

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION – California Schools Healthy Air, Plumbing and Efficiency Program
(20-RENEW-01)**

WHEREAS, Assembly Bill 841 (AB 841, Statutes of 2020, Chapter 372), added, among other statutes, Public Utilities Code (PUC) Section 1600 et seq., which directs the California Energy Commission (CEC) to develop and implement two programs: a program to award 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 another program to provide grants to state agencies and local educational agencies to replace noncompliant plumbing fixtures and appliances with water-conserving plumbing fixtures and appliances; and

WHEREAS, PUC section 1614 directs the CEC to adopt guidelines to establish the eligibility criteria, reporting requirements, and technical standards for the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Ventilation and Plumbing Programs; and

WHEREAS, the CEC released draft *California Schools Healthy Air, Plumbing, and Efficiency Ventilation Program Guidelines* (called in AB 841 the School Reopening Ventilation and Energy Efficiency Verification and Repair Program, but renamed by the CEC) and *California Schools Healthy Air, Plumbing, and Efficiency Plumbing Program Guidelines* (called in AB 841 the School Noncompliant Plumbing Fixture and Appliance Program, but renamed by the CEC, with both guidelines collectively referred to as the Guidelines in this Resolution) on January 20, 2021; and

WHEREAS, the CEC conducted public workshops on January 22, 2021 and April 28, 2021 to solicit stakeholder feedback; and

WHEREAS, the CEC released updated draft Guidelines on March 19, 2021, and May 28, 2021; and

WHEREAS, the CEC's legal office has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the Guidelines and opined that the adoption of these Guidelines is exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303; and

WHEREAS, the CEC has considered staff's proposed revisions to the Guidelines, as set forth in the final draft Guidelines as reflected in the public notice of May 28, 2021, and finds that its adoption of these guidelines is exempt from CEQA for the reasons opined by the legal office, and accepts and approves these revisions for the purpose of administering CalSHAPE; and

WHEREAS, the CEC received new stakeholder comments and data prior to and at the June 9, 2021, business meeting about the CalSHAPE Ventilation Program Guidelines

and a request to postpone its adoption until the new comments and data have been considered by the CEC; and

WHEREAS, the CEC did not receive new data about, or a request to postpone adoption of, the CalSHAPE Plumbing Program Guidelines, and instead received comments to adopt it as proposed; and

WHEREAS, at the June 9, 2021, business meeting CEC voted to (1) postpone adoption of the CalSHAPE Ventilation Program Guidelines to consider the new comments and data received and (2) find the adoption of the CalSHAPE Plumbing Program Guidelines to be exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303, adopt the CalSHAPE Plumbing Program Guidelines, and delegate the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to administer the CalSHAPE Plumbing Program as specified in these Guidelines, including if necessary, making grammatical or other non-substantive, minor changes to the Guidelines as needed; and

WHEREAS, the CEC has now considered the new comments and data for the CalSHAPE Ventilation Program and made corresponding revisions to the CalSHAPE Ventilation Program Guidelines.

THEREFORE BE IT RESOLVED, the CEC hereby finds the adoption of the CalSHAPE Ventilation Program Guidelines to be exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303, adopts the CalSHAPE Ventilation Program Guidelines, and delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to administer the CalSHAPE Ventilation Program as specified in these Guidelines, including if necessary, making grammatical or other non-substantive, minor changes to the Guidelines as needed.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on June 25, 2021.

AYE:

NAY:

ABSENT:

ABSTAIN:

Patricia Carlos
Secretariat