

School Energy News Wire

A Newsletter for Efficient & Climate Friendly Schools

SEC WINS LEGISLATIVE VICTORY, STOPS SB 118

SB 118 (Yee), a bill that would have required schools and other local public agencies to develop a competitive process for letting out energy service contracts and related infrastructure has been held in the Senate Appropriations Committee, unable to garner the votes needed to move forward to the Senate Floor.

SEC helped lead a coalition of public agency representatives and energy service companies in opposition to this bill.

The bill should now be considered dead for all intents and purposes for this year, although there is still the very slim possibility that language could be amended into another legislative vehicle.

Under current law, Government Code 4217, these local agency energy service contracts must already be heard in a public hearing with two weeks advance public notice.

The Government Code also states that the governing body must deter-

mine that “the anticipated cost to the public agency for thermal or electrical energy or conservation services provided by the energy conservation facility under the contract will be less than the anticipated marginal cost to the public agency of thermal, electrical, or other energy that would have been consumed by the public agency in the absence of those purchases,” in order to be eligible for approval by the public agency.

The Legislature, through policy and statute, has articulated an over-arching desire to encourage investments in alternative energy and recognizing the complexity of these types of contracts which involve both an energy cost component as well as accompanying facility or equipment.

The Government Code goes on to state:

“The provisions of this chapter shall be construed to provide the greatest possible flexibility to public agencies in structuring agreements entered into hereunder so that eco-

nomie benefits may be maximized and financing and other costs associated with the design and construction of alternate energy projects may be minimized.” (Underlines added)

SEC had held discussions with Senator Yee’s staff, and provided language to the author that would have provided more flexibility for local public agencies. We appreciate the fact that Senator Yee was willing to consider those amendments, but we remained opposed to the bill until they were accepted.

Although it appeared the Senator was moving toward accepting the amendments, the Appropriations Committee staff recognized the concerns raised by SEC and others as to the cost to the state, schools, and other local public agencies of an additional process to provide notice prior to the public hearing already required for contract approval.

SEC will be carefully watching changes to other legislative vehicles

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**SEC WILL BEGIN A SERIES OF WEBINARS
ON CRITICAL SCHOOL ENERGY ISSUES
YOU NEED TO KNOW THIS SUMMER!**

**STAY TUNED FOR
MORE INFORMATION!**

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AB 32 STALLS: COURTS SAY CAP AND TRADE PROGRAM NEEDS MORE WORK

SAN FRANCISCO -- A court in San Francisco has ruled the state must spend more time studying alternatives for a "cap and trade" program on greenhouse gas emissions before it goes into effect Jan. 1.

San Francisco County Superior Court Judge Ernest Goldsmith blocked the California Air Resources Board (ARB) from moving forward with AB 32, until it completes a more thorough environmental analysis.

News reports say that could take months, putting into question whether the rules will take effect next year as planned.

The challenge came from a handful of small, non-profit environmental groups.

Those groups, led by Communities for a Better Environment, based in Oakland, sued the ARB, arguing the rules could increase pollution in low-income, largely minority communities located around power plants and oil refineries if those facilities are allowed to trade pollution credits under a "cap and trade" plan rather than simply facing either a tax on their emissions or some other limit.

Former state Assembly Speaker Fabian Nunez, who wrote AB 32, called the court ruling "...another roadblock to California being able to achieve its predominance in the environmental world by being the first state in the country to implement CO2 reduction in a very serious way."

The ARB, whose members are appointed by Gov. Jerry Brown, announced it will appeal.

In December, the ARB approved a "cap and trade" system to limit emissions of greenhouse gases that most climate scientists say are causing global warming.

Roughly 600 of California's major polluters - from oil refineries to power plants and factories - would face mandatory limits starting on the amount of greenhouse gases they emit. The facilities will be able to trade pollution credits under a new "cap and trade" market, and will be allowed to use projects that offset global warming, such as tree planting, to cover up to 8 percent of their emissions limits.

SEC believes that schools that make strides toward lowering their carbon footprint should also

receive such credits that may be worth real dollars in this future market.

The "cap and trade" rules were drawn up under AB 32, which requires that California's greenhouse gas emissions be cut to 1990 levels by 2020, a drop of about 15 percent from current levels.

Stanley Young, the ARB spokesman, said his agency completed a 500-page environmental analysis in October, after the lawsuit was filed. He also disputed that cap and trade plans increase pollution in some communities, noting that AB 32 required that other forms of air pollution cannot increase under the rules.

Several legal experts noted that an appeals court could stay the judge's ruling, allowing the rules to move forward while the case is argued in court through next year and Stanford University law professor Buzz Thompson said the ruling is not a death knell for California's global warming law.

SEC will continue to monitor the ARB's actions in response to this ruling.



SB 118 (Cont'd from Page 1)

for this purpose, but SB 118 cannot be used for this purpose under the current deadlines.

SEC's testimony in opposition to SB 118 (Yee):

Madame Chair and Members:

Anna Ferrera on behalf of the School Energy Coalition in opposition to this bill.

Schools remain opposed to SB 118

because it asks local agencies to perform an RFP, RFI or RFQ - a process that will require added costs, staff, and resources - and runs counter to the state's intent in Government Code 4217 that maximum flexibility be given to public agencies seeking to move these types of projects forward.

SEC has worked with staff to provide language that we believe preserves the spirit of the code and the flexibility schools and other public

agencies need to make these projects feasible and provides notification per the public agency - which is the transparency that was sought after in the bill.

We appreciate that Senator Yee's staff has been working with us and that the Senator expressed his desire to work with us in the policy committee but SEC must remain opposed until those amendments are accepted.

COMING SOON.....

THE SCHOOL ENERGY
COALITION WEBSITE!!

VISIT US AT
WWW.SCHOOLENERGYSOLUTIONS.ORG

DSA SAYS NO TO SOLAR PANELS NEAR EARTHQUAKE FAULTS

The Los Angeles Times has written a series of articles on the Los Angeles Community Colleges (LACC) construction program, warning builders of public and commercial buildings who plan arrays of photovoltaic panels to check seismic faults beforehand.

The *Times* articles cover costs over the last six years in a program with the laudable goal of becoming self-sufficient in electricity with the help of solar, wind and geothermal power. Unfortunately, plans for 60 megawatts of renewable energy included three solar arrays that had to be abandoned because they were built above seismic faults.

The Division of the State Architect (DSA) reviewed LACC's plans that also included two fields of solar pan-

els proposed for Southwest College which is bisected by the Newport-Inglewood fault. School collapses in a 1933 earthquake along that fault led to the creation of DSA. The plan also included a proposal to build fields of solar panels and wind turbines through Mission College in Sylmar near the epicenter of a destructive 1971 earthquake.

DSA rejected the LACC's plan and found that, just like school buildings, fields of solar panels cannot be constructed above earthquake faults.

Read the articles here:

<http://www.latimes.com/news/local/la-community-colleges-html,0,3512910.htmlstory>

FEDERAL NEWS

DEPARTMENT OF EDUCATION STARTS AWARD FOR 'GREEN' SCHOOLS

The U.S. Department of Education announced today the creation of the Green Ribbon Schools program to recognize schools that are creating healthy and sustainable learning environments and teaching environmental literacy. The new awards program will be run by the Education Department with the support of the White House Council on Environmental Quality and the U.S. Environmental Protection Agency.

“Preparing our children to be good environmental citizens is some of the most important work any of us can do,” U.S. Secretary of Education Arne Duncan said at an event announcing the new program. “It’s work that will serve future generations and quite literally sustain our world.”

“The schools taking part in this initiative will help kids connect what they’re learning in science class with the world around them, allowing them to envision solutions to tomorrow’s challenges while living healthier lives today,” said EPA Administrator Lisa P. Jackson. “... Green Ribbon Schools will prepare our children to win the future by leading our global green energy economy.”

The Green Ribbon Schools program reflects President Obama’s commitment to reducing greenhouse gas emissions, increasing energy efficiency, and preparing today’s students for jobs in fields that provide clean energy solutions.

The Green Ribbon Schools program

will be modeled after the Department of Education’s Blue Ribbon Schools Program, which annually honors public and private schools that are either high performing or have improved student achievement to high levels.

Through the Green Ribbon schools program, the Education Department, the EPA, and CEQ will recognize schools for energy conservation, creating healthy learning spaces, and teaching environmental literacy.

The application for the program will be released later this year, and the first group of “Green Ribbon Schools” announced next year.

DOE ANNOUNCES GUIDE FOR K-12 SCHOOLS TO BECOME MORE ENERGY EFFICIENT

The U.S. Department of Energy announced the Advanced Energy Design Guide for K-12 School Buildings, the second in a series of Advanced Energy Design Guides (AEDGs) to aid architects and engineers in the design of highly efficient buildings.

This guide is intended to provide user-friendly, ‘how-to’ design guidance and efficiency recommendations for elementary, middle and high school buildings, resulting in facilities that consume 50% less energy than conventional schools.

Interested parties may download a copy of the draft here: http://apps1.eere.energy.gov/news/progress_

[alerts.cfm/pa_id=530](http://apps1.eere.energy.gov/news/progress_alerts.cfm/pa_id=530).

Not only will these guides help builders achieve performance beyond the current energy code, but they will also provide recommendations detailing how designers can incorporate available technology to achieve these savings. The guides help architects and engineers choose energy efficient designs for daylighting, building envelope assemblies, and heating and cooling systems, among other technologies. The guides also recommend equipment commonly available from manufacturers and reduce the time and cost burdens otherwise required in order for designers to individually model energy use for spe-

cific high performance buildings. The 50% Advanced Energy Design Guide series is being developed through a partnership with the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), American Institute of Architects (AIA), U.S. Green Building Council (USGBC), and Illuminating Engineering Society of North America (IESNA).

The Small and Medium Office guide was the first installment in the 50% Series, which will address three additional major commercial building types: K-12 Schools, Medium to Big Box Retail Buildings, and Large Hospitals.

SCHOOL ENERGY COALITION

Membership Application

Yes! I wish to become a member of the School Energy Coalition (SEC). Please enter my yearly membership at the following fee:

FEES:

- Local Education Agencies (includes Districts, COEs, Community Colleges) \$250 per year
- Small School Districts (Less than 2,500 ADA & Charter Schools \$100 per year
- Businesses/Associates \$750 per year

Contact Name _____ Date _____

Title _____

Organization _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-mail _____

Payment Method:

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Please mail or fax to:
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