



**California Energy Commission
October 18, 2023, Business Meeting
Backup Materials for Agenda Item No 3e:
California Schools Healthy Air, Plumbing, and Efficiency Program Guidelines
(CalSHAPE)**

The following backup materials for the above-referenced agenda item are available as described below:

1. Proposed Resolution, attached below.
2. Draft Commission Guidelines, available at <https://efiling.energy.ca.gov/GetDocument.aspx?tn=252466&DocumentContentId=87470>.
3. CEQA documents, attached below.

For the complete record, please visit: [California Energy Commission: Docket Log: 20-RENEW-01](#)

To stay informed about this project and receive documents as they are filed, please subscribe to the proceeding California Schools Healthy Air, Plumbing, and Efficiency Program (CalSHAPE) Topic, which can be accessed here: <https://www.energy.ca.gov/subscriptions>. The Topic sends out email notifications and direct links when documents are filed in the proceeding docket.

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 25, 2021, business meeting adopted the CalSHAPE Ventilation Program Guidelines; and

WHEREAS, The CEC, at its August 11, 2021, business meeting adopted revisions to the CalSHAPE Ventilation Program 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, following a public workshop to solicit feedback on lessons learned during early program implementation the CEC, at its June 8, 2022, business meeting adopted the Second Edition of CalSHAPE Ventilation Program Guidelines, which expanded eligibility, clarified certain acceptable application documents and final invoice requirements, and extended the application correction period time; and

WHEREAS, following public notice of proposed changes in accordance with the requirements of The Guidelines, the CEC at its May 31, 2023, business meeting adopted the Third Edition of the CalSHAPE Ventilation Program Guidelines, which added requirements for the second phase of program awards for the repair, upgrade, or replacement of Heating, Ventilation, and Air Conditioning systems (“Upgrade and Repair grants,” which are in addition to the first phase “Assessment and Maintenance

grants”) and added language on additional funding allocated to the program from the Greenhouse Gas Reduction Fund; and

WHEREAS, CEC staff propose a Fourth Edition of the CalSHAPE Ventilation Program Guidelines to revise the timing of payment for Assessment and Maintenance awards, and remove the limit on the number of applications that can be submitted in each funding round for both phases of program awards (Assessment and Maintenance grants and Upgrade and Repair grants); and

WHEREAS, the CEC publicly noticed the proposed Fourth Edition changes to the CalSHAPE Ventilation Program Guidelines at least 15 days before the October 18, 2023, business meeting in accordance with the requirements in The 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 Fourth Edition of the CalSHAPE Ventilation Program Guidelines and opined that the CEC’s adoption is exempt from CEQA under Title 14, California Code of Regulations, sections 15301, 15302, and 15303; and

THEREFORE, BE IT RESOLVED, The CEC hereby finds the adoption of the proposed Fourth Edition 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 proposed Fourth Edition of the CalSHAPE Ventilation 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 Fourth Edition of CalSHAPE Ventilation Program Guidelines, including, if necessary, making grammatical or other non-substantive, minor changes to the 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 October 18, 2023.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Liza Lopez
Secretariat

Memorandum

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

Date: September 7, 2023

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

Subject: CEQA Compliance for Revisions to CalSHAPE 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 program guidelines for the California Schools Healthy Air, Plumbing and Efficiency (CalSHAPE) Ventilation Program.

The CEC, 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 the program guidelines.

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

Following a public workshop to solicit feedback on lessons learned during early program implementation, the CEC, at its June 8, 2022, business meeting adopted the Second Edition of the CalSHAPE Ventilation Program Guidelines. The Second Edition of the CalSHAPE Ventilation Program Guidelines expanded program eligibility, clarified acceptable documentation for proof of ownership or complying lease, extended the application correction period from 10 calendar days to 15 business days, and provided additional information on requirements for final invoicing. The CEC considered the application of CEQA and made findings when it approved the Second Edition of the CalSHAPE Ventilation Program Guidelines.

Following public notice of proposed changes in accordance with the requirements of The Guidelines, the CEC at its May 31, 2023, business meeting adopted the Third Edition of the CalSHAPE Ventilation Program Guidelines. The Third Edition of the CalSHAPE Ventilation Program Guidelines added requirements for the second phase of program awards for the repair, upgrade, or replacement of Heating, Ventilation, and Air Conditioning systems ("Upgrade and Repair grants," which are in addition to the first phase "Assessment and Maintenance grants") and added language on additional funding allocated to the program from the Greenhouse Gas Reduction Fund. The CEC considered the application of CEQA and made findings when it approved the Third Edition of the CalSHAPE Ventilation Program Guidelines.

CEC staff now propose a Fourth Edition of the CalSHAPE Ventilation Program Guidelines for adoption at CEC's October 18, 2023, business meeting. CEC staff seeks to revise the timing of payment for Assessment and Maintenance grants and remove the limit on the number of applications that can be submitted in each funding round for both phases of program awards (Assessment and Maintenance grants and Upgrade and Repair grants).

The changes in the proposed Fourth Edition of the CalSHAPE Ventilation 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. The categorical exemptions still apply for the same reasons in prior memos included in the backup material when the CEC approved the program 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 Fourth Edition of the CalSHAPE Ventilation Program Guidelines is exempt from CEQA.