

SENATE, No. 3995

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 21, 2021

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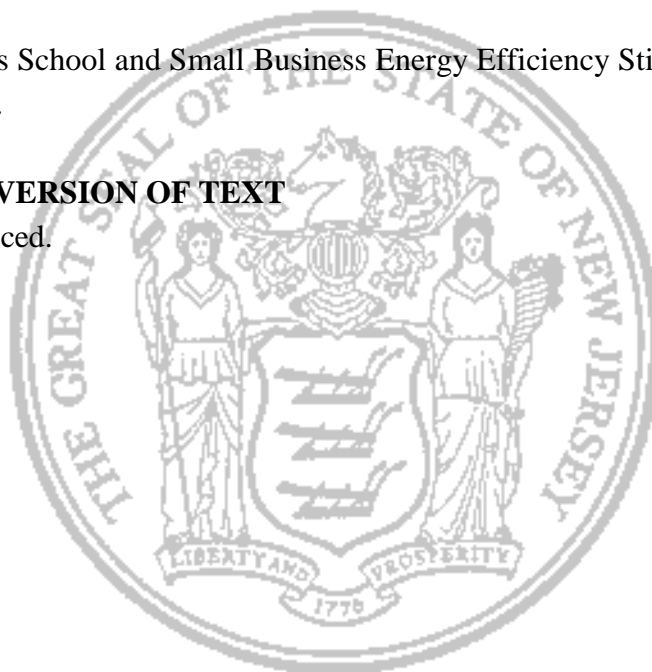
**Senators Gopal, Ruiz, Assemblyman Benson, Assemblywoman Murphy,
Assemblymen Freiman, Verrelli and Assemblywoman Reynolds-Jackson**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT establishing the School and Small Business Energy
2 Efficiency Stimulus Program Fund in the Board of Public
3 Utilities and supplementing Title 48 of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “ANSI” means American National Standards Institute.

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

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

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

26 “Certified energy auditor” means a commercial entity determined
27 to be qualified by the board to conduct and develop an energy audit
28 meeting the standards of ASHRAE Level II and III, including those
29 qualified by the Division of Property Management and Construction
30 in the Department of the Treasury.

31 “Certified TAB technician” means a technician certified to perform
32 testing, adjusting, and balancing of HVAC systems by the
33 Associated Air Balance Council (AABC), the National
34 Environmental Balancing Bureau (NEBB), or the Testing,
35 Adjusting and Balancing Bureau (TABB).

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

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

40 “MERV” means minimum efficiency reporting value.

41 “Noncompliant appliance” means all of the following:

42 a. a commercial dishwasher that was manufactured prior to
43 January 1, 2010, that does not meet the efficiency requirement of
44 the Energy Star Product Specification for Commercial Dishwashers,
45 Version 1.1;

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

1 c. a commercial clothes washer that was manufactured prior to 1
2 January 1, 2010, that does not meet the efficiency requirement of
3 the Energy Star Product Specification for Clothes Washers, Version
4 5.0.

5 “Noncompliant plumbing fixture” means:

6 a. a toilet manufactured to use more than 1.6 gallons of water
7 per flush;

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

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

12 d. an interior faucet that emits more than 2.2 gallons of water
13 per minute.

14 “PPM” means parts per million.

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

18 “Qualified adjusting personnel” or “qualified testing personnel”
19 means either of the following:

20 a. a certified TAB technician; or

21 b. a skilled and trained workforce under the supervision of a
22 certified TAB technician.

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

29 “Skilled and trained workforce” means a workforce where at
30 least 60 percent of the construction workers are graduates of a
31 registered apprenticeship program for the applicable occupation.

32 "Small business" means a sole proprietorship, partnership or
33 corporation that has its principal place of business in the State, is of
34 a size and type determined by the board, and is a women’s business
35 or minority business, as those terms are defined in section 2 of
36 P.L.1987, c.55 (C.52:27H-21.8).

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

41 “SSBVEEVR Program” means the School and Small Business
42 Ventilation and Energy Efficiency Verification and Repair Program
43 established pursuant to section 4 of P.L. , c. (C.) (pending
44 before the Legislature as this bill).

45 “TAB” means testing, adjusting, and balancing.

46 “Underserved community” means a school district in which at
47 least 75 percent of public school students are eligible to receive free
48 or reduced-price meals under the National School Lunch Program

1 established pursuant to the "Richard B. Russell National School
2 Lunch Act," Pub.L.79-396 (42 U.S.C. s.1751 et seq.).

3 "Water-conserving appliance" means any of the following:

4 a. a commercial dishwasher that meets the criteria of the Energy
5 Star Product Specification for Commercial Dishwashers, Version
6 2.0, or any revision to those criteria published by the United States
7 Environmental Protection Agency that is adopted by the board for
8 the program;

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

14 c. a commercial clothes washer that meets the criteria of the
15 Energy Star Product Specification for Clothes Washers, Version
16 8.0, or any revision to those criteria published by the United States
17 Environmental Protection Agency that is adopted by the board for
18 the program.

19

20 2. a. The Board of Public Utilities shall establish and administer
21 a fund to be known as the School and Small Business Energy
22 Efficiency Stimulus Program Fund for the purpose of providing
23 grants to boards of education and small businesses for the
24 installation of certain HVAC systems and energy efficient and
25 water-conserving appliances to improve air quality and energy
26 efficiency in school districts under the jurisdiction of a board of
27 education and small businesses, including school districts and small
28 businesses in underserved communities. The monies deposited into
29 the program fund shall only be used to support the following
30 programs:

31 (1) The School and Small Business Ventilation and Energy
32 Efficiency Verification and Repair Program; and

33 (2) The School and Small Business Noncompliant Plumbing
34 Fixture and Appliance Program.

35 b. Seventy-five percent of projects funded by the SSBVEEVR
36 Program or SSBNPFA Program shall be allocated for school
37 districts and small businesses located in underserved communities.

38 c. The board shall begin to solicit applications from boards of
39 education and small businesses for grants made pursuant to this
40 section on or before October 1, 2021 and begin to approve
41 applications for a grant no later than December 1, 2021, subject to
42 the availability of funds.

43 d. The program fund shall be funded by monies provided to the
44 State from the federal government under the "American Rescue
45 Plan Act of 2021," Pub. L. 117-2, as determined by the board, and
46 shall be allocated as follows:

47 (1) 75 percent of funds for the SSBVEEVR Program; and

48 (2) 25 percent of funds for the SSBNPFA Program.

1 e. Seventy-five percent of grant funds issued pursuant to this
2 section shall be awarded to school districts and the remaining 25
3 percent shall be awarded to small businesses.

4 f. Program grants made pursuant to this section shall provide no
5 more than 75 percent of the cost of projects approved by the board,
6 with the remaining 25 percent covered by non-SSBVEEVR or non-
7 SSBNPFA funding sources, as applicable.

8
9 3. a. Notwithstanding the provisions of any other law to the
10 contrary, for the purpose of expediting the board's procurement of
11 technical services to administer the SSBVEEVR and the SSBNPFA
12 Programs, the following provisions shall apply as modifications to
13 law or regulation that may interfere with the expedited award of the
14 above services:

15 (1) the procurement may be done by the board itself consistent
16 with the requirements of sections 2, 3, 4, and 5 of P.L.1954, c.48
17 (C.52:34-7, C.52:34-8, C.52:34-9, and C.52:34-10), with the board
18 authorizing a waiver of advertising under subsection (a) of section 4
19 of P.L.1954, c.48 (C.52:34-9) and approving the final contract by
20 resolutions of the board;

21 (2) the timeframes for challenging the award of the contract may
22 be modified as determined by the board;

23 (3) the board may amend any existing contract with a vendor
24 administering another board energy efficiency program to assist
25 with the administering of the SSBVEEVR and the SSBNPFA
26 Programs until the contract to be awarded pursuant to this section is
27 executed; and

28 (4) the period of time that the State Comptroller has to review
29 the request for proposals for these professional services
30 procurements for compliance with applicable public contracting
31 laws, rules and regulations, pursuant to section 10 of P.L.2007, c.52
32 (C.52:15C-10), shall be 10 business days or less if practicable, as
33 determined by the State Comptroller.

34 b. The board may, to the extent necessary, waive or modify any
35 other regulation, or for any bidder, any applicable requirement in
36 chapters 25, 32, 34 of Title 52 of the Revised Statutes, that may
37 interfere with the expeditious procurement of these services.

38
39 4. a. The board shall establish and administer the SSBVEEVR
40 Program to award grants to boards of education and small
41 businesses to ensure schools under board of education jurisdiction
42 and small businesses shall have functional HVAC systems that are
43 tested, adjusted, and, if necessary or cost effective, repaired,
44 upgraded, or replaced to increase efficiency and performance.

45 b. (1) A board of education or small business may apply for a
46 grant pursuant to section 2 of P.L. , c. (C.) (pending before
47 the Legislature as this bill) by submitting an application to the
48 board, in a form and manner determined by the board, for
49 reasonable costs of the HVAC assessment, assessment report,

1 deferred general maintenance, adjustment of ventilation rates, filter
2 replacement, system replacement, and carbon dioxide monitor
3 installation.

4 (2) The board shall adjust energy efficiency savings targets, as
5 necessary, to ensure that energy savings created through the
6 expenditures made pursuant to P.L. , c. (C.) (pending before
7 the Legislature as this bill) are not double counted in any public
8 utility energy efficiency program.

9 c. (1) The board shall award a grant if the amount requested in
10 the application is verified by the estimate of a certified energy
11 auditor and the board of education and small business meet other
12 requirements determined by the board to be appropriate to achieve
13 the purposes of P.L. , c. (C.) (pending before the Legislature
14 as this bill). A grant that meets the board's criteria shall be awarded
15 in the amount requested. The board may allow for supplementary
16 requests for contingency funding, an additional amount, up to 20
17 percent of the requested amount for repairs, upgrades, or
18 replacements necessary, as identified by the certified energy
19 auditor, to make the system functional or more energy efficient.

20 (2) If a certified energy auditor identifies cost-effective energy
21 efficiency upgrades or repairs that would exceed the additional 20
22 percent awarded, a board of education or small business may apply
23 for additional funding for the cost-effective energy efficiency
24 upgrades or repairs through the board's existing energy efficiency
25 programs, which shall receive priority treatment.

26 (3) The board shall have the authority to establish the timing of
27 grant funding, including the ability to provide some or all funding
28 in advance of the performance of work where requirements to
29 ensure performance are established.

30 d. (1) Qualified testing personnel or qualified adjusting
31 personnel shall do all of the following:

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

46 (b) for HVAC systems with economizers, qualified testing
47 personnel shall test HVAC system economizer dampers.
48 Economizer dampers and controls that are not properly functioning
49 shall be repaired by a skilled and trained workforce.

1 Recommendations for additional maintenance, replacement, or
2 upgrades shall be recorded in the assessment report;

3 (c) concerning a school building, after completing the
4 requirements of subparagraph (b) of this paragraph, qualified
5 testing personnel shall verify the ventilation rates in the school and
6 small business building, and other occupied areas to assess whether
7 they meet the minimum ventilation rate requirements set forth in
8 ANSI/ASHRAE Standard 62.1-2019, Ventilation for Acceptable
9 Indoor Air. Assessment, which shall include all of the following:

10 (i) a calculation of the required minimum outside air ventilation
11 rates for each occupied area based on the anticipated occupancy and
12 the minimum required ventilation rate per occupant. Calculations
13 shall be based on maximum anticipated building or other occupied
14 area occupancy rates and determined by the performing technician.
15 Natural ventilation shall be designed in accordance with Section
16 402 of the 2018 International Mechanical Code and shall include
17 mechanical ventilation systems designed in accordance with Section
18 403 of the 2018 International Mechanical Code; and

19 (ii) the measurement of outside air and verification of whether
20 the HVAC system provides the minimum outside air ventilation
21 rates calculated under this subparagraph;

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

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

- 1 (e) verify building pressure relative to the outdoors to ensure
2 positive pressure differential and to ensure the building is not over
3 pressurized;
- 4 (f) verify coil velocities and coil and unit discharge air
5 temperatures as required to maintain desired indoor conditions and
6 to avoid moisture carry over from cooling coils;
- 7 (g) verify that separation between outdoor air intakes and
8 exhaust discharge outlets meet requirements of the 2018
9 International Mechanical Code;
- 10 (h) confirm that the air handling unit is bringing in outdoor air
11 and removing exhaust air as intended by the system design;
- 12 (i) measure all exhaust air volume for exhaust fans, including
13 restrooms and document any discrepancies from system design;
- 14 (j) if a demand control ventilation system is installed, qualified
15 testing personnel or qualified adjusting personnel shall test it and
16 adjust the ventilation to a carbon dioxide set point of 800 PPM or
17 less. If the demand control ventilation system does not maintain
18 average daily maximum carbon dioxide levels below 1,100 PPM, it
19 shall be disabled until such time as the board of education or small
20 business determines that the COVID-19 pandemic has ended, unless
21 disabling the control would adversely affect operation of the overall
22 system. When disabling a demand control ventilation system, the
23 system shall be configured to meet the minimum ventilation rate
24 requirements and tested and adjusted in accordance with
25 subparagraph (b) of this paragraph. Recommendations for
26 additional maintenance, replacement or upgrades shall be recorded
27 in the assessment report;
- 28 (k) a qualified testing personnel or a skilled and trained
29 workforce shall verify coil condition, condensate drainage, cooling
30 coil air temperature differentials, heat exchanger operation, and
31 drive assembly. If repairs, replacement, or upgrades are necessary,
32 these deficiencies shall be reported in the assessment report and the
33 verification report, and addressed by a certified energy auditor;
- 34 (l) review control sequences to verify the HVAC systems will
35 maintain intended ventilation, temperature and humidity conditions
36 during school and small business operation. Previously unoccupied
37 buildings shall perform the recommended practices of reopening a
38 building as covered in the ASHRAE Building Readiness document
39 – Restarting a Building;
- 40 (m) verify a daily flush is scheduled for two hours before and
41 after scheduled occupancy or demonstrate calculation of flush times
42 per ASHRAE Guidance for Reopening and Operating Schools and
43 Buildings or otherwise applicable local or State guidance; and
- 44 (n) verify that HVAC system operational times, exhaust fans
45 operation times, setpoints, and enabled features meet ASHRAE
46 Guidance for Reopening and Operating Schools and Buildings or
47 otherwise applicable local or State guidance.

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

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

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

15 (i) the monitor shall be hard-wired or plugged-in and mounted to
16 the wall between three and six feet above the floor and at least five
17 feet away from the door and operable windows;

18 (ii) the monitor shall display the carbon dioxide readings to the
19 teacher or other building staff through a display on the device or
20 other means such as a web-based application or cellular phone
21 application;

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

27 (iv) the monitor shall maintain a record of previous data that
28 includes at least the maximum carbon dioxide concentration
29 measured;

30 (v) the monitor shall have a carbon dioxide concentration range
31 of 400 PPM to 2000 PPM or greater; and

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

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

44 (c) The requirements of subparagraphs (i) to (vi) of
45 subparagraph (a) of this paragraph, may be amended by the board as
46 necessary to reflect available technology and to achieve the intent
47 of this paragraph.

48 (5) A qualified testing personnel or qualified adjusting
49 personnel shall prepare an assessment report for review by a

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

17 (a) name and address of the school and small business building
18 and person or contractor preparing and certifying assessment report;

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

23 (c) either verification that MERV 13 filters have been installed
24 or verification that the maximum MERV-rated filter that the HVAC
25 system is able to effectively handle has been installed and what that
26 MERV-rating is;

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

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

38 (f) documentation of system deficiencies and recommendations
39 for additional maintenance, replacement, or upgrades to improve
40 energy efficiency, safety, or performance.

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

45 (a) the name and address of the school and small business
46 building and person or who prepared and certified the report;

47 (b) a description of the assessment, maintenance, adjustment,
48 repair, upgrade, and replacement activities and outcomes;

- 1 (c) a verification that the board of education has complied with
2 all requirements of this section;
- 3 (d) a verification that either MERV 13 filters have been installed
4 or a verification that the maximum MERV-rated filter that the
5 HVAC system is able to effectively handle has been installed and
6 the MERV-rating level;
- 7 (e) the verified ventilation rates for building classrooms,
8 auditoriums, gymnasiums, nurses' offices, restrooms, offices, and
9 other occupied areas and whether those rates meet the requirements
10 set forth in ANSI/ASHRAE Standard 62.1-2019. If ventilation rates
11 do not meet applicable guidance, then the report shall provide an
12 explanation for why the current system is unable to meet those rate;.
- 13 (f) the verified exhaust for building classrooms, auditoriums,
14 gymnasiums, nurses' offices, restrooms, and other occupied areas
15 and whether those rates meet the requirements set forth in the
16 design intent;
- 17 (g) documentation of HVAC system deficiencies and
18 recommendations for additional maintenance, replacement, or
19 upgrades to improve energy efficiency, safety, or performance;
- 20 (h) documentation of the initial operating verifications,
21 adjustments, and final operating verifications of the HVAC system,
22 and documentation of any adjustments or repairs performed on the
23 HVAC system;
- 24 (i) verification of the installation of carbon dioxide monitors,
25 including the make and model of the monitors; and
- 26 (j) verification that all work has been performed by qualified
27 personnel, including the provision of the contractor's name, TAB
28 technician name and certification number, and verification that all
29 construction work has been performed by a skilled and trained
30 workforce.
- 31 (7) Other than the workforce qualification requirements, the
32 technical and reporting requirements of the SSBVEEVR Program
33 may be amended by the board as necessary, to reflect the latest
34 COVID-19 or other applicable guidance, or otherwise to achieve the
35 intent of the SSBVEEVR Program and to ensure consistency with
36 the related requirements and codes.
- 37 (8) The board of education shall maintain a copy of the HVAC
38 verification report and make it available to any member of the
39 public or the board upon request.
- 40 e. As a condition for receiving a grant pursuant to section 2 of
41 P.L. , c. (C.) (pending before the Legislature as this bill), a
42 board of education and small business shall comply with the
43 requirements of this section for all air-handling units, rooftop units,
44 and unitary and single zone equipment in its schools' or small
45 business' HVAC system or systems. Any costs associated with
46 complying with this subsection shall be automatically included in
47 any grant amount awarded under the program.
- 48 (1) An HVAC system installed pursuant to this section shall
49 meet the ANSI/ASHRAE Standard 62.1-2019, Ventilation for

1 Acceptable Indoor Air Quality and shall have qualified testing
2 personnel or qualified adjusting personnel 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. 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 qualified testing
29 personnel or qualified adjusting personnel to ensure peak carbon
30 dioxide concentrations in the classroom remain below the maximum
31 allowable carbon dioxide parts per million setpoint.

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

44 h. Upon completion of all work funded by a grant pursuant to
45 P.L. , c. (C.) (pending before the Legislature as this bill), a
46 board of education and small business shall prepare an HVAC
47 verification report. The HVAC verification report shall include all
48 of the following information:

- 1 (1) the name and address of a school facility or small business
- 2 and person or contractor preparing and certifying the report;
- 3 (2) a description of the assessment, maintenance, adjustment,
- 4 repair, upgrade, and replacement activities and outcomes;
- 5 (3) verification that the board of education and small business
- 6 has complied with all requirements of P.L. , c. (C.) (pending
- 7 before the Legislature as this bill);
- 8 (4) verification that the school facility and small business meet
- 9 ANSI/ASHRAE Standard 62.1-2019, Ventilation for Acceptable
- 10 Indoor Air Quality;
- 11 (5) documentation of HVAC system deficiencies and
- 12 recommendations for additional deferred general maintenance to
- 13 bring up to date, replacement, or upgrades to improve energy
- 14 efficiency, safety, or performance;
- 15 (6) verification of the installation of carbon dioxide monitors,
- 16 pursuant to subsection e. of this section, including the make and
- 17 model of the monitors;
- 18 (7) verification that all work has been performed by a certified
- 19 energy auditor, including the provision of the contractor's name and
- 20 license; and
- 21 (8) verification that the equipment installed exceeds current
- 22 energy efficiency requirements by code and the submission of
- 23 manufacturer specification sheets and supporting documents of
- 24 qualification.
- 25 i. The requirements of this section may be amended by the board
- 26 as necessary to reflect available technology and to achieve the
- 27 intent of P.L. , c. (C.) (pending before the Legislature as
- 28 this bill).
- 29 j. A board of education and small business shall maintain a copy
- 30 of the HVAC verification report made pursuant to subsection h. of
- 31 this section and make it to any member of the public or the board
- 32 upon request.
- 33
- 34 5. a. The board shall establish and administer the School and
- 35 Small Business Noncompliant Plumbing Fixture and Appliance
- 36 Program to provide grants to boards of education and small
- 37 businesses to replace noncompliant plumbing fixtures and
- 38 appliances that fail to meet water efficiency standards, and waste
- 39 and potable water and the energy used to convey that water, with
- 40 water-conserving plumbing fixtures and appliances.
- 41 b. A board of education and small business may apply for a
- 42 grant pursuant to section 2 P.L. , c. (C.) (pending before
- 43 the Legislature as this bill) by submitting an application to the
- 44 board, in a form and manner determined by the board, showing the
- 45 existence of noncompliant plumbing fixtures or appliances in the
- 46 school or small business for which the grant funding will be used
- 47 and a cost estimate that is verified by a contractor for the
- 48 replacement of the noncompliant plumbing fixtures and appliances
- 49 with water-conserving plumbing fixtures and water-conserving

1 appliances, and the board of education and small business meet
2 other requirements determined by the board to be appropriate to
3 achieve the purposes of this section.

4 c. Upon completion of all work funded by a grant pursuant to
5 P.L. , c. (C.) (pending before the Legislature as this bill), a
6 board of education and small business shall prepare a plumbing
7 verification report. The plumbing verification report shall include
8 all of the following information:

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

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

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

16 (4) documentation of plumbing system deficiencies;

17 (5) verification that all work has been performed by a licensed
18 professional, including the provision of the contractor's name and
19 license; and

20 (6) verification that the equipment installed exceeds current
21 energy efficiency requirements required by code and the submission
22 of manufacturer specification sheets and supporting documents of
23 qualification.

24 d. The board is authorized to provide technical assistance or
25 award grants pursuant to the SSBNPFA Program to assist a board of
26 education and small business in identifying noncompliant plumbing
27 fixtures and noncompliant appliances eligible for replacement
28 pursuant to this section.

29

30 6. The Board of Public Utilities may adopt, pursuant to the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), rules and regulations necessary to effectuate the purposes
33 of P.L. , c. (C.) (pending before the Legislature as this
34 bill). The board may adopt, by board order, any program fund
35 details necessary to effectuate the purposes of P.L. ,
36 c. (C.) (pending before the Legislature as this bill), and is
37 pre-authorized to spend any necessary funds without additional
38 approvals, provided that any temporarily avoided spending
39 approvals are sought and obtained as expeditiously as possible.

40

41 7. This act shall take effect immediately.

42

43

44

STATEMENT

45

46 This bill establishes the School and Small Business Energy
47 Efficiency Stimulus Program fund (program fund) in the Board of
48 Public Utilities (BPU). "Small business" is defined in the bill as
49 concerning women and minority-owned small businesses. The

1 purpose of the program fund is to ensure that school and small
2 business heating, ventilation, and air conditioning (HVAC) systems
3 are upgraded to safely prepare schools and small businesses for
4 operating during the coronavirus 2019 pandemic, to improve the
5 general health and safety of the school and small business
6 environment, and to create jobs across the State. The program fund
7 will also fund the upgrading of old, inefficient plumbing fixtures
8 that waste water and energy.

9 The bill provides that the program fund is to consist of two sub-
10 programs:

11 1) the School and Small Business Ventilation and Energy
12 Efficiency Verification and Repair (SSBVEEVR) Program; and

13 2) the School and Small Business Noncompliant Plumbing
14 Fixture and Appliance (SSBNPFA) Program.

15 The bill provides that 75 percent of projects funded by the
16 SSBVEEVR Program or SSBNPFA Program are to be in schools
17 and small businesses located in underserved communities, as
18 defined in the bill.

19 The bill provides that the BPU is to begin to solicit applications
20 from boards of education and small businesses for grants on or
21 before October 1, 2021 and begin to approve applications for grants
22 no later than December 1, 2021, subject to the availability of funds.
23 The bill provides that the program fund is to be funded by monies
24 provided to the State from the federal government under the
25 “American Rescue Plan Act of 2021,” as determined by the BPU,
26 and is to be allocated as follows:

27 1) 75 percent of funds for the SSBVEEVR Program; and

28 2) 25 percent of funds for the SSBNPFA Program.

29 Seventy-five percent of grant funds issued pursuant to the bill are
30 to be awarded to school districts and the remaining 25 percent is to
31 be awarded to small businesses. Program fund grants made pursuant
32 to the bill are to provide no more than 75 percent of the cost of
33 projects approved by the board, with the remaining 25 percent
34 covered by non-SSBVEEVR or non-SSBNPFA funding sources, as
35 applicable.

36 Notwithstanding the provisions of any other law to the contrary,
37 the bill provides that, for the purpose of expediting the BPU’s
38 procurement of technical services to administer the SSBVEEVR
39 and the SSBNPFA Programs, certain provisions are to apply as
40 modifications to law or regulation that may interfere with the
41 expedited award of the grants.

42 The bill requires the BPU to establish and administer the
43 SSBVEEVR Program to award grants to boards of education and
44 small businesses to ensure schools and small businesses are to have
45 functional HVAC systems that are tested, adjusted, and, if
46 necessary or cost effective, repaired, upgraded, or replaced to
47 increase efficiency and performance.

1 The BPU is to award a grant if the amount requested in the
2 application is verified by a certified energy auditor's estimate and
3 the board of education and small business meet other requirements
4 determined by the BPU to be appropriate to achieve the purposes of
5 the bill.

6 The bill provides that as a condition for receiving a grant, a
7 board of education and small business are to comply with the
8 requirements of the bill for all certain aspects of the schools' or
9 small business' HVAC system or systems. The HVAC systems
10 installed pursuant to the bill are to meet ANSI/ASHRAE Standard
11 62.1-2019, Ventilation for Acceptable Indoor Air Quality. The
12 HVAC requirements for filtration levels, ventilation rates, and
13 ventilation schedules may be amended by the BPU based on the
14 latest coronavirus 2019, or other applicable, guidance.

15 The bill provides that a certified energy auditor is to determine
16 what, if any, additional adjustments or repairs would be necessary
17 to meet the minimum ventilation and filtration requirements. If the
18 cost of recommended repairs, upgrades, or replacements are greater
19 than the contingency amount provided in the grant, then the
20 certified energy auditor and the board of education or small
21 business are to submit an application for additional funding. The
22 bill requires that, upon completion of all work funded by a grant
23 made pursuant to the bill, the board of education and small business
24 are to prepare an HVAC verification report.

25 The bill requires the BPU to establish and administer the
26 SSBNPFA Program to provide grants to boards of education and
27 small businesses to replace noncompliant plumbing fixtures and
28 appliances that fail to meet water efficiency standards and waste
29 potable water and the energy used to convey that water, with water-
30 conserving plumbing fixtures and appliances, as those terms are
31 defined in the bill. The BPU is to award a grant if a board of
32 education or small business submits documents showing the
33 existence of noncompliant plumbing fixtures or appliances in the
34 schools or small business for which the grant funding will be used
35 and a cost estimate that is verified by a contractor for the
36 replacement of the noncompliant plumbing fixtures and appliances
37 with water-conserving plumbing fixtures and water-conserving
38 appliances, and the board of education and small business meet
39 other requirements determined by the BPU to be appropriate to
40 achieve the purposes of the bill.