

Backup materials for Item 2b: California Schools Healthy Air, Plumbing and Efficiency Program (CalSHAPE) (20-RENEW-01).

California Schools Healthy Air, Plumbing, and Efficiency Plumbing Program Draft Commission Guidelines, Third Edition (Clean Version) (available at: <https://www.energy.ca.gov/publications/2022/california-schools-healthy-air-plumbing-and-efficiency-plumbing-program-0>)

California Schools Healthy Air, Plumbing, and Efficiency Plumbing Program Draft Commission Guidelines, Third Edition (Underline Strikethrough Version) (available at: <https://www.energy.ca.gov/publications/2022/california-schools-healthy-air-plumbing-and-efficiency-plumbing-program-0>)

Memorandum

To: Chair Hochschild
Vice Chair Gunda
Commissioner McAllister
Commissioner Monahan
Commissioner Vaccaro

Date: October 21, 2022

From: Matthew Pinkerton, Attorney IV
Chief Counsel's Office

Subject: CEQA Compliance for Revisions to the CalSHAPE Plumbing Program Guidelines

This memo addresses the application of the California Environmental Quality Act (CEQA, Public Resources Code section 21000 et seq.) to the California Energy Commission's (CEC) proposed adoption of revisions to the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Plumbing Program Guidelines.

The CEC, at its June 9, 2021, business meeting adopted the CalSHAPE Plumbing Program Guidelines, and at its June 25, 2021, business meeting adopted the CalSHAPE Ventilation Program Guidelines. The CEC considered the application of CEQA and made findings when it approved both guidelines.

The CEC, at its August 11, 2021, business meeting adopted revised CalSHAPE Plumbing Program Guidelines and CalSHAPE Ventilation Program Guidelines to include regional occupational centers within the definition of local education agencies as eligible applicants. The CEC again considered the application of CEQA and made findings when it approved both guidelines.

The CEC, at its June 8, 2022, business meeting adopted revised CalSHAPE Plumbing Program Guidelines and CalSHAPE Ventilation Program Guidelines to expand program eligibility, clarify acceptable documentation for proof of ownership or complying lease, extend the application correction period from 10 calendar days to 15 business days, and provide additional information on requirements for final invoicing. For the CalSHAPE Plumbing Program additionally revised the process for reimbursement of eligible incurred costs and the effective date of guidelines revisions. The CEC again considered the application of CEQA and made findings when it approved both guidelines.

CEC staff now propose to make further changes to the CalSHAPE Plumbing Program Guidelines for CEC approval at its December 14, 2022, business meeting. These changes will expand eligibility for program awards to include state agencies, in accordance with California Public Utilities Code Section 1631.

The proposed changes to the CalSHAPE Plumbing Program Guidelines will not result in any impact to the environment beyond those already considered. The proposed changes also do not alter the applicability of the categorical exemptions in Title 14 of the California Code of Regulations (CCR) sections 15301, 15302, and 15303. These categorical exemptions still apply for the same reasons in prior memos included in the backup material when the CEC

approved each of the guidelines. Nor do the proposed changes trigger any of the exceptions to categorical exemptions, as set forth in title 14 of the CCR section 15300.2.

For all the forgoing reasons, the CEC's adoption of the proposed revisions to the CalSHAPE Plumbing Program Guidelines is exempt from CEQA.

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 State Energy Resources Conservation and Development 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 these programs: the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Ventilation and Plumbing Programs; and

WHEREAS, the CEC, at its June 9, 2021, business meeting adopted the CalSHAPE Plumbing Program Guidelines, and at its June 25, 2021, business meeting adopted the CalSHAPE Ventilation Program Guidelines (collectively referred to as “The Guidelines”); and

WHEREAS, the CEC, at its August 11, 2021, business meeting adopted revisions to The Guidelines to conform with Assembly Bill 137 (AB 137, Statutes of 2021, Chapter 77), which expanded the definition in Public Utilities Code Section 1601 of Local Education Agencies—the eligible entities to receive funding under CalSHAPE—to include Regional Occupational Centers; and

WHEREAS, the CEC, at its June 8, 2022, business meeting adopted revisions to The Guidelines to expand eligibility, clarify certain acceptable application documents and final invoice requirements, extend the application correction period time, and, for the CalSHAPE Plumbing Program, clarify certain application and payment procedures; and

WHEREAS, staff proposes further revisions to the CalSHAPE Plumbing Program Guidelines to expand eligibility for program awards to include state agencies, in accordance with California Public Utilities Code Section 1631; and

WHEREAS, the CEC publicly noticed these proposed changes to the CalSHAPE Plumbing Program Guidelines at least 15 days before the December 14, 2022, business in accordance with the requirements in the CalSHAPE Plumbing Program Guidelines; and

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

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

CERTIFICATION

The undersigned Secretariat to the CEC 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 December 14, 2022.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Liza Lopez
Secretariat