

Performance Oversight Questions
District Department of the Environment

A. ORGANIZATION AND OPERATIONS

- 1 **Please provide a complete, up-to-date organizational chart for the agency and each division within the agency. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.**

See Attachment 1a – Organization Chart and Attachment 3 – Schedule A

See Attachment 1b – Division Roles and Responsibilities

- **Please include a list of the employees (name and title) for each subdivision and the number of vacant positions.**

See Attachment 1c – Vacancy Report

- **Has the agency made any organizational changes in the last year? If so, please explain.**

DDOE is in the midst of completing two adjustments to the Energy Administration. The Energy Assistance Program and the Energy Conservation Program will be grouped under a new Energy Efficiency and Affordability Division. We are currently recruiting an Associate Director for that Division. A Planning and Evaluation Division, was created in the second quarter of FY12. A new Deputy Director for the Energy Administration was hired during the third quarter of FY12. The Energy Star Benchmarking program was transferred from the Office of Policy and Sustainability to the Energy Administration at the start of FY13.

Two stormwater division branches were created to better address the new and expanded programmatic and planning requirements of the District's new MS4 Permit. The new Program Implementation Branch will focus on implementation of programs and projects required by the permit. These include developing the District's new stormwater management regulations and implementing associated regulatory mitigation options (retention credit trading program and in-lieu- fee). This branch also implements stormwater initiatives and pollution prevention practices with various DDOE divisions, sister agencies and DC Water, as well as the ban on coal tar pavement products and the Bag Law. The new Planning and Reporting Branch focuses on strategic planning to meet water quality goals, TMDL obligations, and Chesapeake Bay initiatives, as well as tracking and reporting of MS4 Permit compliance as required by EPA.

In FY12, AQD's Permitting and Enforcement Branch was split into two separate branches - the Permitting Branch and the Compliance and Enforcement Branch - and a new branch chief was hired. The purpose of the split was to provide more daily oversight of these activities, improve quality, and increase productivity.

2 **Please list each new program implemented by the agency during FY 2012. For each initiative please provide:**

- **A description of the initiative**
- **The funding required to implement to the initiative**
- **Any documented results of the initiative**

RiverSmart Communities:

RiverSmart Communities is an ambitious development in DDOE's RiverSmart program. It aims to retrofit larger buildings (apartments, condos, churches, and business properties) with facilities to infiltrate stormwater. Program funding in FY12 was approximately \$210,000. The program provides up to \$80,000 in grants to multi-family housing complexes for stormwater retrofit measures such as rain gardens, rain cisterns, bioretention, pervious pavement, impervious surface removal, turf removal with conversion to native plants, and shade trees on the property. A 20% match contribution is required, but can be waived in compelling circumstances. In the first year of the program, 51 applications were received and each property was assessed for stormwater retrofit suitability. Ten projects were awarded grants:

FY12 Projects

Logan Condominiums	Complete
McLean Gardens	Complete
Washington Metropolitan Church	Complete
Mayfair Manor	Complete
Richardson Place Dwellings	Complete
Harvard Mews	Complete
Kalorama Mews	Complete
Fairfax Village	Complete
St. Paul's Episcopal Church	Complete
The Westchester	Expected March 2013

Healthy Homes:

In FY12 DDOE started the District's first-ever program to create homes free of environmental hazards. Under this program, funded at \$593,000, DDOE worked in partnership with other District agency programs (Department of Health's Healthy Start, Department of Human Services' Strong Families, Department of Consumer and Regulatory Affairs inspections staff, and Department of Health Care Finance's lead program staff) and the Children's National Medical Center to: (1) identify homes of young children who are either at high risk of lead poisoning or who have serious cases of asthma; (2) conduct comprehensive environmental evaluations of those homes; and (3) identify and work to eliminate any indoor environmental health threats that are known asthma triggers, and any lead-based paint hazards. In the first year of the program, 72 properties were enrolled. In 51 of them, program staff produced Technical Assistance Reports that were sent to the respective property owners, along with 51 care plans that were sent to occupant families.

Based on the program's findings, the DC Housing Authority is now evaluating their housing stock with a new perspective.

Downspout Disconnection Pilot:

In FY12, DDOE tested a new downspout disconnection program with the idea of using it to develop a city-wide downspout disconnection program. The \$25,000 program was responsible for property owners disconnecting 37 downspouts. This was well below the expected response rate. We have identified three areas of potential improvement for any future attempts at downspout disconnection: 1) finding synergy with the more popular and enticing RiverSmart Homes program; 2) more carefully select the pilot area; and 3) more judicious use of outreach funds.

Enforcement Strategy Action Plan

In partnership with the Environment, Public Works, and Transportation Committee of the Council of the District of Columbia, DDOE began tracking DDOE's efforts to improve enforcement in March of 2012. This Enforcement Strategy Action Plan (ESAP) details nine key components and numerous sub-tasks that make up DDOE's Enforcement Strategy. To date, implementation of the Enforcement Strategy has been funded through existing budgets. Many of the ESAP items are small and incremental but are expected to cumulatively offer large results. Please see Attachment 28 for further details.

- Delivery of Performance Improvement Plan training—so managers are better empowered to correct any bad performance among staff.
- Completion of HR's training website and tracking database.
- Presentation of an 8-hour Hazwoper refresher course.
- Hiring of an Emergency Response Coordinator.
- Awarding of a sampling and testing IDIQ Purchase Order to TetraTech.
- Initial design of agency-wide database.
- Development of open channels of communication with the regulated and environmental communities.
- Establishment of a DCRA-DDOE work group.
- Development of 33 Standard Operating Procedures.
- Initial drafting of multi-day penalty policy.
- Quarterly tracking of all programs' enforcement metrics.
- Review (and implementation, as feasible) of ways to improve the enforcement message on DDOE website.
- Tracking of violators' return to compliance.
- Active participation in Regional Environmental Crimes Taskforce.

Mayor's College and University Sustainability Pledge:

Nine District institutions of higher learning signed a pledge in March 2012 to pursue a range of sustainability measures related to energy use and buildings, green education, transportation, waste reduction, grounds maintenance, purchasing, and the monitoring and reporting of progress (<http://sustainable.dc.gov/node/207842>). This university pledge,

coordinated by the Office of Policy and Sustainability, is the first effort in the United States to form such a widespread compact between a city's higher education sector and local government to advance sustainability. The compact is intended to foster collaboration and friendly competition to promote sustainable practices across campuses, which represent many of the District's largest employers and landholders.

Diplomatic Mission and International Institutions Environmental Performance, Climate and Sustainability Pledge:

Over 50 embassies and other international institutions agreed in February 2012 to pursue sustainability in their design, construction, operations and communications (<http://sustainable.dc.gov/node/207852>). DDOE worked with the U.S. Department of State and the Office of the Secretary to coordinate this initial launch and design the sustainability pledge. Examples of their efforts include: encouraging their local workforce to use mass transit or other eco-friendly transportation modes; striving to attain environmental building standards (Energy Star, LEED) in major renovations or new construction; and educating the District's youth in environmental sustainability. In 2013, the diplomatic pledge will grow further with an additional class of signatories.

Better Building Challenge (BBC)

In December 2011 Mayor Gray added the District to the initial list of Better Buildings Challenge (BBC) Community Partners. The BBC is a U.S. Department of Energy (DOE) initiative to drive energy efficiency in the public and private sector. The District is participating in the BBC in conjunction with the Downtown DC Business Improvement District (BID). As a BBC Community Partner, the District and the BID have pledged to work together to "engage the local community in reducing energy consumption in more than 90 million square feet of buildings by at least 20% by 2020 and in just one generation—20 years—become the healthiest, greenest, and most livable city in the United States". The role of the DDOE in this initiative is to coordinate efforts between public agencies and the BID. Given the fact that this initiative has only recently ramped up, progress towards the BBC goals has not yet been determined. To date, the District and the BID have created a joint BBC implementation model that details the initiatives and tools that will be used to engage the community. In addition, DDOE has worked closely with DOE for program guidance and to provide periodic reporting data. DDOE also convenes monthly coordination meetings to gauge progress, identify opportunities, and address challenges.

3 Please provide a complete, up-to-date position listing for your agency, which includes the following information for each position:

- **Title of position**
- **Name of employee or statement that the position is vacant, unfunded, or proposed.**
- **Date employee began in position**

- **Salary and fringe benefits, including the specific grade, series, and step of position**
- **Job status (continuing/term/temporary/contract)**

Please list this information by program and activity

See Attachment 3 – Schedule A

4 **Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?**

DDOE has an ongoing commitment to encourage employee development, promote fairness, and support the District's strategic goals and objectives. This is accomplished through performance management. Performance management is processed and documented through the web-based “e-Performance” system.

Performance management focuses on planning and communicating employee expectations at the beginning of the rating period. Managers/Supervisors and employees can cooperatively set goals and individual development plans, so expectations can be communicated at the start of the fiscal year. The Individual Development Plan (IDP) is a development tool that identifies training and learning activities that will help the employee enhance knowledge, skills and abilities to perform work duties and prepare for career advancement.

Managers/Supervisors are committed to providing continuous feedback to staff throughout the performance period through one-on-one communications and mid-year progress discussions. The review period is based on the fiscal year beginning October 1st, and ending September 30th.

All employees are encouraged to become familiar with the performance management (e-Performance) website and navigate through the links in order to get a better understanding of their role in e-Performance. In addition, all staff and managers are required to take the appropriate training. Manager/Supervisors are trained once a year through the mandatory Workforce Development Administration (WDA) course offered at DCHR. In addition, DDOE managers and supervisors are given an agency specific training in performance management including, but not limited to: writing performance goals, conducting effective evaluations and ratings, regular performance monitoring and reviews, and performance improvement plans (PIP).

There is a close alignment between the agency’s goals and an individual employee’s goals developed at the beginning of the rating period. At the end of the fiscal year the City

Administrator evaluates the performance of the agency. The performance of the agency's employees should mirror the agency's overall performance.

Every employee contributes to the success of our agency. We expect all employees to perform to the highest level possible. Poor job performance can lead to discipline, up to and including termination.

Performance Improvement Plan

A Performance Improvement Plan (PIP) is issued when a supervisor determines that an employee's performance falls below the "Valued Performer" – "3" level, upon finalization of a Performance Plan for a current performance management period. The PIP applies to Career Service employees, including Term employees who have completed a probationary period, Management Supervisory, and Excepted Service employees.

A PIP is a performance document which identifies performance areas in need of improvement and outlines how to improve performance on established criteria. The purpose of a PIP is to ensure that there is proper documentation available for both employee and supervisor to determine what areas are in need of improvement, to monitor and report on performance, and to serve as the basis for further action if there is continuing ineffective performance.

The PIP is developed by the employee's immediate supervisor with measurable actions/steps to be taken in order for the employee's performance to improve in the identified areas of the PIP. It may be issued for a 30, 60 or 90 day period, the time period, of which is at the supervisor's discretion. The last date a PIP may be issued within the fiscal year is June 30th.

PIP documentation must include the areas (i.e. job competencies and/or S.M.A.R.T. Goals) in which the employee has displayed deficient performance (i.e. less than a rating of "Valued Performer"), an action plan for improved performance, a written decision as to the outcome, and the appropriate signatures.

At the end of the PIP duration, the employee's immediate supervisor shall make a determination regarding the employee's progress made, recommendation for further action, or dissolution of the improvement plan. The supervisor's decision must be documented on the PIP form and a copy must be provided to the employee.

- 5 **Please list all employees detailed to or from your agency, if any. Please provide the reason for the detail, the detailed employee's date of detail, and the detailed employee's projected date of return.**

None.

6 **Please provide the Committee with:**

- **A list of all employees who receive cellphones, personal digital assistants, or similar communications devices at agency expense**

See Attachment 6a – Electronics List

- **A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned**

See Attachment 6b – Vehicle List

- **A list of employee bonuses or special award pay granted in FY 2012 and FY 2013, to date**

No bonuses were paid to active employees but two former employees received an “Early-Out Incentive Payment” in FY12 and FY13:

- Habieba Israel – \$25,000 Retirement Incentive Bonus; and
- Diana Jones – \$25,000 Retirement Incentive Bonus.

- **A list of travel expenses, arranged by employee**

See Attachments 6d1 – Travel and 6d2 – Travel

- **A list of the total overtime and workman’s compensation payments paid in FY 2012 and FY 2013, to date**

See Attachment 6e – Overtime and WC

7 **Please identify all electronic databases maintained by your agency, including the following:**

- **A detailed description of the information tracked within each system**
- **The age of the system and any discussion of substantial upgrades that have been made or are planned to the system**
- **Whether the public can be granted access to all or part of each system**

DDOE programs have been using the OCTO Quickbase database software platform for the past 4 years and MS Access over 10 years to track information. The Quickbase version is upgraded every year as a part of standard maintenance. DDOE does not currently have live databases accessible to the public. (See question 8 below for planned upgrades). However, web-based forms on DDOE’s website can feed information into DDOE databases. The databases consist of:

Water Protection Division (WPD)

- Erosion and Sediment Control Field Inspections: in development. Will track inspections, by DDOE Staff, to make sure construction sites are implementing proper Erosion and Sediment Controls.

Water Quality Division (WQD)

- Water Quality Files: tracks water quality paper files.

Toxic Substance Division (TSD)

- Pesticide Program Inspection Log: tracks inspections of locations where pesticides have been applied.
- Radon Testing Kit Request Form: tracks requests for radon testing kits from DC residents.

Fisheries and Wildlife Division (FWD)

- FWD Inventory Tracking: tracks field equipment purchased by FWD.
- Tree Database: tracks applications by DC homeowners who want to register their tree plantings.
- Wildlife Education Workshop Registration: tracks applications from DC residents for participation in wildlife workshops and environmental improvement events.

Storm Water Management Division (SWMD)

- Bag Fee Tips: tracks tips from the public concerning businesses that may be violating DC's Bag Law.
- Bag Law Inspection and Enforcement: tracks inspections, by DDOE staff, of DC businesses that give bags to customers, to make sure that they are in compliance with DC's Bag Law. Also tracks enforcement actions concerning this law.
- Coal Tar Ban: tracks tips from the public concerning businesses or individuals that may be violating DC's Coal Tar Ban Law.
- Coal Tar Inspection and Enforcement: tracks inspections, by DDOE staff, of DC businesses that are paving or sealing asphalt areas, or are selling paving materials. Also tracks enforcement actions related to DC's Coal Tar Ban.
- RiverSmart Homes Applicants: tracks applications from DC residents to join the RiverSmart Homes program.
- RiverSmart Rewards: in development. Will track discounts to be applied to the water bills of DC residents who are part of the RiverSmart Homes program.
- RiverSmart Schools: tracks schools that implement green projects as part of the RiverSmart program.

Office of Enforcement & Environmental Justice (OEEJ)

- Compliance and Enforcement Records: tracks paper files checked in and checked out of DDOE's Central Records library.

- DDOE Civil Infraction Cases: tracks legal cases including service, resolution, status, payment, and collections.

Lead and Healthy Housing Division (LHHD)

- Badges: tracks certification applications and renewals of individuals and businesses that seek the credentials to conduct lead-based paint activities in DC
- Lead Case Tracker & Community Financial Services Association: tracks Division's compliance and enforcement cases, including lead abatement permits
- Dust Test Tracker: in development pending lead regulations. Planned in order to track dust sampling in DC
- Property Management - Lead : contains lead-related documents voluntarily submitted by property owners/managers and tracks related enforcement efforts
- Healthy Homes and Lead Poisoning Surveillance System (HHL PSS): tracks all blood lead results for residents of DC and primary Healthy Homes case data
- Supplemental Healthy Homes Database: tracks secondary Healthy Homes case data, pending expansion of HHL PSS data storage functionality

Utilities Management Division (UMD)

- Renewable Energy Incentive Program Application: tracks work and rebates on residential solar installations in DC

Office of the Director (OD)

- EISF Database: tracks Environmental Impact Screening Forms received by DDOE from businesses proposing projects that will have large environmental impacts.
- FOIA Request Tracking System: tracks Freedom of Information Act requests received by DDOE.
- Green Zone Environmental Program: tracks applicants who want to work on DC environmental projects.

Energy Affordability Program Database

The Energy Affordability Program database is a Microsoft SQL database with a Visual Basic user interface. This program is over 12 years old and is not accessible by the public. But development is underway to integrate a WebBase database application that will allow limited public accessibility. (See additional details in response to Question 8). The application has 3 modules:

- Low Income Heating Energy Assistance Program (LIHEAP): This module tracks client standard name and address information along with household income, fuel bills, household size, social security, dwelling type, and benefit amount.
- Utility Discount Program (UDP): This module tracks the same client information from LIHEAP and provides the client additional discount with their fuel, water and phone bills.
- Weatherization Assistance Program (WAP): This module also collects the same client information from LIHEAP.

- 8 **What has the agency done in the past year to upgrade or streamline systems and processes to make the agency's work more efficient in terms of the time and resources necessary to complete an action? In addition, please identify ways in which the activities of the agency could be made more efficient in the future.**

DDOE has begun an ambitious agency-wide database consolidation and modernization effort. The three headings below describe the agency's efforts to consolidate enforcement databases, streamline processing databases, and increase customer accessibility through the web.

The Inspection Compliance Enforcement (ICE) agency-wide WebBase database has been in development for the past year.. The new WebBase will create a centralized universal application. This will allow a user to login internally or externally to the application that is shared by other database programs. We are still in the development and migration stage. We expect to complete this project by the end of the fiscal year and use the upcoming fiscal to do more customization.

The Energy LIHEAP/Utility Discount Program/Weatherization Assistance Program Web Base program has been under development since September FY12. DDOE has contracted with LIBERA to develop the application. They are well established and have implemented the same database development successfully in other states that have successful Energy Fuel Assistance programs. The web base database application *LIBERA System 7* takes the File Server Application out of the internal user environment and seats it as an external web based application. It will allow users in the field to work more efficiently using the web to process clients at their residents, community centers, churches and libraries.

The MS4 Mobile Software application is at the end of its development and is in a testing phase before going live. The application allows GIS tracking of environmental sites visited. This is one of first mobile apps that DDOE will be using in the field and has the added advantage of reducing paper use. DDOE partnered with OCTO to contract with Dewberry as a database developer. This new database will allow the use of tracking through GIS gathering and sharing of database information for Stormwater Management Program retrofit, retention, pollutant of concern, point source, permits and other data. This will also collect and aggregate data normally reported to the US EPA. Some data will be accessible by the public in a dashboard interface.

9 **What has the agency done in the past year to make the activities of the agency more transparent to the public? In addition, please identify ways in which the activities of the agency and information retained by the agency could be made more transparent.**

DDOE relies heavily on technology to facilitate transparency. Where possible, relevant agency information is made public on DDOE's website and we often seek citizen and stakeholder feedback as a matter of course.

Quarterly Environmental Stakeholder Meetings: Every quarter, DDOE invites a broad range of environmental advocacy groups and interested stakeholders from the community to discuss agency initiatives and receive feedback on the direction of the agency.

Map of Anacostia restoration efforts: DDOE has completed an online map that allows residents to locate past and future restoration efforts in the city and find out more about these projects. This map is listed under "Anacostia Initiatives" in under the water section of the DDOE website.

(<http://dcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=c67de654572840789f9d3a82f7ce7c4a>)

Accomplishments Report: In 2012, The Association of Marketing and Communication professionals awarded DDOE's FY11 Accomplishments Report, Green Forward, available on DDOE's website, the 2012 Hermes Platinum Award for outstanding annual report.

DDOE Web Presence: DDOE's website consistently attracts more visitors than most of our peer agencies (160,132 visits in a calendar year). DDOE's social media presence is robust (1,261 facebook friends and 1644 twitter followers, and 11,257 YouTube video views). But these statistics only form a baseline. DDOE's Community Relations group is making updates to DDOE webpages, tweet content and collecting information for community outreach workshops and events. Media monitoring shows that, in 2012, DDOE was mentioned in news (on-line and traditional) more than 500 times throughout the year on various different topics, and DDOE received more than 150 media inquiries from local and regional media outlets on issues related to the bag law, stormwater regulations and legislation, etc.

Green Dashboard: DDOE's Office of Policy and Sustainability maintains a public website containing environmental sustainability data and related information. The Green Dashboard beta version (<http://greendashboard.dc.gov>) released in 2012 contains around 60 periodically-updated metrics such as air and water quality measurements; numbers of capital bikeshare riders, hybrid vehicles, electric vehicles; numbers of LEED projects and ENERGY STAR buildings, and other data, some of which would otherwise be difficult for the public to find. This beta platform will be modified and serve as a tool for tracking performance under the *SustainableDC* Implementation Plan.

Sustainable DC Implementation Plan Development: To help inform the public and key stakeholders during the development of *Sustainable DC*, staff and interns attended over 100 public meetings and events, managed dozens of working group meetings, and maintained a website that posted working drafts and documents (www.sustainable.dc.gov). Public outreach events ranged from community street festivals to small conversations of five people. A Spanish speaking intern focused on the Latino community and out outreach flyer was translated into Spanish to aid in her outreach. Additional coordination with the Office of Aging and the Mayor's Office of Neighborhood Engagement facilitated outreach to seniors and non-English speakers. *Sustainable DC* hosted two Twitter town halls in which over 100 people participated. During the first half of fiscal year 2012, the website was used as an online forum for members of the public to post ideas on which other residents could vote. The *Sustainable DC* planning team also maintains a listserv with almost 2,400 members. Updates on plan development and opportunities for feedback and volunteering are sent approximately monthly.

See also Attachment 9 – Google Analytics

10 **How does the agency solicit feedback from customers? Please describe.**

- **What is the nature of comments received? Please describe.**
- **How has the agency changed its practices as a result of such feedback?**

DDOE proactively identifies and targets its key customers, permittees and stakeholders when soliciting feedback via direct meetings with stakeholder groups, solicitation of comments thru electronic and print media as well as US postal service mailings. DDOE conducts public hearings on proposed regulations and respond to Freedom of Information Act requests. The LIHEAP (Low-Income Energy Assistance) and WAP (Weatherization Assistance) Programs also hold annual public hearings in preparation for their annual State Plan.

Webpresence:

We solicit feedback from customers through the DDOE website and social network sites. In the case of the Energy Assistance Program (LIHEAP), over 35,000 families received assistance and were asked to fill out a survey to determine how they found out about the programs.

Public Notices:

DDOE solicits public comments on all proposed rulemakings and some of the permits, such as those issued by the Air Quality Division. The volume and length of comments received depends on the nature of the proposed action or the depth of technical aspects. The volume and length of comments drives the process as well. Comments and DDOE's responses are generally posted on DDOE's website, and the preambles to the rules discuss the substantive comments and changes made to the rules in response to comments. If none or very few

comments are received on a proposed rulemaking, then minor adjustments are often made and the rules become final. However, if substantive comments are received, then rules are often proposed multiple times until all the comments are addressed. Public comment periods are often extended in response to requests. DDOE has historically conducted a very open rulemaking process wherein we engage the regulated community and stakeholders, and respond to all comments before publishing any rules or permits as final. However, at the request of the regulated community and stakeholders, DDOE is taking additional steps to engage interested parties before rules are proposed and create working groups to help address some contentious issues.

Sustainable DC:

Sustainable DC coordination by the Office of Policy and Sustainability has included proactive outreach and public feedback at every stage of planning process. Project staff attended more than 100 community and working group meetings to solicit ideas on how they would make the city more sustainable. The *Sustainable DC* website allowed residents and stakeholders to submit ideas and input online and other users could then vote for their favorite ideas, which helped project staff determine priorities. Staff organized nine working groups co-led by District government staff and members of the community. 700 people participated in the working groups, which met every other week for four months. The working groups made recommendations on goals and actions to be included in the plan and provided input at community meetings after each milestone (November, February, and December). For those who were unable to attend, online input forms were created and posted after each event.

11 **How has the agency tried to reduce agency energy use in FY 2012?**

During FY12, the following energy saving measures were instituted at DDOE headquarters located at 1200 First Street, NE (5th, 6th and 7th floor), in coordination with building management:

- Installation of occupancy sensors in restrooms;
- Installation of 0.5 GPM aerators on the restroom faucets;
- Installation of 1.5 GPM aerators on the kitchen faucets;
- Installation of 1.5 GPM parts on the toilets in the men's rooms; and
- Installation of dual flush kits on the toilets in the ladies' rooms.

Several DDOE divisions are using an internal bikesharing program to allow employees to more easily reach meetings by bike. Bikes and helmets can be checked out on a first-come, first-served basis.

B. BUDGET AND FINANCE

12 **Please provide a chart showing your agency's approved budget and actual spending, by division, for FY 2012 and FY 2013, to date. In**

addition, please describe any variance between fiscal year appropriations and actual expenditures.

See Attachments 12a – FY12 Budget and 12b – FY13 Budget

- 13 **Please list any reprogrammings, in, out, or within, related to FY 2012 funds. For each reprogramming, please list the total amount of the reprogramming, the original purposes for which the funds were dedicated, and the reprogrammed use of funds.**

See Attachment 13 – Reprogrammings

- 14 **Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2012 or FY 2013, to date.**

See Attachment 14a – FY12 Transfers and 14b – FY13 Transfers

- 15 **Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY 2012 or FY 2013, to date. For each account, please list the following:**

- **The revenue source name and code**
- **The source of funding**
- **A description of the program that generates the funds.**
- **The amount of funds generated by each source or program in FY 2012 and FY 2013, to date**
- **Expenditures of funds, including the purpose of each expenditure, for FY 2012 and FY 2013, to date**

See Attachment 15 – Special Purpose Revenue

- 16 **Please provide a list of all projects for which your agency currently has capital funds available. Please include the following:**

- **A description of each project**
- **The amount of capital funds available for each project**
- **A status report on each project, including a timeframe for completion**
- **Planned remaining spending on the project**

See attachment 16 – Capital Budget

- 17 **Please provide a complete accounting of all federal grants received for FY 2012 and FY 2013, to date.**

See Attachments 17a – FY12 Federal Grants and 17b – FY13 Federal Grants

- 18 **Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by your agency during FY 2012 and FY 2013, to date. For each contract, please provide the following information, where applicable:**

- The name of the contracting party
- The nature of the contract, including the end product or service
- The dollar amount of the contract, including budgeted amount and actually spent
- The term of the contract
- Whether the contract was competitively bid or not
- The name of the agency’s contract monitor and the results of any monitoring activity
- Funding source

Please see Attachments 18a – FY12 Contracts and 18b – FY13 Contracts

C. LAWS, AUDITS, AND STUDIES

- 19 **Please identify any legislative requirements that the agency lacks sufficient resources to properly implement.**

We are not currently aware of any legislative requirements that are not supported by sufficient resources, but we will proactively communicate any needs as they arise.

- 20 **Please identify any statutory or regulatory impediments to your agency’s operations.**

We are not currently aware of any statutory or regulatory impediments, but we will proactively communicate any needs as they arise.

- 21 **Please explain the impact on your agency of any federal legislation or regulations adopted during FY 2012 that significantly affect agency operations.**

We are not currently aware of any federal legislation or regulations adopted during FY12 that will significantly affect agency operations, but we will proactively communicate any needs as

they arise. But, see Question 26 (Residential properties and PACE) to see how a FHFA policy decision has affected program availability.

22 Please provide a list of all MOUs in place during FY 2012.

See Attachments 14a

23 Please provide a list of all studies, research papers, and analyses (“studies”) the agency requested, prepared, or contracted for during FY 2012. Please state the status and purpose of each study.

Northeast Energy Efficiency Partnership (NEEP) Studies- Regional Evaluation, Measurement and Verification (EM&V) Forum: The EM&V Forum helps support the District’s energy efficiency policies and goals by establishing an infrastructure that reduces the cost to the District for EM&V activities by leveraging resources across the region (New York, New England and Mid-Atlantic States) for studies of common interest, and facilitate relationships and communications among the region’s energy efficiency leaders to transfer knowledge, address issues of common concern, and build overall momentum for successful EM&V practices. In FY12, DDOE participated in NEEP’s EM&V forum to: 1) develop and support state adoption and consistent use of common protocols/guidelines to track; and 2) verify and report energy savings resulting from investments in electric and natural gas energy efficiency resources.

Energy Assurance Plan: In FY12, DDOE’s Energy Administration completed the US DOE-funded City Energy Assurance Plan with a focus on emergency situation response and plans for improved resiliency. Outreach and Training of all stakeholders, including the utilities, on the Energy Assurance Plans were completed early fall.

Stormwater Green Jobs Analysis: provides a projection of the economic benefit of stormwater in both jobs and spillover economic and environmental benefits. The agency released an RFA for this study in FY12, and the contract was awarded in early FY13. Estimated completion date is end of calendar year 2013.

Agency Standard Operating Procedures: the Environmental Law Institute consulted with three programs (Air Quality, Underground Storage Tanks, and Pesticides) to develop and update 33 Standard Operating Procedures (“SOPs”). Draft SOPs were completed in September 2012.

Sustainable DC Implementation Plan: analyzed the recommendations of the *Sustainable DC* working groups according to economic, environmental, and equity costs and benefits. In partnership with the Office of Planning, DDOE was able to obtain a team to research existing best practices from across the country and world. The consultants also analyzed

potential job impacts of the highest ranking actions. This study was completed in the early fall of 2012 and contributed to development of the final *Sustainable DC* Implementation Plan.

Sustainable DC Focus Groups: DDOE also participated in oversight of the Office of Planning's contract to run a series of focus groups on sustainability in the District. Focus groups were held with residents of Wards 7 and 8, Latinos, and senior citizens to learn about their current impression of sustainability, their priorities in general, and to test project marketing and branding. This work was completed in fall 2012.

Fisheries Surveys: monitored the state of the District's fisheries resources in accordance with the United States Fish and Wildlife Service Wildlife and Sport Fish Restoration program guidelines. The surveys are conducted annually, and the report was finalized in December 2012.

Wildlife Surveys: monitored the state of the District's wildlife resources in accordance with the United States Fish and Wildlife Service Wildlife and Sport Fish Restoration program guidelines. The surveys are conducted annually, and the report was finalized in December 2012.

Migratory Bird Surveys: monitored the state of the District's bird populations in accordance with the United States Fish and Wildlife Service Wildlife and Sport Fish Restoration program guidelines. The surveys are conducted annually, and the report was finalized in December 2012.

24 **Please list and describe any ongoing investigations, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY 2012 or FY 2013, to date.**

Reports:

- MS4 Annual Report – this is the District's Annual Report to EPA Region III detailing all of the District's activities to manage stormwater in accordance with the MS4 stormwater permit. The report compiles information on activities conducted in the previous fiscal year by DDOE, DDOT, DPW, DPR, DGS, OP, and DC Water. Submitted to EPA January 22, 2013.
- MS4 Discharge Monitoring Report – Required by the MS4 Permit, this is an annual monitoring summary provided to EPA Region III. It provides monitoring results from DDOE's MS4 Outfall monitoring program, which is conducted at outfalls in the Rock Creek, Potomac, and Anacostia watersheds. The report submitted January

2013 provided sampling results from the Anacostia watershed. Submitted to EPA January 22, 2013.

- Draft Urban Tree Canopy Plan – Required by the MS4 Permit; this Plan was intended to serve as a strategy for reducing stormwater pollution via expanding tree canopy, and for achieving the Mayor’s goal of increasing District tree canopy to 40%. The Plan was released for public comment on January 22, 2013.
- Anacostia Trash Reduction Calculation Methodology – Required by the MS4 Permit; this details how DDOE will credit the District’s various trash reduction activities toward meeting the reductions required by the Anacostia Trash TMDL. This methodology was included as part of the District’s MS4 Annual Report; DDOE will also be soliciting comments and input on the methodology from stakeholders.
- 305(b) Integrated Report / Water Quality Assessment – Required by the Clean Water Act; this is a biennial report to EPA reporting on the current condition of the District’s waters, and listing all District waters that are impaired and in need of Total Maximum Daily Loads (TMDLs). Submitted to EPA March 29, 2012.
- Chesapeake Bay Watershed Implementation Plan (Phase I and Phase II) – Details activities by the District, federal partners, and NGO stakeholders to meet the Chesapeake Bay TMDL goal for nutrient and sediment pollution. Phase I submitted to EPA November 10, 2012. Phase II submitted to EPA March 30, 2012.
- Chesapeake Bay Two-Year Milestones – Reporting provided to EPA on progress toward District commitments under the Chesapeake Bay TMDL. The progress is tracked by modeling nutrient reductions and the District’s implementation of various best management practices. DDOE submitted final 2012-2013 milestones to the EPA on January 6, 2012.
- Fisheries Management Coordination Annual Report - this is the District’s Annual Report to the United States Fish and Wildlife Service (FWS), Region 5, detailing all of the District’s activities to manage the Fisheries and Wildlife Division in accordance with the FWS guidelines pertaining to its Wildlife and Sport Fish Restoration program. The report compiles information on activities conducted in the previous fiscal year by DDOE.
- Wildlife Management Coordination - this is the District’s Annual Report to the United States Fish and Wildlife Service (FWS), Region 5, detailing all of the District’s activities to manage the Fisheries and Wildlife Division in accordance with the FWS guidelines pertaining to its Wildlife and Sport Fish Restoration program. The report compiles information on activities conducted in the previous fiscal year by DDOE.

- Fisheries Studies Annual Report - this is the District's Annual Report to the United States Fish and Wildlife Service (FWS), Region 5, detailing all of the District's activities regarding fisheries research in accordance with the FWS guidelines pertaining to its Wildlife and Sport Fish Restoration program. The report compiles information on activities conducted in the previous fiscal year by DDOE.
- Aquatic Resources Education Annual Report - this is the District's Annual Report to the United States Fish and Wildlife Service (FWS), Region 5, detailing all of the District's activities regarding its aquatic resources education program in accordance with the FWS guidelines pertaining to its Wildlife and Sport Fish Restoration program. The report compiles information on activities conducted in the previous fiscal year by DDOE.
- Aquatic Resources Education Center Annual Report - this is the District's Annual Report to the United States Fish and Wildlife Service (FWS), Region 5, detailing all of the District's activities regarding the operations and maintenance of the aquatic resources education center in accordance with the FWS guidelines pertaining to its Wildlife and Sport Fish Restoration program. The report compiles information on activities conducted in the previous fiscal year by DDOE.
- Wildlife Survey Annual Report - this is the District's Annual Report to the United States Fish and Wildlife Service (FWS), Region 5, detailing all of the District's activities regarding wildlife research in accordance with the FWS guidelines pertaining to its Wildlife and Sport Fish Restoration program. The report compiles information on activities conducted in the previous fiscal year by DDOE.
- Migratory Bird Survey Annual Report - this is the District's Annual Report to the United States Fish and Wildlife Service (FWS), Region 5, detailing all of the District's activities regarding its migratory bird activities in accordance with the FWS guidelines pertaining to its Wildlife and Sport Fish Restoration program. The report compiles information on activities conducted in the previous fiscal year by DDOE.
- Wildlife Education Annual Report - this is the District's Annual Report to the United States Fish and Wildlife Service (FWS), Region 5, detailing all of the District's activities regarding its Wildlife Education and Backyard Habitat programs in accordance with the FWS guidelines pertaining to its Wildlife and Sport Fish Restoration program. The report compiles information on activities conducted in the previous fiscal year by DDOE.
- National Oceanic and Atmospheric Administration (NOAA) Annual Report - this is the District's Annual Report to the NOAA detailing all of the District's activities regarding American shad restoration in accordance with the NOAA guidelines. The

report compiles information on activities conducted in the previous fiscal year by DDOE.

- Hydrogeology and Paleohistory of the Anacostia River - In conjunction with the USGS, DDOE is constructing a steady state groundwater flow model to understand groundwater flux in the aquifers and groundwater/surface water interactions. The United States Geological Survey (USGS) added several refinements to the steady state groundwater flow model and is recalibrating the model. USGS also collected groundwater elevation data from the monitoring network and tide gage and maintained the equipment. An evaluation of deep borehole data collected at the DC Water O Street Pump Station confirmed that the confining unit known as the Arundel Clay is missing there as well as under some parts of the Anacostia River. This information suggests that contaminated groundwater in this area could more readily discharge to the waterbody than previously anticipated. The Water Quality Division is continuing to work with the USGS to identify other areas where this could occur.
- Manual for Discharge of Treated Contaminated Groundwater - The purpose is to develop standardized guidance for contractors when dealing with permitting requirements for construction on sites with contaminated groundwater. Currently, the project is in the initial phase of gathering technical and regulatory information from other states' programs to identify and capitalize off of comprehensive approaches.
- Green Building Report 2007-2011 – In 2012, DDOE published the District's first green building report on behalf of the Green Building Advisory Council (GBAC). The report documents the progress towards a “greener” and more sustainable building stock, and is a requirement of the Green Building Act of 2006. The report is divided into six chapters, and includes a glossary of terms and appendices. Throughout the report are actionable recommendations that are intended to further the deployment of green buildings in the District. The recommendations are also intended to guide GBAC activities during the coming year and help the public understand what issues and opportunities are under review by the GBAC, DDOE, and other agencies.
- Public Building Benchmarking Report, FY09-FY12 – DDOE, working in close collaboration with DGS and DC SEU, completed a report with energy benchmarking results for over 200 facilities managed by the Department of General Services, totaling over 24 million square feet of space. The report includes new data for Fiscal Years 2012, 2011, and 2010, as well as revised data for FY 2009. Publishing this data is required by the Clean and Affordable Energy Act of 2008. The report was published on January 18, 2013.

Audits and Investigations:

Several confidential investigations have been closed and DDOE adequately addressed the concerns raised, so no further actions (recommendations) were necessary.

- 25 **Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations.**

In FY10 and FY11, the Low Income Home Energy Assistance Program (LIHEAP) was issued two findings as a result of the A133 audit, one regarding documentation serving as proof of benefit eligibility for 1.8% of the tested population and record keeping for homebound applications, and one regarding DDOE omission of the CFDA number and federal grant award name and number from two sub-award agreements. In FY11, the State Energy Program received a similar finding for omitting the CFDA number and federal grant award name and number from four sub-award agreements.

DDOE subsequently strengthened its procedures to ensure eligible participants are adequately documented in accordance with Federal regulations and that the CFDA number and federal grant award name and number are included on all sub-award agreements.

- Scanners were purchased and installed to scan all homebound eligibility documents received from applicants and staff are required to maintain all required eligibility documents in client files. The program also included third party verification documentation from the Automated Client Eligibility Determination System (ACEDS) of all applicant files and conducts a daily application file review process to ensure 100% compliance;
- DDOE implemented supervisory and program management review prior to the issuance of sub-recipient agreements to ensure Federal award information is included in all sub-recipient award agreements.

The corrective actions have been shared with the funding federal agency and DDOE is proud to announce that none of the DDOE grants are on this year's A133 list.

D. PROGRAM-SPECIFIC QUESTIONS

- 26 **Please explain the status of the District's PACE program. Will the District's PACE projects include both residential and commercial projects?**

We completed program design in April 2012, and began working directly with property owners to build awareness and identify potential projects. We have developed a project pipeline of more than \$3 million of near-term projects for this fiscal year. Further, the

program's first project was identified in May 2012 and is expected to close by the end of February 2013. This initial pilot project will upgrade the 139 unit HOPE VI affordable housing building located at 400 M Street SE. Improvements include lighting, water heating, energy controls and the installation of a 37 kilowatt solar array. The project cost of approximately \$323,000 will be funded entirely using PACE financing. When finished, these building improvements will provide an estimated 20 percent reduction of energy use and \$450,000 of energy savings over a ten year period.

Available funding for PACE:

EagleBank has provided a \$5 million commitment to fund the first round of PACE projects. The program expects to reach this level of loan volume by the end of FY13. In addition, the passage of the Sustainable DC Act of 2012 is expected to further increase the volume of PACE financed projects because the legislation expands the types of measures eligible for PACE funding to include water efficiency and stormwater retention, in addition to energy efficiency. In anticipation of a project volume well in excess of the \$5 million currently available, the program manager is working with EagleBank and other capital providers to increase the pool of capital available to fund PACE projects.

Program Administration:

DDOE has contracted with Urban Energy Advisors (UEA) to administer the program through FY13. UEA will be compensated solely through fees collected from property owners who use PACE financing to fund projects. No District funds are allocated to compensate UEA for their administration of the PACE program. UEA was awarded grant funding of approximately \$250,000 to help the DC PACE program cover expenses during the initial ramp up period. The program anticipates that by FY 2015 the volume of PACE projects will provide fee income at or above the level necessary to completely cover program administration expenses.

Program Marketing:

To date, the program's marketing efforts have largely consisted of focused one-on-one meetings with commercial property owners and managers. These focused discussions allowed the program to identify unforeseen barriers and to modify the program design accordingly. In addition to these focused discussions, the program also launched the DC PACE website and presented at several trade group meetings.

An expanded marketing plan for the DC PACE program will be implemented in conjunction with the upcoming closing of the initial PACE project. This plan greatly expands outreach efforts by engaging the broader real estate services community including property management companies and building system contractors. In addition, DC PACE continues to work with the DC Sustainable Energy Utility to identify commercial and institutional properties to approach in an integrated, joint marketing and outreach effort.

Applicability for Residential Properties:

Although the Energy Efficiency Financing Act of 2010 allows PACE financing to be used by residential properties, DDOE is currently offering PACE financing only to commercial properties (including multi-family properties with at least 5 units). This decision is due to the Federal Housing Finance Agency's (FHFA) prohibition against PACE which prohibits Fannie Mae and Freddie Mac from purchasing residential mortgages on properties that have a PACE Assessment. FHFA's position against PACE is being challenged through the courts as well as through potential Federal legislation. Based on the outcome of these efforts, DDOE will reevaluate whether to open up PACE financing to residential properties. Given the fact that the majority of energy used in the District is consumed by commercial buildings, the market for PACE financing in the District should sustain the program for the foreseeable future even if residential properties cannot participate in the program.

27 **DDOE oversees the District's contract with the DC Sustainable Energy Utility (SEU) and receives 10% of the contract's value for administration:**

- **Please provide a detailed description of how those funds have been spent to date and how the agency intends to spend them in the future. Please include analysis for FY2012 through FY2014.**

As Contract Administrator of the DC SEU contract, DDOE provides operational oversight on a broad range of DC SEU programs and activities that are conducted by various DDOE staff. DDOE uses the allocated 10% of the DC SEU's contract value to support a dedicated DC SEU contract management team, many of whom have extensive relevant experience, to provide robust monitoring and verification of DC SEU programs. On a day-to-day basis, there are two senior staff from DDOE's Energy Administration that are intimately involved with the administration and execution of the DC SEU contract.

Other staff are involved in reviewing monthly and quarterly reports submitted by the DC SEU, reviewing and approving all program designs and implementation protocols, approving monthly invoices, marketing strategies, and budgets, conducting random site visits to verify installation of energy retrofits and renewable energy systems, resolving contractual issues, reviewing proposed marketing material, and ensuring that the DC SEU is in compliance with District laws and regulations.

In addition to the daily oversight duties performed by the staff from the Energy Administration, regular DC SEU oversight support is also provided by DDOE's Grants and Contract Management Division, the Office of the General Counsel, and the Office of the Chief Financial Officer. Staff from all these divisions collaborate on a weekly basis to provide advice on various planning and operational issues that are raised by the DC SEU. DDOE also uses a portion of the allocated contract administration funds to provide other

administrative activities, such as supplies for DC SEU Advisory Board meetings, as well as IT hardware and software acquisition.

In FY12, DDOE contracted with an auditor to conduct a financial audit of the DC SEU. The audit specifically focused all Sustainable Energy Trust Funds (“SETF”) paid to the DC SEU during FY11, including an examination of DC SEU’s compliance with the stated financial requirements of the contract. This activity will continue each fiscal year. DDOE also contracted with a private entity in FY12 to establish a District-wide Evaluation, Measuring, and Verification (“EM&V”) Framework for the evaluation of the DC SEU portfolio of programs and provide independent verification of reported energy savings. The EM&V Framework will be updated on an annual basis to meet the DC SEU’s priorities, portfolio and program changes, program participation, and/or evaluation findings, thus ensuring robust EM&V of DC SEU’s programs.

As the DC SEU expands its operations and increases its scope of programs and services, DDOE has gradually increased the size of the DC SEU contract management team to ensure prudent and effective oversight. Between FY12 and FY13, DDOE has increased its oversight capacity given the increased number of programs being rolled out by the DC SEU. The additional monitoring activities include on-site inspections to reconcile reported DC SEU completions with visual verification of installed measures. DDOE ensures adequate and appropriate monitoring in proportion to the size and scope of the DC SEU and its programs. DDOE has used the talent and expertise of existing program managers and energy auditors, and assigned these staffers in various capacities to ensure effective oversight of the DC SEU contract.

- **What are the most significant things that DDOE has learned from its oversight of the SEU, and how has DDOE used its oversight responsibilities to help the SEU achieve its goals?**

A) The most significant things that DDOE has learned from its oversight of the DC SEU are:

There are significant start-up challenges involved in establishing the DC SEU. These start-up challenges include establishing a recognizable brand in the District, developing a trusted presence in the community, and creating market transformation through the introduction of new and innovative energy efficiency and renewable energy programs.

Verification of DC SEU’s reported energy savings and attainment of performance benchmarks prior to the execution of an option year for the DC SEU contract. To ensure a smooth transition in DC SEU program delivery from one fiscal year to the next, the DC SEU contract must be renewed by the end of each fiscal year but DDOE’s EM&V of DC SEU’s annual performance is not completed until several months into the subsequent year. Performing thorough and reliable EM&V activities require extensive on-site metering, data

collection, and the conduct of process and impact evaluations to determine whether the DC SEU achieved the reported energy savings and other performance benchmark metrics. DDOE's active monitoring is essential to making the correct decision on whether to exercise an option year.

The DC SEU's "hockey stick" effect of program delivery and expenditures places tremendous burden on DDOE to complete post installation inspections of energy efficiency and renewable energy projects completed by the DC SEU. In FY12 the DC SEU struggled to implement market-based programs aimed at helping District residents decide which energy efficiency measures to buy, which contractor to use to install the measures, or the best places to purchase energy saving bulbs and equipment. Most of the DC SEU's programs did not gain traction in the community until the early fourth quarter of FY12 and resulted in a significant spike in expenditures that DDOE had to review and approve prior to remitting payment to the DC SEU.

Suboptimal subcontractor monitoring and oversight by the DC SEU. Although the DC SEU's has established quality assurance/quality control (QA/QC) procedures, DDOE has observed several opportunities for improvement in the DC SEU's monitoring of their subcontractors to ensure all projects are fully completed as prescribed by the DC SEU prior to reporting them to DDOE as completed. The DC SEU must dedicate sufficient resources to the oversight of subcontractors to ensure that recommended measures have been installed, and the reports/data provided by its vendors and partners are of the highest quality.

Significant start-up and overhead costs associated with DC SEU operations. The full establishment of the DC SEU as the lead entity responsible for developing, coordinating and providing programs that promote the sustainable use of energy in the District requires significant overhead costs to recruit, train and hire permanent staff and implementation subcontractors. These staff must comply with DDOE's reporting requirements; launch market-based initiatives; and increase the visibility and impact of the DC SEU. These costs draw from funds available to implement programs that offer direct benefits to DC residents.

B) DDOE has used its oversight responsibilities to help the DC SEU achieve its goals by:

Collaborating with the DC SEU on a number of public outreach events to help authenticate and educate District residents on the services, programs, and job opportunities offered by the DC SEU. DDOE helped the DC SEU develop marketing materials/posters/brochures, and launched a targeted marketing campaign to increase its visibility and programs. DDOE also coordinates the DC SEU's press releases and engagement with other District agencies and the DC Council. DDOE has also collaborated with the DC SEU and other partners to conduct an extensive outreach and training strategy to educate residents on the importance of energy benchmarking and the mandated annual reporting requirements. During FY12,

over 400 people attended a benchmarking presentation or training event, and DDOE regularly sends out updates via the website, twitter, and an electronic mailing list for over 600 stakeholders. The DC SEU has also created a Benchmarking Help Center, which provides technical support for ENERGY STAR Portfolio Manager users via phone and email, and conducts regular in-person training sessions. The Help Center aims to help more building owners and managers submit more accurate benchmarking data, and thus increases the ability of both DDOE and the DCSEU to use the benchmarking data to develop and implement relevant programs.

Conducting on-going monitoring of DC SEU's progress towards the achievement of contractual requirements and performance benchmarks. DDOE meets regularly with the DC SEU to provide guidance and advice any contractual issues that may prevent the DC SEU from achieving its goals. DDOE has also contracted with an experienced private contractor to conduct an independent EM&V of DC SEU's programs and reported energy savings. The EM&V report, which will be completed in March 2013, will help DDOE assess the DC SEU's progress towards the achievement of the six performance benchmarks for FY12. Although the EM&V report has a six month lag in determining the DC SEU's performance for FY12, the report will help inform DDOE's decision to execute an option year for FY14.

Conducting weekly meetings with the DC SEU to review program designs and identify potential obstacles to program delivery. On a regular basis, DDOE program staff has shared valuable insight into effective program development and delivery to help the DC SEU launch market-based programs, especially to the traditionally hard to reach segments of the District. DDOE has leveraged services provided by programs administered by DDOE, such as the Home Energy Rating System (HERS) Program and the Weatherization Assistance Program (WAP), to help the DC SEU launch similar programs and make valuable connections with some of the key decision makers in the residential housing market. In an effort to eliminate the "hockey stick" approach to spending SETF dollars and to help the DC SEU achieve operational maturity, DDOE has amended the DC SEU contract to require that a minimum of thirty-five percent of annual expenditures occur within the first six months of each fiscal year. In addition, DDOE has increased the amount of resources dedicated to reviewing and approving invoices submitted by the DC SEU to ensure that each invoice is paid within thirty days of receipt from the DC SEU.

Conducting random inspections of projects completed by the DC SEU to verify proper installation of recommended measures. Since the DC SEU does not perform quality control checks on all projects completed by their subcontractors, DDOE must perform its own random sampling of completed projects to ensure that the SETF funds are spent in accordance with established guidelines. If any deficiencies are identified by DDOE energy auditors during the post installation inspection, the DC SEU is provided with a written report that describes the deficiencies and the expected turn-around time for correcting the deficiencies.

Reviewing spending plans to ensure that SETF funds are expended in a prudent manner. Although the current structure of the DC SEU's contract prohibits DDOE from dictating line item spending limits, DDOE provides regular advice to help identify areas of increasing costs and suggest various approaches to reducing or leveraging annual overhead costs of the DC SEU operations. Both the DC SEU and DDOE must remain aware of all expenditures and develop innovative approaches to balancing energy savings goals with other contractual requirements to ensure that the DC SEU can achieve its stated benchmarks on-time and on-budget.

- **Has DDOE identified any specific challenges or impediments that are preventing the SEU from achieving its goals?**

DDOE is working with the DCSEU to overcome the following challenges:

Lack of access to primary utility data. DDOE has found that having access to primary meter-level energy usage data from the electric and natural gas companies is critical to the DC SEU's ability to develop relevant baselines, and effectively offer market-based energy programs to help DC residents use less energy. Having access to relevant utility data will also help the DC SEU accurately identify the District's largest energy users and initiate program initiatives to help reduce their annual consumption. Over the past 18 months, both DDOE and the DC SEU have reached out to the utilities to discuss the data access issue but have been unable to reach an amicable solution.

The inherent conflict between some of the performance benchmarks. Both the DC SEU and DDOE have recognized that programming designed to achieve the performance thresholds of the DC SEU's contract with DDOE is likely to compromise the achievement of the other contractual requirement. For example, effectively improving the efficiency of low-income housing is generally achieved at a relatively high cost per megawatt-hour or therm, because low-income residents typically are not able to pay for a substantial share of the cost of improvements. The contract spending requirement for improving low-income housing means that fewer dollars are available for use in other program areas, such as custom commercial retrofit projects, which deliver high energy savings at lower costs and contribute significantly to reductions in per-capita energy consumption, reductions in the growth of peak demand, and reductions in the growth of demand from the District's largest energy users. In addition, the impact "negative savings" that results from installing more efficient electric measures such as lighting or switching how an equipment is powered (i.e., from electricity to natural gas or vice versa) has further constrained the DC SEU's ability to meet the performance benchmarks for per-capita reductions in natural gas and electricity usage.

However, DDOE and the DC SEU have begun weekly meetings to discuss, research, and refine the annual minimum performance metrics for the DC SEU that could be achieved within the prescribed budgets for future program years.

- **The SEU did not achieve all benchmarks in FY2012. Is the SEU on track to reach its goals in FY2013?**

The DC SEU has demonstrated that it is on track to meet or exceed the minimum performance benchmark requirements for increasing the energy efficiency of low-income housing, creating green jobs for District residents, reducing per-capita consumption of electricity, and reducing the growth of peak demand. The DC SEU has also made great strides in achieving the Certified Business Enterprise (CBE) spending requirements and annual natural gas and electricity related programs in accordance with statutory requirements. In addition, the DC SEU has designed, developed, and delivered new programs that create a foundation for longer-term success. Early programming has included the launch of high volumes of fully supported installation activity with very tight timelines and fast deliverables, as well as the introduction of new market-based initiatives to move the market through understanding, responsiveness, and adoption.

- 28 **Last year, DDOE provided the Committee with an action plan for a comprehensive enforcement strategy focused on action items and target dates for 2012-2013. DDOE last updated this document on April 25, 2012. Please provide an updated action plan for 2012-2014 that describes the concrete steps that DDOE has taken or will take in pursuit of each of the nine objectives and sub-objectives presented in DDOE's "Environmental Enforcement Strategy."**

- **Please identify items in the plan that the agency expects to achieve by April 1, 2013 and July 1, 2013.**
- **Please indicate in the plan whether an action item is on schedule or completed, needs attention, or is running late or has hit a barrier. If the action item is not on track or completed, please explain why.**

The last prior version of the ESAP was emailed to your office on October 22, 2012, but see Attachment 28 – ESAP for an updated version.

- 29 **Please provide a status update on the agency's efforts for each of the rulemakings that the agency completed or worked on during FY2012. For each rulemaking, please provide the same categories of information provided in DDOE's monthly regulatory updates sent to the Committee on Transportation and the Environment.**

See Attachment 29 – Rulemaking Chart

30 **Please identify what DDOE considers to be its three greatest successes of FY2012. Please explain the impact achieved.**

1) Progress on Stream Restoration

DDOE made great progress on several stream restoration initiatives in 2012.

a) Completed Projects:

DDOE completed the 1.7 mile Watts Branch stream restoration project in 2012. The purpose of the project was to reduce the volume of sediment entering the Anacostia River through stream bank grading, stabilization techniques (such as in-stream rock structures), and expansion of the riparian corridor. This project, DDOE's first such initiative, will significantly improve water quality and habitat conditions in the stream and the Anacostia. Now that the project is complete, DDOE can monitor it to fully assess its impact upon sediment and nutrient removal. We were also able to install three stormwater conveyance structures in the Pope Branch watershed. These structures will improve the watershed habitat and help clean stormwater prior to entering Pope Branch.

b) Restoration Design Progress:

The restoration project design for Springhouse Run, a tributary of Hickey Run, is 90% complete and construction scheduled to begin in the spring. The restoration project designs for Nash Run; a tributary of the Anacostia, are 35% complete. The daylighting designs for Broad Branch, a tributary of Rock Creek are 95% complete and are waiting on one design change. The project will be constructed in FY 13. The design contracts for Alger Park, a tributary of the Anacostia, and Linnean Park have just been awarded and the design contracts will be completed in FY13.

c) Trash Reduction:

DDOE's trash reduction work was improved with the installation of three trash traps in the Anacostia watershed in 2012 including one on Hickey Run, one on Watts Branch, and one at James Creek. We have also awarded grants to the Earth Conservation Corps and Anacostia Watershed Society for the installation and maintenance of additional custom trash traps to be installed in 2013.

2) Facilitated greater solar deployment in the District

In FY12, DDOE supported the installation of over 300 new solar systems in the District, through the Renewable Energy Incentive Program. These systems added 1.6 MW of solar capacity on the roofs of residences and businesses in all eight wards. According to the August 2012 Public Service Commission report of solar generator certification, there are 506 solar photovoltaic and 30 solar thermal systems in the District that are eligible for the Renewable Portfolio Standards program - approximately 5.3MW of solar capacity recognized in the District. We have also expanded solar through: a joint procurement effort with the Department of General Services and the U.S. Environmental Protection Agency to deploy 10MW of solar on District facilities; joint solar deployment programs with the DC Sustainable Energy Utility; collaboration with DCRA to streamline permitting; and an active education and outreach campaign that explains the benefits of solar.

3) Implemented the District's first-ever "Healthy Homes" program

In FY12 DDOE started the District's first-ever program to create homes free of environmental hazards. Under this program, funded at \$593,000, DDOE worked in partnership with other District agency programs (Department of Health's Healthy Start, Department of Human Services' Strong Families, Department of Consumer and Regulatory Affairs inspections staff, and Department of Health Care Finance's lead program staff) and the Children's National Medical Center to: (1) identify homes of young children who are either at high risk of lead poisoning or who have serious cases of asthma; (2) conduct comprehensive environmental evaluations of those homes; and (3) identify and work to eliminate any indoor environmental health threats that are known asthma triggers, and any lead-based paint hazards. In the first year of the program, 72 properties were enrolled. In 51 of them, program staff produced Technical Assistance Reports that were sent to the respective property owners, along with 51 care plans that were sent to occupant families. Based on Healthy Home's findings, the DC Housing Authority is now evaluating their housing stock with a new perspective.

31 Please identify any substantive programs in which DDOE reduced enforcement efforts or resources in FY2012 compared to FY2011 and explain why this was done.

DDOE has not reduced enforcement efforts or resources in any areas.

32 Please identify DDOE's three biggest administrative challenges related to agency function. Please explain why improvement is needed.

- **Please also explain how DDOE addressed the challenges it identified last year.**

33 Please list the three biggest threats to the environmental health of the District. Please explain the dangers posed by each.

Childhood Lead Poisoning

Despite the progress discussed below, childhood lead poisoning remains a significant threat to the environmental health of District residents. More than 300 District children continue to be identified each year with blood lead levels that can result in significant adverse health effects, including permanent loss of IQ.

Contaminated Sediments

The contaminated sediments in the Anacostia River continue to create a significant health risk. A study by the U.S. Fish and Wildlife Service indicates that more than 50% of the Brown Bullhead catfish in the Anacostia have liver tumors. In November 2012, the

Anacostia Watershed Society issued a report indicating the possibility of human health risks from consumption of fish from the Anacostia River.

Greenhouse Gas Emissions

Greenhouse gases capture outgoing infrared energy, consequently warming the earth. Even small changes in global temperature can cause troubling consequences like rising sea levels, population displacement, and more severe storms. As illustrated by the June 29 Derecho, these threats are real and climate change remains a significant threat to health and safety. Greenhouse gases are the primary driver of climate change, which also can lead to hotter, longer heat waves that threaten the health of the sick, poor or elderly; increases in ground-level ozone pollution linked to asthma and other respiratory illnesses.

- **Last year, DDOE discussed childhood lead poisoning, air pollution, pollution in the Anacostia River, and unsustainable energy use and its impact on climate change. Please explain how DDOE addressed these threats in FY2012.**

Childhood Lead Poisoning

During FY12, DDOE's Lead and Healthy Housing Division continued to work aggressively to prevent and eliminate hazardous lead exposures throughout the District. Two of DDOE's major lead initiatives were:

- Under the terms of a DDOE subgrant to Lead-Safe DC (LSDC), DDOE sends referrals to LSDC consisting of (1) homes of children whose blood lead level is between 5 and 9.9 micrograms of lead per deciliter of blood, and (2) homes of pregnant women at imminent risk of lead exposure, referred to the Lead and Healthy Housing Division by the Department of Health's WIC and Healthy Start programs. During FY12, LSDC staff visited the homes of 65 children and 10 pregnant women, talked with the occupants about the hazards of lead, conducted dust tests in their homes to determine whether any lead-contaminated dust was present, and advised them on how to minimize the risk of exposure to lead going forward.
- During FY12, DDOE's lead enforcement staff launched a proactive enforcement initiative. Working with lists of the District's largest multifamily property owners, obtained from the Office of Planning and from the Office of the Tenant Advocate, DDOE has been periodically sending a letter to a handful of owners at a time, requesting copies of documents from them that confirm that they have undertaken lead safety measures in their properties, or potentially that confirm the lead-free status of a given property. This proactive enforcement initiative has already resulted in the identification of more than 5,000 lead-free homes built before 1978 and in DDOE enforcement measures in several properties.

DDOE believes that both the above efforts have yielded significant benefits for District residents and helped create more lead-safe housing. Data for the District shows a greater than 25% decrease in the number of children adversely affected by lead, from 425 children

in FY11 to 313 children in FY12, despite the fact that more children were screened for lead in FY12 than in FY11.

Air pollution

At this time, ozone is the only air quality standard not attained by the District and the Metropolitan area. To address the problem of high ozone levels in the District, AQD took the following actions in FY2012 above the normal operations of the program:

- Completed extensive revisions and additions to the District's regulations for volatile organic compounds, an ozone precursor.
- Made considerable progress on the regulations to adopt California's low emission vehicles standards.
- Participated in the Ozone Transport Commission (OTC) and a subgroup of OTC states to develop strategies to address transport of air pollution into the District from upwind states, the source of approximately three quarters of the air pollution in the District.
- Participated in the Sustainable DC Transportation Working Group, working to identify ways to reduce emissions from vehicles in the District. Transportation is the source of approximately half of the ozone precursor pollution created in the District.
- Persuaded EPA to award an additional, optional nitrogen dioxide (NO₂ – an ozone precursor) near-roadway monitoring grant to AQD. The federal regulations only require two monitors in the metropolitan area, which had already been awarded to VA and MD, but this award will allow AQD to monitor NO₂ ambient air quality near a major roadway segment in the District.
- Used the Diesel Emission Reduction Act (DERA) grants to reduce emissions from heavy duty diesel vehicles in the District: a joint project with the Council of Governments to completely repower the cruise ship the Spirit of Mount Vernon; replacement of a diesel-powered dump truck at DPW with a natural-gas-powered truck; and continuation of the no-idling outreach campaign to truck and bus drivers initially begun under ARRA.
- While developing the PM_{2.5} re-designation request to become an attainment area for the national ambient air quality standards, DC and MD negotiated with VA to include some commitments to reduce emissions of ozone precursors, a step not normally included in a PM_{2.5} re-designation process.

Pollution in the Anacostia River

In FY12 DDOE continued its efforts to address pollution in the Anacostia River. In discussing these efforts it is important to consider that the Anacostia's current degraded state has been hundreds of years in the making. Responding to this pollution will be a long-term commitment, but significant progress was made during FY12 that will lay the foundation for future pollution reductions.

- DDOE finalized negotiations relating to the permit for the District's Municipal Separate Storm Sewer System (MS4), issued to the District by EPA. This permit requires management actions from numerous District agencies to ensure stormwater runoff is not polluting the District's waters. Similarly, DDOE continued to work on

updated stormwater management regulations that will reduce stormwater pollution from construction and development. These regulations represent a significant shift in how the District regulates stormwater runoff from construction projects, incorporating a performance standard that requires on-site retention of stormwater runoff. DDOE expects that these regulations will create a major opportunity to retrofit the District's existing impervious surface with Low Impact Development (LID) practices, as redevelopment occurs in accordance with the new retention standard. These regulations were proposed for public comment in August of 2012, and DDOE is currently preparing another proposal that has been revised in response to comments received.

- District-wide, DDOE continued enforcement of the disposable bag fee and ban on coal tar-based pavement products. These programs address two major pollutants of concern in the Anacostia: trash (with respect to the disposable bag fee) and PAHs (with respect to the coal tar ban). DDOE also continued implementing its successful RiverSmart Homes program and encouraging tree planning efforts city-wide. Through these efforts, 739 rain barrels, 162 rain gardens, and 23 pervious paver installations were installed in FY12. In addition, 488 shade trees were planted in FY12.
- DDOE also continued collaborating with other District agencies to retrofit District facilities, lands, and right-of-way for improved stormwater control. In partnership with DDOT, 7.9 acres of impervious surface in the right-of-way were retrofitted in the Anacostia watershed. DDOE's RiverSmart Schools program provided funding for LID retrofits at three schools in the Anacostia watershed – Stokes Public Charter School, which installed permeable pavers, Benjamin Banneker High School, which installed a bioretention and cistern system, and the Walker Jones Education Campus, which installed a cistern.
- DDOE also continued offering incentives for private sector LID retrofits, such as its Green Roof Rebate program, which helped to retrofit five buildings with green roofs in the Anacostia watershed during FY12, contributing to a total of 28,330 square feet of green roof retrofits in the watershed during the year.
- Since the adoption of a Total Maximum Daily Load (TMDL) for trash in the Anacostia in 2010, DDOE has been focused on achieving substantial trash reductions from the Anacostia watershed. In FY12, DDOE installed two new Bandalong litter traps in the watershed, in Watts Branch and James Creek. In addition, between new trash traps, volunteer trash collection efforts, and DC Water's skimmer boat operations, 166,908 pounds of trash were removed from the Anacostia in FY12.
- Finally, DDOE began developing a major strategic planning effort to address all of the District's TMDL obligations. This effort will develop a Consolidated TMDL Implementation Plan to address pollutant Waste Load Allocation (WLAs) assigned to the District's MS4 storm sewer system. This project represents an unprecedented planning effort for the District, involving a performance-based approach for reducing stormwater runoff volume and pollution, addressing TMDL compliance

and ultimate attainment of water quality standards, while simultaneously granting the District necessary flexibility to plan and judiciously allocate limited resources. DDOE is starting a process now to procure external consultant support to assist in developing this plan, and expects work to begin in earnest in FY13.

Unsustainable energy use

DDOE updated the city's greenhouse gas inventory for the period 2006-2011, documenting a 12% decrease in greenhouse gas emissions citywide, but this still leaves the District with per person emissions much higher than comparison cities in the U.S. and around the world. Energy consumption for buildings continues to represent the majority (76%) of GHG emissions, with transportation emissions representing most of the balance (22%). Primary risks include direct threats from degraded air quality, flooding, wind, and excessive heat, but indirect impacts from disruption of power, food supplies, and other community functions also present real threats to the long-term sustainability of the District. In FY12, DDOE's Energy Administration completed the DOE, ARRA funded City Energy Assurance Plan with a focus on emergency situation response and plans for improved resiliency. Outreach and Training of all stakeholders, including the utilities, on the Energy Assurance Plans were completed early fall, after the devastating Derecho of June 29th.

34 **Please list DDOE's three biggest priorities for FY2013. Please explain the intended impact of each.**

1) Release and launch implementation of *Sustainable DC*

In July 2011, Mayor Gray called for the development of a comprehensive sustainability plan to make the District the healthiest, greenest, and most livable city in the United States. This plan became known as *Sustainable DC*, a grassroots, and ground-up approach to crafting a citywide planning strategy based around conservation, equity, and environmental stewardship. DDOE has coordinated and will continue to lead on community outreach, plan development, and other related activities to the launch and implementation of *Sustainable DC*. The Implementation Plan, set to be released on February 20, includes 31 goals and targets, and 143 specific actions. With partners at the Office of Planning, we will play a central role in inter-agency coordination for plan implementation, monitoring, and reporting. DDOE will also coordinate outreach, marketing and implementation activities with the Office of the Mayor, the Office of Planning, sister agencies, and community stakeholders. The final implementation plan will serve as the District's comprehensive 20 year strategy to push the District to the forefront of environmental stewardship resulting in citywide environmental benefits.

2) Lead Restoration of the Anacostia River

DDOE will take three tracks towards improving the quality of the Anacostia River. We will promulgate a final rulemaking for stormwater regulations; begin the process of sediment remediation; and increase outreach and coordination with Prince George's and Montgomery County. In FY13, DDOE will promulgate the final stormwater rulemaking. The District's

Municipal Separate Storm Sewer System Permit requires these regulations to be promulgated by July 22, 2013 and the District is on track to meet that deadline. The draft regulations provide the guidance and methods for regulated locations to retain, on site, the volume of stormwater generated by a 1.2-inch storm. This onsite capture of stormwater will have a noticeable improvement on the water quality of the Anacostia River by reducing inadvertent pollution through runoff or combined sewer overflows after a major storm event.

Legacy toxins in the Anacostia's sediment bed are a major source of pollution, both to the quality of the water and as a source of pollution to the species that inhabit the river. In FY13, DDOE will award a contract to support a remedial investigation and feasibility study of the sediments in the Anacostia River. The sediments are an on-going source of contaminants and need to be addressed before the Anacostia can be returned to a "fishable and swimmable" river. This contract will allow for methodical testing on Anacostia sediment and water toxins (when present) to determine proper clean-up methods. This project will span multiple years.

Finally, because nearly 82% of the Anacostia watershed lies in either Montgomery or Prince George's counties, Acting Director Anderson has begun a concerted effort to build partnerships with his counterparts in these jurisdictions, with the understanding that our neighbors are essential partners to restore the Anacostia. We aim to encourage Prince George's and Montgomery County to match or exceed the District's efforts and seek partnerships that allow us to all share in a cleaner river.

3) Guide the DC Sustainable Energy Utility to maturity

The DC Sustainable Energy Utility (DC SEU) contract started in March 2011 and the first Evaluation, Measurements and Verification report for the DC SEU's energy efficiency and renewable energy programs will take place in FY13. From inception, DC SEU has been in ramp-up mode, implementing programs that rely on a direct install approach. The DC SEU is now transitioning to a market-based approach for program delivery. To reach maturity, DC SEU must develop programs that respond to marketplace conditions, produce demonstrated energy savings by meeting or exceeding set benchmarks, employ a capable staff, and maintain effective overhead to program delivery cost ratios. In FY13, DDOE will target monitoring and oversight efforts to ensure the DC SEU becomes a robust entity. DDOE will also explore ways in which the DC SEU can have an active role in supporting the implementation of *Sustainable DC* and the more detailed and data driven Comprehensive Energy Plan.

- **Please explain the actions that DDOE took in pursuit of the priorities DDOE identified last year.**

1) Sustainable DC

- To help inform the public and key stakeholders during the development of Sustainable DC, DDOE staff and interns attended over 100 public meetings and events, managed dozens of working group meetings, and maintained a website that posted working drafts

and documents (www.sustainable.dc.gov). As a result of this effort, in April 2012, Mayor Gray released his Vision for a Sustainable DC. To more fully flesh out the strategies in the Sustainable DC vision plan, DDOE staff worked closely with a technical consultant to develop an action strategy for the short- and long-term. The Implementation Plan, set to be released on February 20, includes 31 goals and targets, and 143 specific actions. Additionally, DDOE worked with the Mayor's Office to submit the Sustainable DC Act of 2012 to the DC Council.

2) Stormwater

- DDOE finalized negotiations relating to the permit for the District's Municipal Separate Storm Sewer System (MS4), issued to the District by EPA. This permit requires management actions from numerous District agencies to ensure stormwater runoff is not polluting the District's waters.
- MS4 permit provisions that took effect on January 22, 2012 require the District to update its stormwater management regulations to reduce stormwater pollution from construction and development and also require the District to revise its Stormwater Management Guidebook, which provides technical guidance on complying with the regulations. The updated regulations represent a significant shift in how the District regulates stormwater runoff from development projects, incorporating performance standards that require on-site retention of stormwater runoff. Given that the vast majority of development in the District is redevelopment of existing impervious surface, DDOE expects that the retention standards in these regulations will become the major driver for the installation of Green Infrastructure retrofits that make the District "spongier," reducing stormwater pollution flowing into District waterbodies. These regulations were proposed for a 90-day public comment period starting in August of 2012 (running through November 8, 2012). Before and during that comment period, DDOE led over a dozen training sessions to educate stakeholders on how to comply with the new requirements, in addition to providing briefings and responses to clarifying questions for environmentalists and regulated stakeholders. DDOE is currently incorporating revisions in response to the comments received, with the expectation of releasing revised versions of the regulation and Guidebook in the spring of 2013 and finalizing by July 22, 2013, as required by the MS4 permit.
- Additionally, in FY 12 DDOE published proposed regulations for public comment and developed the administrative procedures to implement the Stormwater Fee Discount Program when the regulations are finalized.

3) Energy Strategy

- Provided oversight to help the DC SEU reach its goals: In FY12, DDOE collaborated with the DC SEU on a number of public outreach events to help authenticate and educate District residents on the services, programs, and job opportunities offered by the DC SEU. DDOE staff conducted on-going monitoring of DC SEU's progress towards

the achievement of contractual requirements and performance benchmarks. DDOE staff met weekly with the DC SEU to review program designs and identify potential obstacles to program delivery. DDOE staff also conducted random inspections of projects completed by the DC SEU to verify proper installation of recommended measures. Additionally, DDOE staff reviewed spending plans to ensure that SETF funds are expended in a prudent manner. The DC SEU was able to achieve most of its benchmarks in FY12. See question 27 generally for more detail.

- In FY12, DDOE made substantial progress towards implementing the District's groundbreaking energy benchmarking program. In light of comments from stakeholders, DDOE decided to make major changes to the proposed rulemaking, and sought further stakeholder input. In FY12, DDOE held 15 meetings, presentations, or trainings on the benchmarking program, with over 400 total attendees. DDOE also distributed updates via the website, twitter, and an electronic mailing list for over 600 stakeholders. A second proposed rulemaking was published July 20, 2012. DDOE and DC SEU are collaborating to support the regulated community and improve the quality and quantity of benchmarking data. DDOE worked with the DC SEU to establish a Benchmarking Help Center, launched in July 2012, which provides technical support for ENERGY STAR Portfolio Manager via phone and email, and conducts regular in-person training sessions. As of the end of FY12, DCSEU had also begun assisting DGS in benchmarking all the public buildings it manages. On January 18, 2013, DDOE published both the final rulemaking for benchmarking of private buildings, and the benchmarking results for over 200 public buildings. Private buildings must submit data by April 1, 2013; DDOE anticipates publishing the first set of private building data will in summer 2013.
- Facilitated greater solar deployment in the District: In FY 12, DDOE supported over 300 new solar systems within the District through the Renewable Energy Incentive Program (REIP), adding 1.6MW of solar capacity on the roofs of residences and businesses throughout all eight Wards. See question 30 paragraph 2 for more detail.
- Expanded electric vehicle infrastructure in the District: DDOE staff helped to craft a draft report on Electric Vehicles (EV) in Metropolitan Washington: Understanding the Region's Current EV Readiness and Options for Expanding Their Use. DDOE continued to engage in discussions that will result in increasing infrastructure, EV fleet adoption/car-sharing opportunities, and privately-owned vehicles. While DDOE secured access to several charging stations through ARRA, funding constraints hindered efforts to install and deploy the chargers across the District.
- The DC PACE program completed program design in April 2012, and began working directly with property owners to build awareness and identify potential projects. (Please see Question 26 for more Detail)

35 **Please describe DDOE's contributions to the Construction Codes Coordinating Board during FY2012, the status of the upcoming Green Construction Code, and DDOE's sense of the regulated community's likely response to the Green Construction Code.**

The DDOE has consistently incorporated input from the regulated community during the adoption of the District's building codes – codes that are on the leading edge of environmental conservation practices. DDOE hopes that the early engagement efforts have facilitated a cooperative partnership and an appreciation of the inherent value of natural resources among the regulated community.

DDOE's most notable effort to increase stakeholder participation was Mayor Gray's decision to convene the Construction Codes Coordinating Board (CCCB) and appoint DDOE's Green Building Specialist, Bill Updike, to sit on the CCCB and Chair the Board's Green Technical Advisory Group (Green TAG). Green TAG consists of nine voting members, seven of which are drawn from the private building sector. An additional 23 non-voting members representing a broader pool of industry stakeholders provided subject matter expertise and diversity to the group. We have included as Attachment 35, a list of voting and non-voting members of the Green TAG.

The Green TAG met weekly for six months to localize the model International Green Construction Code to meet the specific needs of the built environment in the District and reduce conflicts between existing and planned regulations. Including but not limited to a substantial effort to incorporate improved carbon monoxide and lead standards by DDOE's Associate Director for Lead and Healthy Housing (Pierre Erville). Led by the efforts of Mr. Updike, the Green TAG has given more than a dozen presentations to hundreds of affected private sector entities, including, but not limited to: the DC Building Industry Association, the US Green Building Council – National Capital Region, and the American Institute of Architects.

When the District adopts the Green Construction Code, we will be at the forefront of national efforts to transform the urban built environment. The Green Construction Code, along with other building codes were published for public comment on December 7, 2012, and the public comment period closes February 22, 2013. Because of the high volume of stakeholder input sought prior to promulgation, we anticipate the regulated community will ultimately embrace the new regulations.