

[First Reprint]

SENATE, No. 3033

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator TROY SINGLETON

District 7 (Burlington)

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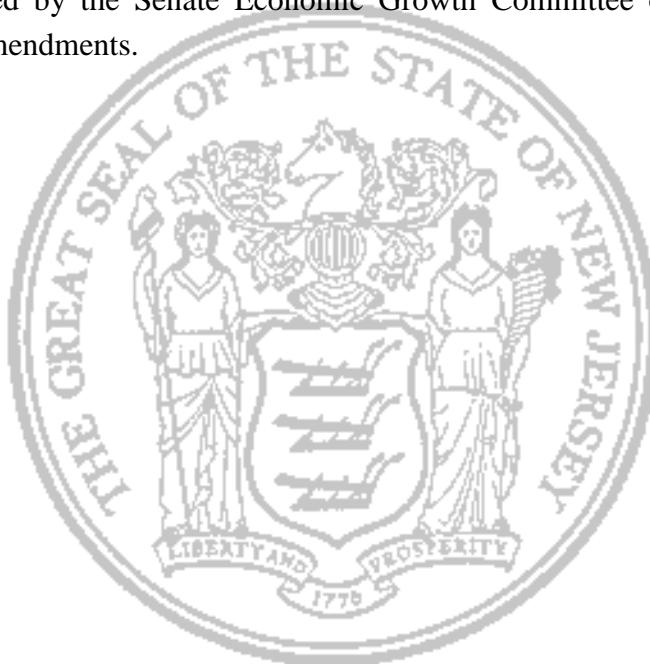
Senators Turner, Pou and Ruiz

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Economic Growth Committee on January 14, 2021, with amendments.



(Sponsorship Updated As Of: 2/19/2021)

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 before
10 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 ¹“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).¹

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 ¹**【**“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.) (pending
40 before the Legislature as this bill).**】**

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:

¹Senate SEG committee amendments adopted January 14, 2021.

1 “MERV” means minimum efficiency reporting value.¹

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 ¹“PPM” means parts per million.¹

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 ¹“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.¹

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 before
10 the Legislature as this bill).

11 ¹“TAB” means testing, adjusting, and balancing.¹

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

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

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

1 b. Not less than 25 percent of projects funded by the
2 SSBVEEVR Program or SSBNPFA Program shall be allocated for
3 school districts and small businesses located in underserved
4 communities. The SSBVEEVR Program and SSBNPFA Program
5 shall prioritize an underserved community by ensuring that all
6 boards of education and small businesses that are located in an
7 underserved community are offered the opportunity to apply for and
8 receive grants, pursuant to this section, before those boards of
9 education and small businesses that are not located in an
10 underserved community.

11 c. The board shall begin to solicit applications from boards of
12 education and small businesses for grants made pursuant to this
13 section on or before April 1, 2021 and begin to approve applications
14 for a grant no later than May 1, 2021, subject to the availability of
15 funds.

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

- 20 (1) 75 percent of funds for the SSBVEEVR Program; and
21 (2) 25 percent of funds for the SSBNPFA Program.

22

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

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

37 c. (1) The board shall award a grant if the amount requested in
38 the application is verified by a licensed ¹**professional's**
39 mechanical engineer's¹ estimate and the board of education and
40 small business meet other requirements determined by the board to
41 be appropriate to achieve the purposes of P.L. , c. (C.) (pending
42 before the Legislature as this bill). A grant shall be awarded in the
43 amount requested plus, as contingency funding, an additional
44 amount, up to 20 percent of the requested amount for repairs,
45 upgrades, or replacements necessary, as identified by the licensed
46 ¹**professional** mechanical engineer¹, to make the system
47 functional or more energy efficient.

1 (2) If a licensed ¹**professional** mechanical engineer¹ identifies
2 cost-effective energy efficiency upgrades or repairs that would
3 exceed the additional 20 percent awarded, a board of education or
4 small business may apply for additional funding for the cost-
5 effective energy efficiency upgrades or repairs.

6 (3) The board shall award a grant pursuant to section 2 of P.L. ,
7 c. (C.) (pending before the Legislature as this bill) for
8 reimbursement of work already performed where the work was
9 contracted and performed after August 1, 2020, and meets the
10 requirements of P.L. , c. (C.) (pending before the Legislature as
11 this bill), 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 as this
14 bill).

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

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

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

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

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

47 (c) Concerning a school building, after completing the
48 requirements of subparagraph (b) of this paragraph, qualified

1 testing personnel shall verify the ventilation rates in the school and
2 small business building, and other occupied areas to assess whether
3 they meet the minimum ventilation rate requirements set forth in
4 ANSI/ASHRAE Standard 62.1-2019, Ventilation for Acceptable
5 Indoor Air. Assessment shall include all of the following:

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

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

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

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

46 (e) Verify building pressure relative to the outdoors to ensure
47 positive pressure differential and to ensure the building is not over
48 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 broken,
2 fail to meet minimum ventilation requirements, or are unable to
3 operate to the original design and intent, this information shall be
4 set forth in the assessment report prepared and be provided to a
5 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 personnel
46 shall prepare an assessment report for review by a licensed
47 mechanical engineer. The licensed mechanical engineer shall
48 review the assessment report and determine what, if any, additional

1 adjustments or repairs would be necessary to meet the minimum
2 ventilation and filtration requirements, determine whether any cost-
3 effective energy efficiency upgrades or replacements are warranted
4 or recommended, and provide an estimated cost for this work. If the
5 cost of recommended repairs, upgrades, or replacements are greater
6 than the contingency amount provided in the grant, then the
7 licensed mechanical engineer and the board of education and small
8 business shall submit an application for additional funding pursuant
9 to this section. The provision of any additional funding for repairs,
10 upgrades, or replacements shall be conditioned on the applicant
11 ensuring that all construction work funded, in whole or in part, by
12 the additional funding is performed by a skilled and trained
13 workforce. The assessment report shall include all of the following
14 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 installed
2 or a verification that the maximum MERV-rated filter that the
3 HVAC system is able to effectively handle has been installed and
4 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 SRVEVR Program and to ensure consistency with the
35 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.¹

39 ¹**[d.] e.**¹ As a condition for receiving a grant pursuant to section
40 2 of P.L. , c. (C.) (pending before the Legislature as this bill), a
41 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. ¹Any costs associated with
45 complying with this subsection shall be automatically included in
46 any grant amount awarded under the program.¹

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

1 Indoor Air Quality and shall have a licensed ¹**[professional]**
2 mechanical engineer¹ 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 ¹**[e.] f.**¹ 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 to ensure peak carbon dioxide concentrations in the
30 classroom remain below the maximum allowable carbon dioxide
31 parts per million setpoint.

32 ¹**[f.] g.**¹ A licensed ¹**[professional]** mechanical engineer¹ 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 and the board of education
41 or small business shall submit an application for additional funding
42 pursuant to section 2 of P.L. , c. (C.) (pending before the
43 Legislature as this bill).

44 ¹**[g.] h.**¹ 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.) (pending before
9 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, including the provision of the contractor's name and
21 license.

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

26 ¹**[i.] j.**¹ A board of education and small business shall maintain a
27 copy of the HVAC verification report made pursuant to subsection
28 ¹**[g.] h.**¹ 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 to
23 P.L. , c. (C.) (pending before the Legislature as this bill).

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

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

42
43 7. This act shall take effect immediately.