

AMENDED IN SENATE JUNE 29, 2020

AMENDED IN ASSEMBLY MARCH 20, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 841

Introduced by Assembly Member Ting

February 20, 2019

An act to add Section 116365.3 to the Health and Safety Code, relating to drinking water. An act to add Sections 740.18, 740.19, and 740.20, to, and to add Chapter 8 (commencing with Section 8400) to Division 4.1 of, the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 841, as amended, Ting. ~~Drinking water: contaminants: perfluoroalkyl and polyfluoroalkyl substances.~~ *Energy: transportation electrification: energy efficiency programs: School and State Building Energy Efficiency Stimulus Program.*

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations, while local publicly owned electric utilities and local publicly owned gas utilities are under the direction of their governing boards. Existing law, enacted as part of the Clean Energy and Pollution Reduction Act of 2015, requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and State Air Resources Board (state board), to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification, as defined, to achieve specified results. The PUC is required to approve, or modify and approve, programs and investments

in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if they meet specified requirements.

This bill would require the PUC, on or before March 1, 2021, to approve 2 specific pending transportation electrification infrastructure applications and to issue a decision reauthorizing and extending programs and investments previously approved in a specific decision. The bill would require each electrical corporation, by February 28, 2021, to file an advice letter and would require the PUC to approve, by June 30, 2021, a new tariff or rule that authorizes each electrical corporation to design and deploy all electrical distribution infrastructure on the utility side of the customer meter for all customers installing a separately metered infrastructure to support charging stations. The bill would, except as provided, require the PUC, the Energy Commission, and the state board to require all electric vehicle charging infrastructure and equipment located on the customer side of the electric meter that is funded or authorized, in whole or in part, by those state entities to be installed by a contractor holding a valid C-10 license and at least one electrician on each crew hold an Electric Vehicle Infrastructure Training Program certification.

Existing law requires the PUC to review and accept, modify, or reject a procurement plan for each electrical corporation in accordance with specified elements, incentive mechanisms, and objectives. Existing law requires the PUC, in consultation with the Energy Commission, to identify all potentially achievable cost-effective electricity efficiency savings and to establish efficiency targets for electrical corporations to achieve pursuant to their procurement plan. Existing law requires the PUC, in consultation with the Energy Commission, to identify all potentially achievable cost-effective natural gas efficiency savings and to establish efficiency targets for gas corporations to achieve and requires that a gas corporation first meet its unmet resource needs through all available gas efficiency and demand reduction resources that are cost effective, reliable, and feasible. Pursuant to these requirements electrical corporations and gas corporations have filed, and the PUC approved, various plans to undertake various actions to promote energy efficiency that are administered by the utilities or third-party administrators.

Existing law requires each local publicly owned electric utility, in procuring energy to serve the load of its retail end-use customers, to first acquire all available energy efficiency and demand reduction

resources that are cost effective, reliable, and feasible. Existing law requires a local publicly owned electric utility to be responsible for implementing an energy efficiency program that recognizes the Legislature's intent to encourage energy savings and greenhouse gas emission reductions in existing residential and nonresidential buildings. Existing law requires each publicly owned electric and gas utility to develop and implement a low-income home weatherization program, in consultation with gas and electrical corporations and the Department of Economic Opportunity, to avoid duplication and to ensure the most efficient use of public and private resources.

This bill would require the PUC to require each electrical corporation and gas corporation to establish the School and State Building Energy Efficiency Stimulus Program within each of its energy efficiency portfolios that consist of: (1) the School Reopening Ventilation and Energy Efficiency Verification and Repair Program to provide grants to local educational agencies to reopen schools with functional ventilation systems that are tested, adjusted, and, if necessary or cost effective, repaired, upgraded or replaced to increase efficiency and performance, and (2) the School and State Building Noncompliant Plumbing Fixture Program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures that fail to meet water efficiency standards, waste potable water and the energy used to convey that water, with water-conserving plumbing fixtures. The bill would require each local publicly owned electric utility and local publicly owned gas utility to establish a similar School and State Building Energy Efficiency Stimulus Program within each of its energy efficiency portfolios. The bill would require those utilities to contract with the Energy Commission for the administration of these programs. The bill would require the Energy Commission, in collaboration with those utilities, to develop and administer the above programs. The bill would require the PUC, by April 1, 2021, to require electrical corporations and gas corporations to allocate a specific portion of their energy efficiency budget for program years 2021, 2022, and 2023 to fund the School and State Building Energy Efficiency Stimulus Program. The bill would require local publicly owned electric utilities and local publicly owned gas utilities, by March 1, 2021, to allocate a certain portion of their energy efficiency budget for program years 2021, 2022, and 2023 to fund the School and State Building Energy Efficiency Stimulus Program. The bill would require the Energy Commission, in collaboration with those utilities, to develop and

administer the School Reopening Ventilation and Energy Efficiency Verification and Repair Program and the School and State Building Noncompliant Plumbing Fixture Program as components of the School and State Building Energy Efficiency Stimulus Program. Because this bill would impose additional duties on local publicly owned electric utilities and local publicly owned gas utilities, this bill would impose a state-mandated local program.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime.

Because certain of the provisions of this bill would be a part of the act and because a violation of an order or decision of the PUC implementing its requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

~~Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adopting implementing regulations, and conducting studies and investigations to assess the quality of water in private domestic water supplies. The act requires the board to adopt primary drinking water standards for contaminants in drinking water and requires the Office of Environmental Health Hazard Assessment to prepare and publish an assessment of the risks to public health posed by each contaminant for which the board proposes a primary drinking water standard.~~

~~The act requires a public water system to provide prescribed notices within 30 days after it is first informed of a confirmed detection of a contaminant found in drinking water delivered by the public water system for human consumption that is in excess of a maximum contaminant level, a notification level, or a response level established by the state board.~~

~~This bill would require the office to adopt and complete a work plan within prescribed timeframes to assess which substances in the class~~

~~of perfluoroalkyl and polyfluoroalkyl substances should be identified as a potential risk to human health, as provided. The bill would require the office, as part of those assessments, to determine which of the substances are appropriate candidates for notification levels to be adopted by the state board. The bill would require the office, by January 1, 2022, to provide to the Legislature an update on the assessment. The bill would require the office to assess annually those substances as new information, scientific research, and detection methodologies become available.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 740.18 is added to the Public Utilities
 2 Code, to read:
 3 740.18. (a) *The purpose of this section is to require the*
 4 *commission to approve two pending transportation electrification*
 5 *infrastructure applications, based on previously approved*
 6 *activities, that are designed to advance California’s goal of*
 7 *widespread transportation electrification, and to require the*
 8 *commission to extend its prior approvals of transportation*
 9 *electrification programs and investments so that they will be*
 10 *replicated and continued. These commission decisions will have*
 11 *the effect of continuing to build out California’s transportation*
 12 *electrification infrastructure, improve air quality, reduce emissions*
 13 *of greenhouse gases, create jobs, and put downward pressure on*
 14 *rates. Nothing in this section is intended to preclude the*
 15 *commission from adopting additional transportation electrification*
 16 *programs and investments.*
 17 (b) *On or before March 1, 2021, the commission shall do both*
 18 *of the following:*
 19 (1) *Issue decisions approving Application 18-06-015 (June 26,*
 20 *2018) Application of Southern California Edison Company*
 21 *(U338E) for Approval of its Charge Ready 2 Infrastructure and*
 22 *Market Education Programs and Application 19-10-012 (October*
 23 *28,2019) Application Of San Diego Gas & Electric Company*
 24 *(U902E) To Extend And Modify The Power Your Drive Pilot*
 25 *Approved By Decision 16-01-045. The decisions shall approve the*
 26 *proposed programs and investments in substantially the same form*

1 *and size as requested in each application or as subsequently*
2 *modified by the electrical corporation, as applicable.*

3 *(2) Issue a decision reauthorizing and extending the programs*
4 *and investments previously approved in Decision 16-12-065*
5 *(December 15, 2016) Decision Directing Pacific Gas and Electric*
6 *Company to Establish an Electric Vehicle Infrastructure and*
7 *Education Program. The reauthorization shall extend and replicate*
8 *the programs and investments in substantially the same form and*
9 *size as previously approved.*

10 *SEC. 2. Section 740.19 is added to the Public Utilities Code,*
11 *to read:*

12 *740.19. (a) The purpose of this section is to change the*
13 *commission practice of authorizing the electrical distribution*
14 *infrastructure located on the utility side of the customer meter*
15 *needed to charge electric vehicles on a case-by-case basis to a*
16 *practice of considering that infrastructure and associated design,*
17 *engineering, and construction work as core utility business treated*
18 *the same other distribution infrastructure authorized on an ongoing*
19 *basis in the electrical corporation's general rate case. The*
20 *commission should not relegate charging electric vehicles to a*
21 *lower status than any other use of electricity for which the*
22 *electrical corporation provides distribution infrastructure.*

23 *(b) For purposes of this section, the term "electrical distribution*
24 *infrastructure" shall include poles, vaults, service drops,*
25 *transformers, mounting pads, trenching, conduit, wire, cable,*
26 *meters, other equipment as necessary, and associated engineering*
27 *and civil construction work.*

28 *(c) Not later than February 28, 2021, each electrical*
29 *corporation shall file an advice letter pursuant to Section 5.1 of*
30 *General Order 96-B, for, and not later than June 30, 2021, the*
31 *commission shall approve, a new tariff or rule that authorizes each*
32 *electrical corporation to design and deploy all electrical*
33 *distribution infrastructure on the utility side of the customer meter*
34 *for all customers installing separately metered infrastructure to*
35 *support charging stations, other than those in single-family*
36 *residences. Each electrical corporation shall recover its revenue*
37 *requirement for this work through periodic general rate case*
38 *proceedings. In those proceedings, the costs shall be treated like*
39 *those for other necessary distribution infrastructure. The new tariff*
40 *shall replace the line extension rules currently used and any*

1 customer allowances established shall be based on the full useful
2 life of the electrical distribution infrastructure.

3 SEC. 3. Section 740.20 is added to the Public Utilities Code,
4 to read:

5 740.20. (a) The commission, the Energy Commission and the
6 State Air Resources Board shall require that all electric vehicle
7 charging infrastructure and equipment located on the customer
8 side of the electric meter that is funded or authorized, in whole or
9 in part, by those state entities shall be installed by a contractor
10 holding a valid C-10 license and at least one electrician on each
11 crew holds Electric Vehicle Infrastructure Training Program
12 certification.

13 (b) Subdivision (a) does not apply to electric vehicle charging
14 infrastructure installed by employees of an electrical corporation
15 or local publicly owned electric utility.

16 SEC. 4. Chapter 8 (commencing with Section 8400) is added
17 to Division 4.1 of the Public Utilities Code, to read:

18

19 CHAPTER 8. SCHOOL AND STATE BUILDING ENERGY EFFICIENCY
20 STIMULUS PROGRAM

21

22 Article 1. General Provisions and Definitions

23

24 8400. (a) The Legislature finds and declares that the School
25 and State Building Energy Efficiency Stimulus Program established
26 pursuant to Section 8410 is a cost-effective energy efficiency
27 program that advances the public interest in maximizing
28 cost-effective electricity savings and related benefits.

29 (b) Because of the broad-reaching public benefits and energy
30 efficiency savings of the School and State Building Energy
31 Efficiency Stimulus Program, expenditures on the program shall
32 be deemed cost effective and shall not be considered by the
33 commission when determining the overall cost-effectiveness of
34 energy efficiency portfolios of electrical corporations or gas
35 corporations.

36 8401. For purposes of this chapter, the following terms have
37 the following meanings:

38 (a) "Energy public utility" means an electrical corporation, as
39 defined in Section 218, or a gas corporation, as defined in Section
40 222.

1 (b) “Local educational agency” means a school district as
 2 defined in Section 41302.5 of the Education Code or a charter
 3 school that has been granted a charter pursuant to subdivision (c)
 4 of Section 47641 of the Education Code.

5 (c) “Publicly owned energy utility” means a local publicly
 6 owned electric utility, as defined in Section 224.3, or a local
 7 publicly owned gas utility.

8 (d) “SRVEVR Program” means the School Reopening
 9 Ventilation and Energy Efficiency Verification and Repair Program
 10 as specified in Article 3 (commencing with Section 8420).

11 (e) “Skilled and trained workforce” has the same meaning as
 12 set forth in Section 2601 of the Public Contract Code.

13 (f) “SSBNPF Program” means the School and State Building
 14 Noncompliant Plumbing Fixture Program as specified in Article
 15 4 (commencing with Section 8450).

16 (g) “Utility” or “utilities” means any of the following:

- 17 (1) An electrical corporation.
- 18 (2) A gas corporation.
- 19 (3) A local publicly owned electric utility.
- 20 (4) A local publicly owned gas utility.

21
 22 *Article 2. School and State Building Energy Efficiency Stimulus*
 23 *Program*
 24

25 8410. (a) The commission shall require each energy public
 26 utility to establish a School and State Building Energy Efficiency
 27 Stimulus Program within each of its energy efficiency portfolios.
 28 Each energy public utility shall contract with the Energy
 29 Commission for the administration of the program and its
 30 components. The School and State Building Energy Efficiency
 31 Stimulus Program shall consist of both of the following programs:

32 (1) The School Reopening Ventilation and Energy Efficiency
 33 Verification and Repair Program as specified in Article 3
 34 (commencing with Section 8420).

35 (2) The School and State Building Noncompliant Plumbing
 36 Fixture Program as specified in Article 4 (commencing with
 37 Section 8450).

38 (b) Each local publicly owned energy utility shall establish a
 39 School and State Building Energy Efficiency Stimulus Program
 40 within each of its energy efficiency portfolios and shall contract

1 *with the Energy Commission for the administration of the program*
2 *and its components. The School and State Building Energy*
3 *Efficiency Stimulus Program shall consist of both of the following*
4 *programs:*

5 *(1) The School Reopening Ventilation and Energy Efficiency*
6 *Verification and Repair Program as specified in Article*
7 *2(commencing with Section 8420).*

8 *(2) The School and State Building Noncompliant Plumbing*
9 *Fixture Program as specified in Article 3 (commencing with*
10 *Section 8450).*

11 *8411. Each utility shall work with the Energy Commission to*
12 *ensure the SRVEVR Program and SSBNPF Program are operative*
13 *and begin to solicit applications for grants on or before April 1,*
14 *2021.*

15 *8412. Not less than 25 percent of projects funded, on a monthly*
16 *basis, by the SRVEVR Program or SSBNPF Program shall be in*
17 *under-resourced communities, as defined in Section 71130 of the*
18 *Public Resources Code.*

19 *8413. The commission shall expedite approval of the School*
20 *and State Building Energy Efficiency Stimulus Program. The*
21 *commission shall exempt the program from requirements that*
22 *would delay implementation of the program by more than 60 days.*
23 *For program years 2021, 2022, and 2023, the program shall be*
24 *considered a third-party program for compliance with the*
25 *commission Decision 16-08-019 (August 18, 2016) Decision*
26 *Providing Guidance for Initial Energy Efficiency Rolling Portfolio*
27 *Business Plan Filings.*

28 *8414. The Energy Commission, in collaboration with each*
29 *utility, shall adopt guidelines and regulations for the*
30 *implementation of the SRVEVR Program and SSBNPF Program.*
31 *The Administrative Procedure Act (Chapter 3.5 (commencing with*
32 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
33 *Code) does not apply to the adoption of guidelines or regulations*
34 *pursuant to this section.*

35 *8415. (a) (1) The commission shall require each energy public*
36 *utility to fund its School and State Building Energy Efficiency*
37 *Stimulus Program by allocating their energy efficiency budgets*
38 *for program years 2021, 2022, and 2023, in all of the following*
39 *amounts:*

1 (A) An amount equal to the difference between the budget
2 contained in the utilities' 2020 annual budget advice letters
3 approved as of July 1, 2020, and the annual portfolio budget cap
4 for program year 2020 approved in the commission's Decision
5 18-05-041 (May 31, 2019) Decision Addressing Energy Efficiency
6 Business Plans, as modified by Decision 20-02-029 (February 6,
7 2020) Order Modifying Decision (D.) 18-05-041 and Denying
8 Rehearing of Decision, as Modified.

9 (B) An amount equal to 30 percent of the money allocated for
10 commercial, residential, and industrial incentives in the energy
11 public utility's 2020 annual budget advice letters approved as of
12 July 1, 2020.

13 (C) Any carryover amount from unspent or uncommitted energy
14 efficiency funds for program year 2020, 2021, or 2022 to the
15 School and State Building Energy Efficiency Stimulus Program
16 for the following year's budget.

17 (2) This subdivision does not authorize the levy of a charge or
18 any increase in the amount collected pursuant to an existing charge
19 beyond the amounts authorized by the commission in Decision
20 18-05-041, or as modified by Decision 20-02-029, nor does it add
21 to, or detract from, any existing authority of the commission to
22 levy or increase charges.

23 (b) (1) No later than March 1, 2021, each local publicly owned
24 energy utility shall allocate 80 percent of their unspent and
25 uncommitted 2020 fiscal year public goods charge funds and
26 cap-and-trade allowances provided pursuant to the California
27 Global Warming Solutions Act of 2006 (Division 25.5 (commencing
28 with Section 38500) of the Health and Safety Code) for energy
29 efficiency programs to fund the School and State Building Energy
30 Efficiency Stimulus Program.

31 (2) For the fiscal year 2021–22 and fiscal year 2022–23, each
32 local publicly owned energy utility shall annually allocate 30
33 percent of its public goods charge funds for energy efficiency
34 programs and 30 percent of cap-and-trade allowances for energy
35 efficiency programs to fund the School and State Building Energy
36 Efficiency Stimulus Program.

37 (3) Each local publicly owned energy utility shall allocate any
38 carryover from unspent or uncommitted energy efficiency funds
39 for 2021 or 2022 to the School and State Building Energy

1 *Efficiency Stimulus Program in the following year’s budget in*
2 *addition to the amounts set forth in paragraph (2).*

3 *(c) The Energy Commission shall ensure that moneys from each*
4 *utility for the School and State Building Energy Efficiency Stimulus*
5 *Program are used for grants for projects located in the service*
6 *territory of that utility from which the moneys are received.*

7 *8416. Moneys for the School and State Building Energy*
8 *Efficiency Stimulus Program for each program year shall be*
9 *allocated as follows:*

10 *(a) Seventy-five percent to the SRVEVR Program.*

11 *(b) Twenty-five percent to the SSBNPF Program.*

12

13 *Article 3. School Reopening Ventilation and Energy Efficiency*
14 *Verification and Repair Program*

15

16 *8420. For purposes of this article, the following definitions*
17 *apply:*

18 *(a) “Certified TAB Technician” means a technician certified*
19 *to perform testing, adjusting, and balancing of HVAC systems by*
20 *the Associated Air Balance Council (AABC), the National*
21 *Environmental Balancing Bureau (NEBB), or the Testing,*
22 *Adjusting and Balancing Bureau (TABB).*

23 *(b) “HVAC” means heating, ventilation, and air conditioning.*

24 *(c) “Licensed Professional” means a professional eligible under*
25 *Division 3 (commencing with Section 5000) of the Business and*
26 *Professions Code in the applicable classification, to perform system*
27 *design, construction, or installation of features, materials,*
28 *components, or manufactured devices for mechanical systems.*

29 *(d) “MERV” means minimum efficiency reporting value.*

30 *(e) “ppm” means parts per million.*

31 *(f) “Program” means the School Reopening Ventilation and*
32 *Energy Efficiency Verification and Repair Program.*

33 *(g) “Qualified adjusting personnel” means either of the*
34 *following:*

35 *(1) A certified testing, adjusting, and balancing (TAB)*
36 *technician.*

37 *(2) A skilled and trained workforce under the supervision of a*
38 *TAB Technician.*

39 *(h) “Qualified testing personnel” means either of the following:*

1 (1) An HVAC acceptance test technician certified by an
2 Acceptance Test Technician Certification Provider (ATTCP) that
3 is approved by the Energy Commission to provide that certification.

4 (2) A certified testing, adjusting and balancing (TAB) technician.

5 (i) “TAB” means testing, adjusting, and balancing.

6 8421. (a) The commission, in collaboration with each utility,
7 shall develop and administer the School Reopening Ventilation
8 and Energy Efficiency Verification and Repair Program to award
9 grants to local educational agencies to reopen schools with
10 functional ventilation systems that are tested, adjusted, and, if
11 necessary or cost effective, repaired, upgraded, or replaced to
12 increase efficiency and performance.

13 (b) A local educational agency may apply for a grant pursuant
14 to the program by submitting an application for reasonable costs
15 of the HVAC assessment, assessment report, general maintenance,
16 adjustment of ventilation rates, filter replacement, carbon dioxide
17 monitor installation.

18 (c) (1) The Energy Commission shall award a grant pursuant
19 to this article if the amount requested in the application is verified
20 by a contractor’s estimate and the local educational agency meets
21 other requirements determined by the Energy Commission to be
22 appropriate to achieve the purposes of this article. A grant shall
23 be awarded in the amount requested plus an additional 20 percent
24 of the requested amount for repairs, upgrades, or replacements
25 necessary to make the system functional or more energy efficient.

26 (2) If a licensed professional identifies cost-effective energy
27 efficiency upgrades or repairs that would exceed the additional
28 20 percent awarded, a local educational agency may apply for
29 additional funding pursuant to this article for the cost-effective
30 energy efficiency upgrades or repairs.

31 8422. As conditions for receiving a grant pursuant to this
32 article, a local educational agency shall comply with the
33 requirements of Sections 8423 to 8427, inclusive, for all
34 air-handling units, rooftop units and unitary and single zone
35 equipment in that facility’s HVAC system or systems.

36 8423. (a) (1) The local educational agency receiving a grant
37 shall install filtration with a minimum efficiency reporting value
38 (MERV) of 13 or better in the local educational agency’s HVAC
39 system where feasible. Qualified testing personnel shall review
40 system capacity and airflow to determine the highest MERV

1 *filtration that can be installed without adversely impacting*
2 *equipment, shall replace or upgrade filters where needed, and*
3 *shall verify that those filters are installed correctly. If a system*
4 *uses ultraviolet germicidal irradiation (UVGI) to disinfect the air,*
5 *the UVGI lamp shall be checked for proper operation, replacing*
6 *bulbs as needed and verifying that the ultraviolet light does not*
7 *shine on filters. Recommendations for additional maintenance,*
8 *replacement, or upgrades to allow for more protective filtration*
9 *shall be recorded in the assessment report required pursuant to*
10 *Section 8426.*

11 *(2) For systems with economizers, qualified testing personnel*
12 *shall test system economizer dampers pursuant to Section B of*
13 *NRCA-MCH-05-A–Air Economizer Controls. Economizer dampers*
14 *and controls that are not properly functioning shall be repaired*
15 *by a skilled and trained workforce. Recommendations for*
16 *additional maintenance, replacement, or upgrades shall be*
17 *recorded in the assessment report.*

18 *(b) (1) After completing the requirements of subdivision (a), a*
19 *qualified testing personnel shall verify the ventilation rates in the*
20 *facility classrooms, auditoriums, gymnasiums, nurses offices,*
21 *restrooms, and other occupied areas to assess whether they meet*
22 *the minimum ventilation rate requirements set forth in Table*
23 *120.1-A of Part 6 (commencing with Section 100.0) of Title 24*
24 *California Code of Regulations. Assessment shall include all of*
25 *the following:*

26 *(A) Calculation of the required minimum outside air ventilation*
27 *rates for each occupied area based on the anticipated occupancy*
28 *and the minimum required ventilation rate per occupant set forth*
29 *in Table 120.1-A. Calculations shall be based on maximum*
30 *anticipated classroom or other occupied area occupancy rates*
31 *and determined by the performing technician. Natural Ventilation*
32 *shall be designed in accordance with Section 402.2 of the*
33 *California Mechanical Code (Part 4 (commencing with Section*
34 *1.1.0) of Title 24 of the California Code of Regulations) and shall*
35 *include mechanical ventilation systems designed in accordance*
36 *with Section 403.0, Section 404.0, or both of those sections, of the*
37 *California Mechanical Code.*

38 *(B) Measurement of outside air pursuant to Section B of*
39 *NRCA-MCH-02-A–Outdoor Air Acceptance and verification of*

1 *whether the system provides the minimum outside air ventilation*
2 *rates calculated in subparagraph (A).*

3 *(C) Survey readings of inlets and outlets to verify all ventilation*
4 *is reaching the served zone and that there is adequate distribution.*
5 *Verify if inlets and outlets are balanced within tolerance of the*
6 *system design. Document read values and deficiencies. If the*
7 *original system design values are not available, document available*
8 *information and note unavailability of system design values in the*
9 *assessment report.*

10 *(D) Verification of building pressure relative to the outdoors*
11 *to ensure positive pressure differential and to ensure the building*
12 *is not over pressurized.*

13 *(E) Verification of coil velocities and coil and unit discharge*
14 *air temperatures required to maintain desired indoor conditions*
15 *and to avoid moisture carry over from cooling coils.*

16 *(F) Verification that separation between outdoor air intakes*
17 *and exhaust discharge outlets meet requirements of the California*
18 *Building Code.*

19 *(G) Confirmation that the air handling unit is bringing in*
20 *outdoor air and removing exhaust air as intended by the system*
21 *design.*

22 *(H) Measurement of all exhaust air volume for exhaust fans,*
23 *including restrooms. Document any discrepancies from system*
24 *design.*

25 *(2) If the system does not meet the minimum ventilation rate*
26 *requirements set forth in Table 120.1-A, a licensed professional*
27 *or qualified adjusting personnel shall review the system airflow*
28 *and capacity to determine if additional ventilation can be provided*
29 *without adversely impacting equipment performance and building*
30 *indoor environmental quality. If additional ventilation can be*
31 *provided, a qualified adjusting personnel shall adjust ventilation*
32 *rates to meet the minimum ventilation rate requirements set forth*
33 *in Table 120.1-A to the extent feasible. After the adjustment, the*
34 *measurement and verifications required in subparagraphs (B),*
35 *(D), and (E) of paragraph (1) shall be repeated. If minimum*
36 *ventilation rate requirements set forth in Table 120.1-A cannot be*
37 *met, this deficiency shall be reported in the assessment report and*
38 *the verification report, and addressed by a licensed professional*
39 *as required pursuant to Sections 8426 and 8427.*

1 (c) If a demand control ventilation is installed, it shall be
2 adjusted to a carbon dioxide set point of 800 ppm or less and tested
3 by a qualified testing personnel pursuant to Section B of
4 NRCA-MCH-06-A-Demand Control Ventilation Systems
5 Acceptance. If the demand control ventilation system does not
6 maintain average daily maximum carbon dioxide levels below
7 1,100 ppm, it shall be disabled until such time as the local
8 educational agency determines that the COVID-19 crisis has
9 passed, unless disabling the control would adversely affect
10 operation of the overall system. When disabling a demand control
11 ventilation system, the system must be configured to meet the
12 minimum ventilation rate requirements and tested and adjusted in
13 accordance with paragraph (3) of subdivision (a) of Section 8425.
14 Recommendations for additional maintenance, replacement or
15 upgrades shall be recorded in the assessment report.

16 (d) A qualified testing personnel or a skilled and trained
17 workforce shall verify coil condition, condensate drainage,
18 refrigerant charge, heat exchanger operation, and drive assembly.
19 If repairs, replacement, or upgrades are necessary, these
20 deficiencies shall be reported in the assessment report and the
21 verification report, and addressed by the licensed professional
22 pursuant to Sections 8426 and 8427.

23 (e) A qualified testing personnel or qualified adjusting personnel
24 shall do all of the following:

25 (1) Review control sequences to verify systems will maintain
26 intended ventilation, temperature and humidity conditions during
27 school operation. Previously unoccupied buildings shall perform
28 the recommended practices of reopening a building as covered in
29 the American Society of Heating, Refrigerating and
30 Air-Conditioning Engineers (ASHRAE) Building Readiness
31 document – Restarting a Building.

32 (2) Verify a daily flush is scheduled for two hours before and
33 after scheduled occupancy or demonstrate calculation of flush
34 times per ASHRAE Guidance for Reopening and Operating Schools
35 and Buildings or otherwise applicable local or state guidance.

36 (3) Verify that HVAC system operational times, exhaust fans
37 operation times, setpoints, and enabled features meet ASHRAE
38 Guidance for Reopening and Operating Schools and Buildings or
39 otherwise applicable local or state guidance.

1 8424. *If installed HVAC systems or system components are*
2 *broken, fail to meet minimum ventilation requirements, or are*
3 *unable to operate to the original design and intent, this information*
4 *will be set forth in the assessment report prepared pursuant to*
5 *Section 8426 to be provided to a licensed professional for*
6 *determination of appropriate corrective measures pursuant to*
7 *Section 8426. Repairs, upgrades, or replacements shall be*
8 *performed by a skilled and trained workforce.*

9 8425. (a) *To ensure proper ventilation is maintained*
10 *throughout the school year, all classrooms shall be equipped with*
11 *a carbon dioxide monitor that meets all of the following*
12 *requirements:*

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

16 (2) *The monitor displays the carbon dioxide readings to the*
17 *teacher through a display on the device or other means such as a*
18 *web-based application or cellular phone application.*

19 (3) *The monitor provides 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 (4) *The monitor maintains a record of previous data that*
25 *includes at least the maximum carbon dioxide concentration*
26 *measured.*

27 (5) *The monitor has a range of one ppm to 2000 ppm or greater.*

28 (6) *The monitor is certified by the manufacturer to be accurate*
29 *within 75 ppm at 1,000 ppm carbon dioxide concentration and is*
30 *certified by the manufacturer to require calibration no more*
31 *frequently than once every five years.*

32 (b) *If a classroom carbon dioxide concentration exceeds 1,100*
33 *ppm more than once a week as observed by the teacher or the*
34 *facilities staff, the classroom ventilation rates shall be adjusted*
35 *by qualified personnel to ensure peak carbon dioxide*
36 *concentrations in the classroom remain below the maximum*
37 *allowable carbon dioxide ppm setpoint. Verification of the*
38 *installation of carbon dioxide monitors in all classrooms shall be*
39 *included in the assessment report required pursuant to Section*
40 *8426.*

1 8426. A qualified testing personnel or qualified adjusting
2 personnel shall prepare an assessment report for review by a
3 licensed professional. The licensed professional shall review the
4 assessment report and determine what, if any, additional
5 adjustments or repairs would be necessary to meet the minimum
6 ventilation and filtration requirements, determine whether any
7 cost-effective energy efficiency upgrades or replacements are
8 warranted or recommended, and provide an estimated cost for
9 this work. If the cost of recommended repairs, upgrades, or
10 replacements are greater than the contingency amount provided
11 in the grant, then the licensed professional and the local
12 educational agency shall submit an application for additional
13 funding pursuant to this article. The provision of any additional
14 funding for repairs, upgrades, or replacements shall be conditioned
15 on the applicant ensuring that all construction work funded, in
16 whole or in part, by the additional funding is performed by a skilled
17 and trained workforce. The assessment report shall include all of
18 the following information:

19 (a) Name and address of school facility and person or contractor
20 preparing and certifying assessment report.

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

25 (c) Either verification that MERV 13 filters have been installed
26 or verification that the maximum MERV-rated filter that the system
27 is able to effectively handle has been installed and what that
28 MERV-rating is.

29 (d) The verified ventilation rates for facility classrooms,
30 auditoriums, gymnasiums, nurses' offices, restrooms, offices, and
31 other occupied areas, and whether those rates meet the
32 requirements set forth in Table 120.1-A. If ventilation rates do not
33 meet applicable requirements, then an explanation for why the
34 current system is unable to meet those rates shall be provided.

35 (e) The verified exhaust for facility classrooms, auditoriums,
36 gymnasiums, nurses' offices, restrooms, and other occupied areas
37 and whether those rates meet the requirements set forth in the
38 design intent.

- 1 (f) *Documentation of system deficiencies and recommendations*
2 *for additional maintenance, replacement, or upgrades to improve*
3 *energy efficiency, safety, or performance.*
- 4 8427. (a) *Upon completion of all work funded by a grant*
5 *pursuant to this article, the local educational agency shall prepare*
6 *an HVAC verification report. The HVAC verification report shall*
7 *include all of the following information:*
- 8 (1) *Name and address of school facility and person or contractor*
9 *preparing and certifying report.*
- 10 (2) *Description of assessment, maintenance, adjustment, repair,*
11 *upgrade, and replacement activities and outcomes.*
- 12 (3) *Verification that the local educational agency has complied*
13 *with all requirements of this article.*
- 14 (4) *Verification that either MERV 13 filters have been installed*
15 *or verification that the maximum MERV-rated filter that the system*
16 *is able to effectively handle has been installed and what that*
17 *MERV-rating is.*
- 18 (5) *The verified ventilation rates for facility classrooms,*
19 *auditoriums, gymnasiums, nurses' offices, restrooms, offices and*
20 *other occupied areas and whether those rates meet the*
21 *requirements set forth in Table 120.1-A. If ventilation rates do not*
22 *meet applicable guidance, then an explanation for why the current*
23 *system is unable to meet those rates shall be provided.*
- 24 (6) *The verified exhaust for facility classrooms, auditoriums,*
25 *gymnasiums, nurses' offices, restrooms, and other occupied areas*
26 *and whether those rates meet the requirements set forth in the*
27 *design intent.*
- 28 (7) *Documentation of system deficiencies and recommendations*
29 *for additional maintenance, replacement, or upgrades to improve*
30 *energy efficiency, safety, or performance.*
- 31 (8) *Documentation of initial operating verifications, adjustments,*
32 *and final operating verifications, and document any adjustments*
33 *or repairs performed.*
- 34 (9) *Verification of installation of carbon dioxide monitors,*
35 *including make and model of monitors.*
- 36 (10) *Verification that all work has been performed by qualified*
37 *personnel, including the provision of the contractor's name and*
38 *license, acceptance test technician name and certification number,*
39 *where applicable, TAB technician name and certification number,*

1 *where applicable, and verification that all construction work has*
2 *been performed by a skilled and trained workforce.*

3 *(b) The local educational agency shall maintain a copy of the*
4 *HVAC verification report and make it available to any member of*
5 *the public or the Energy Commission upon request.*

6

7 *Article 4. School and State Building Noncompliant Plumbing*
8 *Fixture Program*

9

10 *8450. For purposes of this article, “noncompliant plumbing*
11 *fixtures” and “water-conserving plumbing fixtures” have the same*
12 *meanings set forth in Section 1101.3 of the Civil Code.*

13 *8451. The Energy Commission, in collaboration with each*
14 *utility, shall develop and administer the School and State Building*
15 *Noncompliant Plumbing Fixture Program to provide grants to*
16 *state agencies and local educational agencies to replace*
17 *noncompliant plumbing fixtures that fail to meet water efficiency*
18 *standards, or that waste potable water and the energy used to*
19 *convey that water, with water-conserving plumbing fixtures.*

20 *8452. On or before April 1, 2021, the Energy Commission shall*
21 *issue a notice to state agencies and local educational agencies of*
22 *the availability of grants under the School and State Building*
23 *Noncompliant Plumbing Fixture Program and to invite state*
24 *agencies and local educational agencies to submit applications.*

25 *8453. (a) The Energy Commission shall award a grant*
26 *pursuant to this article if an applicant submits documents showing*
27 *the noncompliant plumbing fixtures in the buildings for which the*
28 *grant funding will be used and a cost estimate that is verified by*
29 *a contractor for the replacement of the noncompliant fixtures, and*
30 *the applicant meets other requirements determined by the Energy*
31 *Commission to be appropriate to achieve the purposes of this*
32 *article.*

33 *(b) As a condition of the grant, an applicant receiving a grant*
34 *shall ensure that all construction work funded, in whole or in part,*
35 *by the grants are performed by a skilled and trained workforce.*

36 *SEC. 5. No reimbursement is required by this act pursuant to*
37 *Section 6 of Article XIII B of the California Constitution because*
38 *a local agency or school district has the authority to levy service*
39 *charges, fees, or assessments sufficient to pay for the program or*
40 *level of service mandated by this act or because costs that may be*

1 *incurred by a local agency or school district will be incurred*
2 *because this act creates a new crime or infraction, eliminates a*
3 *crime or infraction, or changes the penalty for a crime or*
4 *infraction, within the meaning of Section 17556 of the Government*
5 *Code, or changes the definition of a crime within the meaning of*
6 *Section 6 of Article XIII B of the California Constitution.*

7 SECTION 1. ~~Section 116365.3 is added to the Health and~~
8 ~~Safety Code, to read:~~

9 ~~116365.3. (a) On or before January 1, 2021, the Office of~~
10 ~~Environmental Health Hazard Assessment shall adopt a work plan~~
11 ~~to assess which substances in the class of perfluoroalkyl and~~
12 ~~polyfluoroalkyl substances should be identified as a potential risk~~
13 ~~to human health, taking into account which substances have the~~
14 ~~potential to be detected in California waters based on prevalence~~
15 ~~of manufacturing of, manufacturing products with, or use of, a~~
16 ~~perfluoroalkyl and polyfluoroalkyl substance in California and~~
17 ~~which substances are technically feasible to detect based on current~~
18 ~~detection methodologies.~~

19 ~~(b) (1) On or before January 1, 2022, the office shall provide~~
20 ~~an update to the Legislature, in accordance with Section 9795 of~~
21 ~~the Government Code, on its preliminary assessments included in~~
22 ~~the work plan.~~

23 ~~(2) The office shall continue to assess annually perfluoroalkyl~~
24 ~~and polyfluoroalkyl substances pursuant to subdivision (a) as~~
25 ~~information, scientific research, and detection methodologies~~
26 ~~become available.~~

27 ~~(c) As part of the assessments, the office shall determine which~~
28 ~~of the perfluoroalkyl and polyfluoroalkyl substances are appropriate~~
29 ~~candidates for notification levels to be adopted by the state board~~
30 ~~in accordance with paragraph (3) of subdivision (c) of Section~~
31 ~~116455.~~

32 ~~(d) The office may use scientific data and research from other~~
33 ~~state or federal agencies and authoritative bodies that have scientific~~
34 ~~literature on perfluoroalkyl and polyfluoroalkyl substances.~~

35 ~~(e) The office shall coordinate with the State Water Resources~~
36 ~~Control Board to collect water monitoring data on perfluoroalkyl~~
37 ~~and polyfluoroalkyl substances, as provided by the federal~~
38 ~~Unregulated Contaminant Monitoring Rule, established by the~~
39 ~~United States Environmental Protection Agency pursuant to the~~
40 ~~federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.) or~~

- 1 ~~the state board's investigative order authority pursuant to Section~~
- 2 ~~13267 of the Water Code.~~

O