

[Third Reprint]

SENATE, No. 3033

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

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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 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.

²Assembly ATU committee amendments adopted February 24, 2021.

³Assembly ATU committee amendments adopted March 15, 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 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 ³~~April~~ July³ 1, 2021 and begin to approve applications
11 for a grant no later than ³~~May~~ August³ 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 ¹~~professional's~~
36 mechanical engineer's¹ 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.) (pending
39 before the Legislature as this bill). A grant shall be awarded in the
40 amount requested plus, as contingency funding, an additional
41 amount, up to 20 percent of the requested amount for repairs,
42 upgrades, or replacements necessary, as identified by the licensed
43 ¹~~professional~~ mechanical engineer¹, to make the system
44 functional or more energy efficient.

45 (2) If a licensed ¹~~professional~~ mechanical engineer¹ 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 P.L. ,
4 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 Legislature as
8 this bill), and the board of education and small business meet other
9 requirements determined by the board to be appropriate to achieve
10 the purposes of P.L. , c. (C.) (pending before the Legislature as this
11 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.) (pending
15 before the Legislature as this bill). A board of education and small
16 business shall provide the board with documentation, as specified
17 by the board, demonstrating how contingency funds were spent.

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

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

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

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

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

1 ANSI/ASHRAE Standard 62.1-2019, Ventilation for Acceptable
2 Indoor Air. Assessment ², which² shall include all of the following:

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

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

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

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

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

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

1 (g) Verify that separation between outdoor air intakes and
2 exhaust discharge outlets meet requirements of the 2018
3 International Mechanical Code.

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

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

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

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

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

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

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

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

46 (3) If installed HVAC systems or system components are
47 broken, fail to meet minimum ventilation requirements, or are
48 unable to operate to the original design and intent, this information

1 shall be set forth in the assessment report prepared and be provided
2 to a licensed mechanical engineer for determination of appropriate
3 corrective measures. Repairs, upgrades, or replacements shall be
4 performed by a skilled and trained workforce.

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

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

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

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

21 (iv) The monitor shall maintain a record of previous data that
22 includes at least the maximum carbon dioxide concentration
23 measured.

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

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

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

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

42 (5) A qualified testing personnel or qualified adjusting
43 personnel shall prepare an assessment report for review by a
44 licensed mechanical engineer. The licensed mechanical engineer
45 shall review the assessment report and determine what, if any,
46 additional adjustments or repairs would be necessary to meet the
47 minimum ventilation and filtration requirements, determine whether
48 any cost-effective energy efficiency upgrades or replacements are

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

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

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

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

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

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

33 (f) Documentation of system deficiencies and recommendations
34 for additional maintenance, replacement, or upgrades to improve
35 energy efficiency, safety, or performance.

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

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

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

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

46 (d) A verification that either MERV 13 filters have been
47 installed or a verification that the maximum MERV-rated filter that

1 the HVAC system is able to effectively handle has been installed
2 and the MERV-rating level.

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

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

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

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

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

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

28 (7) Other than the workforce qualification requirements, the
29 technical and reporting requirements of the SSBVEEVR Program
30 may be amended by the board as necessary, to reflect the latest
31 COVID-19 or other applicable guidance, or otherwise to achieve the
32 intent of the ²[SRVEVR] SSBVEEVR² Program and to ensure
33 consistency with the related requirements and codes.

34 (8) The board of education shall maintain a copy of the HVAC
35 verification report and make it available to any member of the
36 public or the board upon request.¹

37 ¹**[d.] e.**¹ As a condition for receiving a grant pursuant to section
38 2 of P.L. , c. (C.) (pending before the Legislature as this bill), a
39 board of education and small business shall comply with the
40 requirements of this section for all air-handling units, rooftop units,
41 and unitary and single zone equipment in its schools' or small
42 business' HVAC system or systems. ¹Any costs associated with
43 complying with this subsection shall be automatically included in
44 any grant amount awarded under the program.¹

45 (1) An HVAC system installed pursuant to this section shall meet
46 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 ²**professional** mechanical engineer² to ensure peak carbon
30 dioxide concentrations in the classroom remain below the maximum
31 allowable carbon dioxide 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 ²**professional** mechanical engineer²
41 and the board of education or small business shall submit an
42 application for additional funding pursuant to section 2 of P.L. , c.
43 (C.) (pending before the 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 ²**[professional] mechanical engineer²**, including the provision of
21 the contractor's name and 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
25 as this 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.