     (5) A qualified testing personnel or qualified adjusting  
46 personnel shall prepare an assessment report for review by a  
47 licensed mechanical engineer. The licensed mechanical engineer  
48 shall review the assessment report and determine what, if any,

1 additional adjustments or repairs would be necessary to meet the  
2 minimum ventilation and filtration requirements, determine whether  
3 any cost-effective energy efficiency upgrades or replacements are  
4 warranted or recommended, and provide an estimated cost for this  
5 work. If the cost of recommended repairs, upgrades, or  
6 replacements are greater than the contingency amount provided in  
7 the grant, then the licensed mechanical engineer and the board of  
8 education and small business shall submit an application for  
9 additional funding pursuant to this section. The provision of any  
10 additional funding for repairs, upgrades, or replacements shall be  
11 conditioned on the applicant ensuring that all construction work  
12 funded, in whole or in part, by the additional funding is performed  
13 by a skilled and trained workforce. The assessment report shall  
14 include all of the following information:

15 (a) Name and address of the school and small business building  
16 and person or contractor preparing and certifying assessment report.

17 (b) Documentation of HVAC equipment model number, serial  
18 number, general condition of unit, and any additional information  
19 that could be used to assess replacement and repair options given  
20 potential for increased energy efficiency benefits.

21 (c) Either verification that MERV 13 filters have been installed  
22 or verification that the maximum MERV-rated filter that the HVAC  
23 system is able to effectively handle has been installed and what that  
24 MERV-rating is.

25 (d) For a school building, the verified ventilation rates for  
26 facility classrooms, auditoriums, gymnasiums, nurses' offices,  
27 restrooms, offices, and other occupied areas, and whether those  
28 rates meet the requirements set forth in ANSI/ASHRAE Standard  
29 62.1-2019. If ventilation rates do not meet applicable requirements,  
30 then an explanation for why the current system is unable to meet  
31 those rates shall be provided.

32 (e) For a school building, the verified exhaust rates for building  
33 classrooms, auditoriums, gymnasiums, nurses' offices, restrooms,  
34 and other occupied areas and whether those rates meet the  
35 requirements set forth in the design intent.

36 (f) Documentation of system deficiencies and recommendations  
37 for additional maintenance, replacement, or upgrades to improve  
38 energy efficiency, safety, or performance.

39 (6) Upon completion of all work funded by a grant pursuant to  
40 this section, the board of education shall have prepared an HVAC  
41 verification report. The HVAC verification report shall include all  
42 of the following information:

43 (a) The name and address of the school and small business  
44 building and person or who prepared and certified the report.

45 (b) A description of the assessment, maintenance, adjustment,  
46 repair, upgrade, and replacement activities and outcomes.

47 (c) A verification that the board of education has complied with  
48 all requirements of this section.

1     (d) A verification that either MERV 13 filters have been  
2 installed or a verification that the maximum MERV-rated filter that  
3 the HVAC system is able to effectively handle has been installed  
4 and the MERV-rating level.

5     (e) The verified ventilation rates for building classrooms,  
6 auditoriums, gymnasiums, nurses' offices, restrooms, offices, and  
7 other occupied areas and whether those rates meet the requirements  
8 set forth in ANSI/ASHRAE Standard 62.1-2019. If ventilation rates  
9 do not meet applicable guidance, then the report shall provide an  
10 explanation for why the current system is unable to meet those  
11 rates.

12     (f) The verified exhaust for building classrooms, auditoriums,  
13 gymnasiums, nurses' offices, restrooms, and other occupied areas  
14 and whether those rates meet the requirements set forth in the  
15 design intent.

16     (g) Documentation of HVAC system deficiencies and  
17 recommendations for additional maintenance, replacement, or  
18 upgrades to improve energy efficiency, safety, or performance.

19     (h) Documentation of the initial operating verifications,  
20 adjustments, and final operating verifications of the HVAC system,  
21 and documentation of any adjustments or repairs performed on the  
22 HVAC system.

23     (i) Verification of the installation of carbon dioxide monitors,  
24 including the make and model of the monitors.

25     (j) Verification that all work has been performed by qualified  
26 personnel, including the provision of the contractor's name, TAB  
27 technician name and certification number, and verification that all  
28 construction work has been performed by a skilled and trained  
29 workforce.

30     (7) Other than the workforce qualification requirements, the  
31 technical and reporting requirements of the SSBVEEVR Program  
32 may be amended by the board as necessary, to reflect the latest  
33 COVID-19 or other applicable guidance, or otherwise to achieve the  
34 intent of the SSBVEEVR Program and to ensure consistency with  
35 the related requirements and codes.

36     (8) The board of education shall maintain a copy of the HVAC  
37 verification report and make it available to any member of the  
38 public or the board upon request.<sup>1</sup>

39     <sup>1</sup>**[d.]** e.<sup>1</sup> As a condition for receiving a grant pursuant to  
40 section 2 of P.L. , c. (C. ) (pending before the Legislature as this  
41 bill), a board of education and small business shall comply with the  
42 requirements of this section for all air-handling units, rooftop units,  
43 and unitary and single zone equipment in its schools' or small  
44 business' HVAC system or systems. <sup>1</sup>Any costs associated with  
45 complying with this subsection shall be automatically included in  
46 any grant amount awarded under the program.<sup>1</sup>

47     (1) An HVAC system installed pursuant to this section shall  
48 meet the ANSI/ASHRAE Standard 62.1-2010, Ventilation for

1 Acceptable Indoor Air Quality and shall have a licensed  
2 **professional mechanical engineer**<sup>1</sup> perform the following:

3 (a) review control sequences to verify HVAC systems will  
4 maintain intended ventilation, temperature, and humidity conditions  
5 during school and small business operation. Previously unoccupied  
6 buildings shall perform the recommended practices of reopening a  
7 building as covered in the ASHRAE Building Readiness document  
8 –Restarting a Building;

9 (b) verify a daily flush is scheduled for two hours before and  
10 after scheduled occupancy or demonstrate calculation of flush times  
11 per ASHRAE Guidance for Reopening and Operating Schools or  
12 Commercial Buildings, as applicable, or otherwise applicable local  
13 or State guidance; and

14 (c) verify that HVAC system operational times, exhaust fans  
15 operation times, setpoints, and enabled features meet ASHRAE  
16 Guidance for Reopening and Operating Schools or Commercial  
17 Buildings, as applicable, or otherwise applicable local or State  
18 guidance.

19 (2) A requirement for filtration levels, ventilation rates, and  
20 ventilation schedules may be amended by the board based on the  
21 latest coronavirus 2019, or other applicable, guidance.

22 **f.**<sup>1</sup> Concerning a school, to ensure proper ventilation is  
23 maintained throughout the school year, all school district  
24 classrooms shall be equipped with a carbon dioxide monitor that  
25 meets requirements determined by the board. If a classroom carbon  
26 dioxide concentration exceeds 1,100 parts per million more than  
27 once a week as observed by the teacher or the facilities staff, the  
28 classroom ventilation rates shall be adjusted by licensed  
29 **professional mechanical engineer**<sup>1</sup> to ensure peak carbon  
30 dioxide concentrations in the classroom remain below the maximum  
31 allowable carbon dioxide parts per million setpoint.

32 **f.**<sup>1</sup> **g.**<sup>1</sup> A licensed **professional mechanical engineer**<sup>1</sup> shall  
33 determine what, if any, additional adjustments or repairs would be  
34 necessary to meet the minimum ventilation and filtration  
35 requirements, pursuant to this section, determine whether any  
36 further cost-effective energy efficiency upgrades or replacements  
37 are warranted or recommended, and provide an estimated cost for  
38 this work. If the cost of recommended repairs, upgrades, or  
39 replacements are greater than the contingency amount provided in  
40 the grant, then the licensed **professional mechanical engineer**<sup>1</sup>  
41 and the board of education or small business shall submit an  
42 application for additional funding pursuant to section 2 of P.L. ,  
43 c. (C. ) (pending before the Legislature as this bill).

44 **g.**<sup>1</sup> **h.**<sup>1</sup> Upon completion of all work funded by a grant  
45 pursuant to P.L. , c. (C. ) (pending before the Legislature as this  
46 bill), a board of education and small business shall prepare an

1 HVAC verification report. The HVAC verification report shall  
2 include all of the following information:

3 (1) the name and address of a school facility or small business  
4 and person or contractor preparing and certifying the report;

5 (2) a description of the assessment, maintenance, adjustment,  
6 repair, upgrade, and replacement activities and outcomes;

7 (3) verification that the board of education and small business  
8 has complied with all requirements of P.L. , c. (C. )  
9 (pending before the Legislature as this bill);

10 (4) verification that the school facility and small business meet  
11 ANSI/ASHRAE Standard 62.1-2010, Ventilation for Acceptable  
12 Indoor Air Quality;

13 (5) documentation of HVAC system deficiencies and  
14 recommendations for additional maintenance, replacement, or  
15 upgrades to improve energy efficiency, safety, or performance;

16 (6) verification of the installation of carbon dioxide monitors,  
17 pursuant to subsection e. of this section, including the make and  
18 model of the monitors; and

19 (7) verification that all work has been performed by a licensed  
20 **professional mechanical engineer**<sup>1</sup>, including the provision of  
21 the contractor's name and license.

22 **h.**<sup>1</sup> The requirements of this section may be amended by  
23 the board as necessary to reflect available technology and to  
24 achieve the intent of P.L. , c. (C. ) (pending before the Legislature  
25 as this bill).

26 **i.**<sup>1</sup> A board of education and small business shall maintain  
27 a copy of the HVAC verification report made pursuant to subsection  
28 **g.**<sup>1</sup> of this section and make it to any member of the public or  
29 the board upon request.

30

31 4. (New section) a. The board shall establish and administer  
32 the School and Small Business Noncompliant Plumbing Fixture and  
33 Appliance Program to provide grants to boards of education to  
34 replace noncompliant plumbing fixtures and appliances that fail to  
35 meet water efficiency standards, and waste and potable water and  
36 the energy used to convey that water, with water-conserving  
37 plumbing fixtures and appliances.

38 b. A board of education and small business may apply for a  
39 grant pursuant to section 2 P.L. , c. (C. ) (pending before  
40 the Legislature as this bill) by submitting an application to the  
41 board, in a form and manner determined by the board, showing the  
42 existence of noncompliant plumbing fixtures or appliances in the  
43 school or small business for which the grant funding will be used  
44 and a cost estimate that is verified by a contractor for the  
45 replacement of the noncompliant plumbing fixtures and appliances  
46 with water-conserving plumbing fixtures and water-conserving  
47 appliances, and the board of education and small business meet

1 other requirements determined by the board to be appropriate to  
2 achieve the purposes of this section.

3 c. The board is authorized to provide technical assistance or  
4 award grants pursuant to the SSBNPFA Program to assist a board of  
5 education and small business in identifying noncompliant plumbing  
6 fixtures and noncompliant appliances eligible for replacement  
7 pursuant to this section.

8  
9 5. (New section) The Board of Public Utilities may adopt,  
10 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
11 (C.52:14B-1 et seq.), rules and regulations necessary to effectuate  
12 the purposes of P.L. , c. (C. ) (pending before the  
13 Legislature as this bill).

14  
15 6. Section 12 of P.L.1999, c.23 (C.48:3-60) is amended to read  
16 as follows:

17 12. a. Simultaneously with the starting date for the  
18 implementation of retail choice as determined by the board pursuant  
19 to subsection a. of section 5 of P.L.1999, c.23 (C.48:3-53), the  
20 board shall permit each electric public utility and gas public utility  
21 to recover some or all of the following costs through a societal  
22 benefits charge that shall be collected as a non-bypassable charge  
23 imposed on all electric public utility customers and gas public  
24 utility customers, as appropriate:

25 (1) The costs for the social programs for which rate recovery  
26 was approved by the board prior to April 30, 1997. For the purpose  
27 of establishing initial unbundled rates pursuant to section 4 of  
28 P.L.1999, c.23 (C.48:3-52), the societal benefits charge shall be set  
29 to recover the same level of social program costs as is being  
30 collected in the bundled rates of the electric public utility on the  
31 effective date of P.L.1999, c.23 (C.48:3-49 et al.). The board may  
32 subsequently order, pursuant to its rules and regulations, an increase  
33 or decrease in the societal benefits charge to reflect changes in the  
34 costs to the utility of administering existing social programs.  
35 Nothing in P.L.1999, c.23 (C.48:3-49 et al.) shall be construed to  
36 abolish or change any social program required by statute or board  
37 order or rule or regulation to be provided by an electric public  
38 utility. Any such social program shall continue to be provided by  
39 the utility until otherwise provided by law, unless the board  
40 determines that it is no longer appropriate for the electric public  
41 utility to provide the program, or the board chooses to modify the  
42 program;

43 (2) Nuclear plant decommissioning costs;

44 (3) The costs of demand side management programs that were  
45 approved by the board pursuant to its demand side management  
46 regulations prior to April 30, 1997. For the purpose of establishing  
47 initial unbundled rates pursuant to section 4 of P.L.1999, c.23  
48 (C.48:3-52), the societal benefits charge shall be set to recover the

1 same level of demand side management program costs as is being  
2 collected in the bundled rates of the electric public utility on the  
3 effective date of P.L.1999, c.23 (C.48:3-49 et al.). Within four  
4 months of the effective date of P.L.1999, c.23 (C.48:3-49 et al.),  
5 and every four years thereafter, the board shall initiate a proceeding  
6 and cause to be undertaken a comprehensive resource analysis of  
7 energy programs, and within eight months of initiating such  
8 proceeding and after notice, provision of the opportunity for public  
9 comment, and public hearing, the board, in consultation with the  
10 Department of Environmental Protection, shall determine the  
11 appropriate level of funding for energy efficiency , plug-in electric  
12 vehicles and plug-in electric vehicle charging infrastructure, and  
13 Class I renewable energy programs that provide environmental  
14 benefits above and beyond those provided by standard offer or  
15 similar programs in effect as of the effective date of P.L.1999, c.23  
16 (C.48:3-49 et al.); provided that the funding for such programs be  
17 no less than 50 percent of the total Statewide amount being  
18 collected in electric and gas public utility rates for demand side  
19 management programs on the effective date of P.L.1999, c.23  
20 (C.48:3-49 et al.) for an initial period of four years from the  
21 issuance of the first comprehensive resource analysis following the  
22 effective date of P.L.1999, c.23 (C.48:3-49 et al.), and provided  
23 that 25 percent of this amount shall be used to provide funding for  
24 Class I renewable energy projects in the State. In each of the  
25 following fifth through eighth years, the Statewide funding for such  
26 programs shall be no less than 50 percent of the total Statewide  
27 amount being collected in electric and gas public utility rates for  
28 demand side management programs on the effective date of  
29 P.L.1999, c.23 (C.48:3-49 et al.), except that as additional funds are  
30 made available as a result of the expiration of past standard offer or  
31 similar commitments, the minimum amount of funding for such  
32 programs shall increase by an additional amount equal to 50 percent  
33 of the additional funds made available, until the minimum amount  
34 of funding dedicated to such programs reaches \$140,000,000 total.  
35 After the eighth year the board shall make a determination as to the  
36 appropriate level of funding for these programs. Such programs  
37 shall include a program to provide financial incentives for the  
38 installation of Class I renewable energy projects in the State, and  
39 the board, in consultation with the Department of Environmental  
40 Protection, shall determine the level and total amount of such  
41 incentives as well as the renewable technologies eligible for such  
42 incentives which shall include, at a minimum, photovoltaic, wind,  
43 and fuel cells. The board shall simultaneously determine, as a result  
44 of the comprehensive resource analysis, the programs to be funded  
45 by the societal benefits charge, the level of cost recovery and  
46 performance incentives for old and new programs and whether the  
47 recovery of demand side management programs' costs currently  
48 approved by the board may be reduced or extended over a longer

1 period of time. The board shall make these determinations taking  
2 into consideration existing market barriers and environmental  
3 benefits, with the objective of transforming markets, capturing lost  
4 opportunities, making energy services more affordable for low  
5 income customers and eliminating subsidies for programs that can  
6 be delivered in the marketplace without electric public utility and  
7 gas public utility customer funding;

8 (4) Manufactured gas plant remediation costs, which shall be  
9 determined initially in a manner consistent with mechanisms in the  
10 remediation adjustment clauses for the electric public utility and gas  
11 public utility adopted by the board; **[and]**

12 (5) The cost, of consumer education, as determined by the  
13 board, which shall be in an amount that, together with the consumer  
14 education surcharge imposed on electric power supplier license fees  
15 pursuant to subsection h. of section 29 of P.L.1999, c.23 (C.48:3-  
16 78) and the consumer education surcharge imposed on gas supplier  
17 license fees pursuant to subsection g. of section 30 of P.L.1999,  
18 c.23 (C.48:3-79), shall be sufficient to fund the consumer education  
19 program established pursuant to section 36 of P.L.1999, c.23  
20 (C.48:3-85) ; and

21 (6) School and Small Business Energy Efficiency Stimulus  
22 Program grants, as determined by the board, issued pursuant  
23 to P.L. , c. (C. ) (pending before the Legislature as this  
24 bill).

25 b. There is established in the Board of Public Utilities a  
26 nonlapsing fund to be known as the "Universal Service Fund." The  
27 board shall determine: the level of funding and the appropriate  
28 administration of the fund; the purposes and programs to be funded  
29 with monies from the fund; which social programs shall be provided  
30 by an electric public utility as part of the provision of its regulated  
31 services which provide a public benefit; whether the funds  
32 appropriated to fund the "Lifeline Credit Program" established  
33 pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.), the "Tenants'  
34 Lifeline Assistance Program" established pursuant to P.L.1981,  
35 c.210 (C.48:2-29.31 et seq.), the funds received pursuant to the Low  
36 Income Home Energy Assistance Program established pursuant to  
37 42 U.S.C. s.8621 et seq., and funds collected by electric and natural  
38 gas utilities, as authorized by the board, to offset uncollectible  
39 electricity and natural gas bills should be deposited in the fund; and  
40 whether new charges should be imposed to fund new or expanded  
41 social programs.

42 (cf: P.L.2019, c.362, c.13)

43  
44 7. This act shall take effect immediately.