

2023 Performance Oversight Pre-Hearing Questions Part I
Department of Energy and Environment

A. ORGANIZATION AND OPERATIONS

1. Please provide a complete, up-to-date **organizational chart** for the agency and each division within the agency, including the names and titles of all senior personnel. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.
 - Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions. For vacant positions, please indicate how long the position has been vacant.
 - Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

Response:

See Attachment Q1a and Q1b

2. Please list each **new program** implemented by the agency during FY 2022 and FY 2023, to date. For each initiative please provide:
 - A description of the initiative, including when begun and when completed (or expected to be completed);
 - The funding required to implement the initiative;
 - Any documented results of the initiative.

Response:

GSI Maintenance Program

At the start of FY22, the agency stood up a green stormwater infrastructure (GSI) maintenance and training program for District owned and financed GSI. This effort will be ongoing long term. The total cost of the effort in FY22 was \$7,750,000. This project has several sub-efforts detailed here:

1. Grants for Green Infrastructure Maintenance Training - these grants started at the beginning of the calendar year 2022 and are intended to continue indefinitely. The annual cost of these training grants is \$630,000. To date, the program has trained 26 people, 18 of whom are returning citizens and 16 of whom live in Wards 5, 7, and 8.
2. Grants for Maintenance of Green Infrastructure - this grant started at the beginning of the calendar year 2022 and is intended to continue indefinitely. The annual cost of this maintenance grant is \$1,100,000. To date, the program

has assessed and maintained over 600 GSI practices.

3. Staffing a GSI maintenance team in DOEE - DOEE hired staff to manage this program over the first half of FY2022. These are full-time personnel that are to continue work long-term. The annual personnel cost is approximately \$340,000.

4. Contracting for the development of a GSI Maintenance Tracking Database - DOEE awarded a contract for the development of the tracking database and the purchase of software licenses in late FY2022. The contractor will develop a database that will allow the agency to integrate with the 311 system, issue task orders for maintenance work, and track GSI maintenance work performed. The total cost of licenses and database development is expected to be \$400,000 and will be completed by mid- to late FY2023.

5. Contracting for the assessment of GSI Facilities - DOEE awarded a letter contract for this effort at the start of FY2023. The total award is expected in the early calendar year 2023 and will be approximately \$1,100,000. Over the course of the first award year, the contractor is expected to assess 1,000 GSI facilities. The contract has two option years after the first year.

6. Contracting for the maintenance of GSI Facilities - DOEE started the contracting effort at or before the start of FY2022. It does not yet have a contract in place. The contract is expected to cost \$4,000,000 annually and is a time and materials contract. The goal is for the contractor to maintain approximately 3,000 GSI facilities with these funds. The effort is expected to continue long term.

7. Grant for the Development of a GSI signage plan - In late FY22, DOEE awarded a grant for the development of a signage plan for GSI maintenance facilities. The \$300,000 grant is expected to continue through calendar year 2023. To date the grantee has held stakeholder meetings and developed draft signage templates.

8. MOUs and MOAs with sister agencies for access and maintenance to GSI facilities - Starting in early FY2022, DOEE has worked to negotiate and sign several MOUs and MOAs with sister agencies to enshrine methodologies for accessing GSI located on their properties. DOEE has MOUs with DGS and DCPS for \$1,200,000 to fund their existing contracts for the maintenance of GSI on their properties while DOEE gets its contract in place. To date, this has led to the assessment and maintenance of approximately 7000 GSI facilities. The MOUs will sunset when DOEE gets its own GSI maintenance contract in place in FY23.

The Anacostia River Corridor Restoration Plan

In early FY22 DOEE awarded a grant to develop a restoration plan for the Anacostia River Corridor. The grant is for \$450,000 and is expected to be completed in calendar year 2023. To date the grantee has held meetings with the public, stakeholder agencies, and a steering committee and has performed initial research to identify restoration and public access sites along the river. The grantee will soon provide a draft restoration plan to these groups.

Kingman Island Rangers

The Kingman Island Rangers is a \$222,000 grant program that was awarded in early calendar year 2022 to train, employ, and provide wraparound services to underemployed young adults who are hired as rangers on Kingman Island. The rangers conduct environmental restoration, educate District students, serve as interpretive hosts, and maintain amenities at Kingman and Heritage Islands. To date the program has hired and trained 17 people from Wards 5, 7, and 8 including three full-time rangers and over a dozen part-time and seasonal rangers. This effort will be ongoing long term.

Kingman Lake Wetlands

In mid-calendar year FY22 DOEE awarded a contract for approximately \$725,000 to perform an environmental assessment and develop 100% designs to restore at least 10 acres of wetlands in Kingman Lake in coordination with the Anacostia River sediment project. The designs are expected to be completed in mid-FY24. From these designs DOEE will contract for the construction of the restored wetlands.

Kenilworth Park Wetlands

DOEE is expected to begin contracting for an environmental assessment and designs for the restoration of wetlands on the edge of Kenilworth Park to restore at least 20 acres of wetlands near the mouth of Wats Branch in coordination with the remediation and development of the park site. From these designs DOEE will contract for the construction of the restored wetlands.

Flood Awareness Week June 21- 25, 2022

DOEE worked with USACE, other DC Government agencies, and the Wharf to host webinars, a workshop at Anacostia High School, an unveiling of a new High Water Mark at the Wharf, WMATA advertising, and social media outreach to raise awareness about flood risk and what residents can do to reduce it. DOEE will host another flood awareness week in June 2023 that will promote the

South West Resilience Plan, flood insurance, and floodsmart homes.

DC Flood Task Force

On September 23, 2021, the City Administrator established a Flood Task Force to develop a comprehensive and equitable action plan to address flood risk citywide in the District of Columbia. The task force is jointly co-chaired by the Director of DOEE and the General Manager of DC Water. The task force met every two months from November 2021 to January 2023 and identified 27 actions to be implemented to reduce flood risk in the District, including policy change recommendations, upgraded mapping, and proposals for a new emergency fund/insurance program. Some of these actions can be implemented via staff time, others will require additional funding via annual budget requests. A final report will be delivered to the City Administrator in February 2023.

FloodSmart Homes

This program will reduce flood risk for, and increase resilience of, many District single and two-family homes, a majority of which are located in Wards 7 and 8. \$2.5m in local funds for this program became available in October 2022 and DOEE staff have been working before then to hire a grantee and contractor to perform the work. This program will be implemented in two overlapping phases: Professional Assessments of Homes (via a contract to be awarded in February 2023) and Installation and Construction of Resilience upgrades (via a grant to be awarded in April). While work cannot start until the contract is awarded, DOEE already has more than 100 residents signed up for the program.

Efforts to allow public swimming in District waters - New Monitoring and Analytical Tools to inform Swimming Decision-Making

In FY22, DOEE was working on multiple studies to test and evaluate new monitoring methods and analytical techniques to provide new sources of information on when water quality conditions are safe for the public to swim. These include rapid molecular sampling methods that can provide same-day results regarding fecal coliform bacteria concentrations, new types of sensors that may allow for near real-time monitoring of bacterial concentrations, and predictive modeling to forecast when water quality will support swimming based on environmental conditions.

In FY23, DOEE will aim to complete these studies, and based on its findings, seek to develop new programs aimed at expanding opportunities for swimming. So far in FY23, DOEE has:

- Received EPA approval for two Quality Assurance Project Plans (QAPPs) for studies investigating new monitoring methods. DOEE will spend \$85,000 on these studies in FY23.
- Coordinated with the US Geological Survey to develop a scope of work for a Joint Funding Agreement for the next phase of the predictive modeling/forecasting project. DOEE will spend \$120,000 on this project in FY23.
- Held multiple meetings with experts from swimming and beach programs in other jurisdictions, including Baltimore, Chicago, and San Diego.

Ditch the Disposables

DOEE launched Ditch the Disposables in FY22 to support food service ware transitions from disposable to reusable at food serving entities. In FY22, DOEE partnered with the Chesapeake Bay Trust to administer the program. The initial RFA resulted in 13 grants totaling \$185,877. In FY22, DOEE submitted and was approved for a FY23 enhancement to continue the program into FY23. The Trust is in the process of awarding the 2nd round of grantees with FY23 funding. Initial feedback is that the demand outweighs available funds, but there are barriers to small businesses accessing the funds, including the District's insurance requirements and DC Health codes that prohibit the ability of a customer to bring their own container.

Bottle Ban Impact Evaluation

In FY22, Council amended the Anacostia River Clean Up and Protection Fund to require DOEE to produce a report to study the economic, social, and environmental impacts of a plastic bottle ban. DOEE executed an MOU with UDC's CAUSES to fund a PhD candidate with \$62K to conduct research and produce a report. The project is currently underway and expect for it to be completed by end of FY23.

Donation and Reuse Program

Description and timeline:

Established by the Zero Waste Omnibus Amendment Act of 2020, and funded beginning in FY 2022, the Donation and Reuse Program aims to increase waste diversion from landfill and incineration by advancing donation and reuse infrastructure, programs, services, and public awareness. The program began in FY 2022 and is ongoing.

Funding:

According to its Fiscal Impact Statement, the program requires three FTEs, \$75,000 annually in Nonpersonnel Services and \$75,000 in grant funding for the Donation and Reuse Grant Program. In the first two years of the grant program, demand outpaced available funding. Applicants requested \$140,000 in Year 1 of the grant program and \$172,000 in Year 2. See the response to Question 70 for a detailed list of the projects funded in Year 1.

Results:

The program launched the Reuse DC website (reuse.dc.gov), the District's hub for learning where to repair, donate, and shop second-hand household items. Visitors can search the online directory, explore how to exchange items with your neighbors, and learn about the importance of food recovery. In the first three months, Reuse DC had over 8,000 visitors and 20,000 page views. The program also relaunched ReThread DC, the District's textile initiative, and partnered on events ranging from a swap at the DC State Fair to a textile recycling drive.

Battery Stewardship Program

Description and timeline:

The Zero Waste Omnibus Amendment Act of 2020 contained battery stewardship requirements that took effect on October 1, 2021. The Act required a battery stewardship organization to submit a plan for battery collection and recycling by January 1, 2023. A proposed plan was submitted on December 30, 2022. DOEE expects the plan will be approved and the battery stewardship organization will begin implementation in FY 2023.

Funding:

The law requires the battery stewardship organization implementing an approved plan to pay an annual fee for DOEE's oversight costs. DOEE set this amount at \$40,000 with an annual inflation adjustment. According to the law's Fiscal Impact Statement, the program requires one FTE and \$20,000 annually in non-personnel services (NPS).

Results:

DOEE has drafted regulations to implement the law that became effective on December 30, 2022. The District's only battery stewardship organization, Call2Recycle, submitted its 2022 and 2023 annual registration forms and a proposed battery stewardship plan. DOEE has also created web content and FAQs to inform regulated entities and the public about the program.

3. Please provide a complete, up-to-date **position listing** for your agency, ordered by program and activity, and including 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 (separately), including the specific grade, series, and step of position;
- Job status (continuing/term/temporary/contract);
- Whether the position must be filled to comply with federal or local law.

Please note the date that the information was collected

Response:

See Attachment Q3

4. Does the agency conduct annual **performance evaluations** of all of its employees, and was this done in FY 2022? Who conducts such evaluations? What are the performance measures by which employees are evaluated? What steps are taken to ensure that all agency employees are meeting individual job requirements? What steps are taken when an employee does not meet individual job requirements?

Response:

The agency 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 "e-Performance" system.

For FY 2022, the agency was 100% compliant with a total of 347 out of 347 total eligible performance evaluations completed. Performance Management, through the e-Performance system focuses on planning and communicating employee expectations at the beginning of the rating period.

There are five core competencies for all employees, including: (1) accountability; (2) communication; (3) customer service; (4) goal attainment; and (5) job knowledge. There are three additional core competencies for management, including: (1) leadership; (2) management of others; and (3) operational and strategic planning. The manager, in collaboration with the employee, creates an Individual Development Plan (IDP) for the employee. The IDP is for development purposes only and not part of the evaluation at the end of the performance management period. The objectives of the IDP are designed to improve the knowledge, skills, and abilities of the employee, focus on areas of

ongoing professional development or address areas of development from preceding review years.

Managers/Supervisors are committed to providing continuous feedback to staff throughout the performance period through one-on-one communications and mid-year progress discussions. If an employee is experiencing performance issues, a Performance Improvement Plan (PIP) is developed to facilitate constructive discussion between the employee and the immediate supervisor to clarify areas of work performance that must be improved. The PIP provides the employee an opportunity to demonstrate improvement in those areas identified. At the end of the PIP period, the immediate supervisor issues a written decision to the employee within 10 business days as to whether the employee has met or failed to meet the requirements of the PIP. If the employee fails to meet the PIP's requirements, the immediate supervisor can extend the PIP for an additional period or reassign, reduce in grade, or remove the employee from the position, subject to applicable collective bargaining agreements and the District Personnel Manual.

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.

Response:

There were no employees detailed to or from DOEE in FY22 and FY23 to date.

6. Please provide the position name, organization unit to which it is assigned, and hourly rate of any **contract workers** in your agency, and the company from which they are contracted.

Response:

Natural Resources Administration, Regulatory Review Division Application

Technical Specialist \$82.89, CAI

Natural Resources Administration, Regulatory Review Division Application

Technical Specialist \$92.18, CAI

Natural Resources Administration, Regulatory Review Division Database

Administrator \$66.01, CAI

Environmental Services Administration, Air Quality Division Senior Business Systems Analyst, \$115.50, CAI

7. Please provide the Committee with:
 - A list of all employees who receive cellphones or similar communications devices at agency expense.

- ◆ Please provide the total cost for mobile communications and devices at the agency for FY 2022 and FY 2023 to date, including equipment and service plans.
- A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned.
- A list of employee bonuses or special award pay granted in FY 2022 and FY 2023, to date.
- A list of travel expenses, arranged by employee.
- A list of the total overtime and worker's compensation payments paid in FY 2022 and FY 2023, to date.

Response:

See Attachments Q7a and Q7b

8. Please provide a list of each **collective bargaining agreement** that is currently in effect for agency employees.
- Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
 - Please provide, for each union, the union leader's name, title, and his or her contact information, including e-mail, phone, and address if available.
 - Please note if the agency is currently in bargaining and its anticipated completion date.

Response:

AFGE Local 2725; Kermit Johnson, President, kjohnson@AFGE2725.COM; 211 employees covered; Union agreement effective through September 20, 1990

AFGE Local 631; Barbara Milton, President, barbara.milton@dewater.com 202-236-0500; 65 employees covered; Union agreement effective through September 30, 2013

AFGE Local 2978; Carroll Ward, President, carroll.ward@dc.gov 240-893-8349; 7 employees covered; Union agreement effective through September 30, 2017

AFGE Local 1403; Bob Deberadinis, President, Robert.deberadinis@dc.gov 202-724-6642; 8 employees covered; Union agreement effective through September 30, 2023

9. 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.

Response:

See Attachment Q9

10. Please describe the agency's procedures for investigating allegations of **sexual harassment** or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2022 and FY 2023, to date, and whether and how those allegations were resolved.

Response:

Allegations of sexual harassment or misconduct committed by or against employees of DOEE are handled in accordance with the procedures established in Mayor's Order 2017-313, "Sexual Harassment Policy, Guidance and Procedures." DOEE received one sexual harassment complaint in FY22 and FY23, to date. The complaint is still under internal investigation, so no resolution is reportable at this time.

11. For any **boards or commissions** associated with your agency, please provide a chart listing the following for each member:

- The member's name;
- Confirmation date;
- Term expiration date;
- Whether the member is a District resident or not;
- Attendance at each meeting in FY 2022 and FY 2023, to date.
- Please also identify any vacancies.

Response:

See Attachment Q11

12. Please list the **task forces and organizations**, including those inside the government such as interagency task forces, of which the agency is a member and any associated membership dues paid.

Response:

See Attachment Q12

13. What has the agency done in the past year to make the activities of the agency more **transparent** to the public?

Response:

DOEE continues to ensure that many of its public meetings are available to attend virtually, via a hybrid approach where in person and online options are presented to attendees. We have continued to hold our Quarterly Environmental Stakeholder Meetings, where participants can ask DOEE staff questions directly or through the chat function of the software. We have seen a significant increase in participation and interest from the public through these options. We also have increased our social media presence and post information about programs, projects, meetings, and events through all of our social media outlets.

14. 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?

Response:

The agency solicits feedback through social media, notices of public comment, and open houses. DOEE receives public comments on draft regulations and reports from environmental advocates, business owners, and residents, and incorporates the feedback into its final documents and operating procedures. Additionally, we have turned a focus on ensuring our programs and practices are equitable, so any feedback we receive in terms of equity is sent to our Equity Committee for review and assessment.

15. What has the agency done to reduce agency **energy use** in FY 2022? Did the agency's energy use increase or decrease in FY 2022? Please identify how much energy use increased or decreased in terms of kWh and therms, and what percentage increase/decrease that is compared to FY 2017.

Response:

DOEE's consumption of electricity at its headquarters increased from 866,190 kWh in calendar year 2021 to 902,703 kWh in 2022. The total change of 36,513 kWh represents an 4% increase in electricity consumption from 2021 to 2022. The increase in energy use is associated with employees return to work and being in the office much more than during the public health emergency.

DOEE's consumption of electricity at its headquarters increased from 866,172 kWh in calendar year 2017 to 902,703 kWh in calendar year 2022. The total change of 36,531 kWh represents an 4% increase in electricity consumption from 2017 to 2022. There is no natural gas consumption in the DOEE space at 1200 First Street.

16. Please complete the following chart about the residency of **new hires**:

Number of Employees Hired in FY 2022 and FY 2023, to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing	7	5
Term	68	38
Temporary	26	15
Contract		

17. Please provide the agency’s FY 2022 Performance Accountability Report.

Response:

DOEE completed review of the final FY22 PAR in mid-January to meet its deadline for online publication via https://oca.dc.gov/sites/default/files/dc/sites/oca/publication/attachments/DOEE_FY22PAR.pdf

B. BUDGET AND FINANCE

18. Please provide a chart showing the agency’s **approved budget and actual spending**, by division, for FY 2022 and FY 2023, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

Response:

See Attachment Q18

19. Please list any **reprogrammings**, in, out, or within, related to FY 2022 or FY 2023 funds. For each reprogramming, please list:

- The reprogramming number;
- The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
- The sending or receiving agency name, if applicable;
- The original purposes for which the funds were dedicated;
- The reprogrammed use of funds.

Response

See Attachment Q19

20. Please provide a complete accounting for all **intra-District transfers** received by or transferred from the agency during FY 2022 and FY 2023, to date, including:

- Buyer agency and Seller agency;
- The program and activity codes and names in the sending and receiving agencies' budgets;
- Funding source (i.e. local, federal, SPR);
- Description of MOU services;
- Total MOU amount, including any modifications;
- The date funds were transferred to the receiving agency.

Response:

[See Attachment Q20](#)

21. Please provide a list of all **MOUs** in place during FY 2022 and FY 2023, to date, that are not listed in response to the question above.

Response:

[See Attachment Q21](#)

22. Please identify any **special purpose revenue accounts** maintained by, used by, or available for use by your agency during FY 2022 and FY 2023, 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 2022 and FY 2023, to date;
- Expenditures of funds, including the purpose of each expenditure, for FY 2022 and FY 2023, to date.

Response:

[See Attachment Q22](#)

23. 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, including any projects to replace aging infrastructure (e.g., water mains and pipes);
- 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.

Response:

See Attachment Q23

24. Please provide a complete accounting of all **federal grants** received for FY 2022 and FY 2023, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2022, the amount of any unspent funds that did not carry over.

Response:

See Attachment Q24

25. Please list each contract, procurement, lease, and grant ("**contract**") awarded, entered into, extended and option years exercised, by your agency during FY 2022 and FY 2023, 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;
- Whether the contract is available to the public online.

Response:

See Attachment Q25

26. Please provide the details of any **surplus** in the agency's budget for FY 2022, including:

- Total amount of the surplus;
- All projects and/or initiatives that contributed to the surplus.

Response:

See Attachment Q26

C. LAWS, AUDITS, AND STUDIES

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

Response:

DOEE did not lack resources to implement any legislative requirements.

28. Please identify any statutory or regulatory **impediments** to your agency's operations or mission.

Response:

The requirement for Council approval of contracts above \$1,000,000 has been an impediment to agency operations. As well as the need for Council review of reprogramming requests above \$500,000. Both requirements delay agency projects and programs and do not allow DOEE the flexibility it needs to operate efficiently and delays important projects that impact the environmental health of District residents. DOEE suggests that these minimums be raised as the current requirement is out of step with current operational needs.

29. Please list all **regulations** for which the agency is responsible for oversight or implementation. Where available, please list by chapter and subject heading, including the date of the most recent revision.

Response:

See Attachment Q29

30. Please explain the impact on your agency of any **federal legislation or regulations** adopted during FY 2022 and FY2023, to date, that significantly affect agency operations or resources.

Response:

No federal legislation or regulations significantly affected DOEE operations.

~~31. Please provide a list of all **MOUs** in place during FY 2022.~~

32. Please provide a list of all studies, research papers, and analyses ("**studies**") the agency requested, prepared, or contracted for during FY 2022. Please state the status and purpose of each study.

Response:

See Attachment Q32

33. 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 2022 and FY 2023, to date.

Response:

In July 2022, EPA, Region III representatives and EPA contractors performed a compliance review of the District's Municipal Separate Storm Sewer System (MS4).

The purpose of this compliance review was to obtain information to assist EPA, Region III in assessing DC's compliance with the with the requirements of the District's National Pollutant Discharge Elimination System (NPDES) General Permit to Discharge Stormwater from Small Municipal Separate Storm Sewer Systems (NPDES Permit No. DC0000221), as well as the implementation status of its current MS4 program.

The review focused on overall program management and the following Permit components:

- Construction Activities
- Illicit Discharge and Illegal Disposal
- Targeted Pollutant Controls
- Operation and Maintenance of Stormwater Control Measures

34. 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. If the recommendation has not been implemented, please explain why.

Response:

ESA:

ESA Lead Safe and Healthy Homes Division:

See Attachment Q34

ESA Air Quality Division/Toxic Substances Division:

In FY22, the Environmental Protection Agency (EPA) completed Round 4 of the State Review Framework (SRF) for the Clean Air Act (CAA) and Resource Conservation and Recovery Act (RCRA) programs. The SRF, conducted every five years, is the primary means by which EPA conducts oversight of these state-delegated compliance and enforcement programs. EPA issued a draft report with findings and recommendations to DOEE; however the report is not finalized. Draft recommendations for the CAA program included upgrading DOEE's air quality database and updating Standard Operating Procedures to ensure timely reporting of minimum data requirements to EPA's electronic system. Draft recommendations for the RCRA program including updating SOPs to ensure timely completion of inspection reports. EPA recommended that both programs make adjustments to how gravity and economic benefit are calculated in penalty calculations. DOEE is already working towards completing these recommendations.

NRA:

As referenced in Question 33, EPA conducted a Compliance Evaluation Inspection (CEI) of the District's the Municipal Separate Storm Sewer (MS4) program in July 2022. They issued the inspection reported titled, "District of Columbia Municipal Separate Storm Sewer System (MS4) Program Inspection Report" (3ED22WN099A) on September 2, 2022. DOEE provided EPA with a response to this report on October 5, 2022. Many of the observations identify pollution prevention issues such as evidence of leaking vehicles or insufficiently contained stored materials at District municipal facilities. DOEE is actively working with our sister agencies to implement best practices that include on-going training, self-inspections/reporting and tracking of any identified deficiencies to assure corrective action on an on-going basis.

EPA Report and DOEE Response:

Observation 1:

DC MS4 Program has no set inspection frequency for construction sites, and it is up to the discretion of the individual inspector. The DC MS4 program has standard operating procedures (SOPs) for the inspection of construction projects.

DOEE Response - DOEE conducts prioritized and targeted compliance monitoring inspections of construction sites based on sites discharging to water quality-impaired waters, sites near surface waters, areas undergoing rapid development, large construction sites, and sites with a history of non-compliance. Targeted and prioritized inspections is challenging if there is an established frequency or schedule of inspections.

Observation 2:

DC DOEE Staff presented SOP IED-320 which presents detailed procedures for the pre-construction meeting, pre-inspection procedures, inspection procedures, inspection report procedures, changes to a DOEE approved plan, and stormwater management as-built plan review and approval.

Observation 3:

DOEE representatives were unsure if the DOEE's Dry Weather Outfall Inspection Form is used to perform dry weather screening inspections.

DOEE Response - The form Inspection and Enforcement Division (IED) uses to document dry weather screening inspections is DOEE's Dry Weather Outfall Inspection Form. Internally, IED does not use the formal name as it is referenced in permit section 4.4.1.1 and simply refers to the form as the Outfall Inspection Form. The Outfall Inspection Form is an electronic ArcGIS form that is completed in the field during inspections and fulfills all the requirements stated in Section 4.4.1.1 of DC's MS4 Permit. IED will rename and update program references to the inspection form to reflect the name referenced in the permit.

Observation 4:

DOEE representatives provided dry weather outfall inspection results in an interactive ArcGIS map that reported all outfalls, locations, dates of inspections, physical characteristics, and details about re-inspections of illicit discharges. During the inspection, DOEE representatives stated that dry weather flows were investigated as illicit discharges once they were observed.

DOEE Response - Going forward, DOEE will revise the Dry Weather Outfall Inspection Form to include a section to specifically document changes since previous inspections and explore increasing ArcGIS database capacity to directly link photographs collected during inspections to the Dry Weather Outfall Inspection Form record for each inspection.

Observation 5:

During the inspection, DOEE representatives stated that if visual monitoring indicates no measurable dry weather flow, but there is evidence of intermittent discharge, inspectors revisit the outfall sometime in the range of within 24 hours of the initial inspection to within a week.

DOEE Response - SOP 315 and 305, DOEE will update both SOPs to reflect, when in the rare instance a discharge cannot be investigated within 24 hours or when the source of the dry weather flow cannot be identified, that a reinspection of the outfall

is conducted within three days.

Observation 6:

Observations at Outfall 218. The EPA Inspection Team observed minimal flow from the outfall at the time of the inspection. Foam was observed on the discharge from the outfall. The maintenance and inspection report did not request follow up maintenance to address the unresolved foam and oil sheen.

DOEE Response - Outfall 218 discharges stormwater runoff from a highly industrial area of the District and is known to be impacted by pollutants from unknown sources. DOEE has conducted a multi-year investigation into the sources of pollutants discharging from Outfall 218 and while this investigation has removed a significant number of illicit sanitary connections to the MS4 and led to the permitting and cleanup of several industrial facilities, illicit discharges remain an issue and the investigation is ongoing.

Observation 7:

Observations at Outfall 999. The EPA Inspection Team observed a significant amount of trash in the trash trap located at the outfall but water leaving the trash trap appeared to be clean.

DOEE Response - Dry weather flow is well documented from Outfall 999 and DOEE determined the majority of this flow is due to infiltrating groundwater to the MS4.

Observation 8:

The District uses trash traps throughout the MS4 to capture trash and prevent it from flowing downstream. The traps are located throughout the District in areas with high estimated trash accumulation. The District maintains nine (9) trash traps on the Anacostia River alone. DOEE representatives stated that trash removal efforts in 2020 led to the removal of over 9 million pounds of trash.

DOEE Response – DOEE agrees with this observation.

Observation 9:

Observations at Outfall 999 trash trap was found to be inundated with trash and debris, though the inspection was conducted within 24 hours of a heavy rain event (>1 inch). DOEE representatives stated that the trap had been cleaned out the prior week. During the inspection, DOEE representatives stated that they were unsure of a set inspection and grantee maintenance frequency for the trash trap, though the trash trap inspections normally coincide with the outfall inspections.

DOEE Response - Per the terms of a supplemental environmental project agreement with PEPCO, during the initial year of maintenance (i.e. 2020) of the trash trap, PEPCO's contractor, Living Classrooms, was required to inspect and maintain the trash trap on a weekly basis. However, the agreement allowed Living Classrooms to change the schedule if maintenance was needed at a less or a greater frequency. The adjustments would allow for more efficient use of funds for maintaining the trash trap. In 2021, the trap was cleaned out on average twice per month. Living Classrooms inspects the trap at least once per week to make sure it is operating correctly.

Observation 10:

Observations at the DPW NE Fleet Parking and Storage Facility included pollution prevention deficiencies that indicated past spills and leaks had occurred. At the time of the observation, DOEE and DPW provided a copy of the onsite Stormwater Management Pollution Prevention Plan (SWMPPP) and maintenance reports.

DOEE Response – the site was cleaned and spill and leak corrective action reports were completed.

Observation 11:

The EPA Inspection Team made the following observations at the Transfer Station- The EPA Inspection Team observed leachate containing petroleum sheen flowing from the Waste Storage & Loading Area. The leachate was flowing towards Trench Drain TD-5 in the Facility's north-eastern area. The EPA Inspection Team observed evidence of an illicit discharge from the west Facility exit driveway. The Facility had a copy of the SWPPP onsite, dated April 1, 2021. Facility representatives stated that SWPPP updates were being made at the time of the inspection.

DOEE Response - The observed area was cleaned to remove sediment and debris, and the coconut fiber filter (New Pif FLT700 for sediment) on top of the trench drain was replaced with a new filter. DPW has not finalized the long-term solution for elimination of leachate flow, therefore DPW has deployed the filter as a temporary solution. DOEE will have a follow-up walkthrough and inspection. Facility personnel immediately placed a sediment boom in the area of the leak and placed one to protect the curb inlet. A Corrective Action Form was created to track additional actions, including monitoring of the area of discharge for two weeks and replacing the absorbent boom as needed. Facility personnel concluded the discharge was groundwater or perched stormwater drainage. A work order was logged to repair the section of curb where the groundwater discharge was observed. No discharge was observed during a follow-up inspection on August 13, 2022.

Observation 12:

Observations at the DDOT Street and Bridge Maintenance Facility. The EPA Inspection Team observed oil stains in the vehicle storage area and improper pollution prevention methods around the site; (3) bales of hay at the salt dome's north entrance that did not span the entire length of the entrance; the salt dome's south entrance did not have a door or other containment measure; uncontained piles of sand, gravel, and asphalt; d un-stabilized piles of sediment downgradient of the rivulets at the points of discharge; uncovered and broken bag of concrete mix outside of the Facility's storage garage; Facility staff provided a copy of the onsite Stormwater Pollution Prevention Plan (SWPPP) onsite, dated October 5, 2021, and last revised May 22, 2022.

DOEE Response- DOEE and DDOT continue with spill and leak training to ensure future spills and leaks are promptly addressed. The entrance was in use at the time of inspection. Haybales are now placed across the entire length of the entrance. Salt dome enclosure and containment measures are now underway. Most stockpiles are stored within walled containment under a canopy. Uncovered stockpiles, located in the south of the site, are surrounded by jersey barriers for containment, located outside the path of stormwater, and regularly removed by a contractor on an as-needed basis. DDOT is in the process of redesigning this area of the site to improve site drainage and stabilization.

Observation 13:

Observations at the National Park Service Rock Creek Park Maintenance Yard. The EPA Inspection Team made the following observations at the Maintenance Yard. 1) The EPA Inspection Team observed petroleum stains on the parking lot outside of the office building, in front of the salt dome, and in the vehicle storage area in the mid-east area of the Facility. The salt dome's entrance did not have a door or other containment measure. 3) The EPA Inspection Team observed two (2) uncovered and unlabeled 55gallon drums in the west area of the Facility. 4) The EPA Inspection Team observed an uncovered roll-off container containing dried concrete in the southeastern portion of the Facility. 5) The EPA Inspection Team observed liquid dripping from, and pooling by, a loaded trash truck parked in the southeast area of the Facility. The liquid from the trash truck was not collecting in a drip pan or otherwise contained.

DOEE Response- At the time of the observation, DOEE inspectors provided compliance assistance to National Park Service facility staff to correct the observations found. DOEE will follow-up to ensure corrective actions have been taken.

Observation 14:

Observations at the South Capitol Street Salt Dome. The EPA Inspection Team observed spilled salt, petroleum stains, and improper pollution prevention measures.

DOEE Response – DDOT is reviewing designs and plans for the site and will provide DOEE with the timeline. The site was cleaned up following the site visit with EPA and the team filed a spill and leak corrective action log. Staff placed straw in front of the entrance to the salt dome. 8 uncovered rusted cars with batteries still installed.

DOEE Response – Facility staff provided the inspection team with a copy of the onsite Stormwater Pollution Prevention Plan.

Observation 15:

Observations at the DPW Impound Lot. The EPA Inspection Team observed a storm drain inlet with improperly placed filter socks, 10 locations with petroleum stains, unprotected curb inlets,

DOEE Response – The observed storm drains are included in the monthly inspections performed at the site. During these inspections, DPW will identify for corrective action any observed displaced or non-functioning filters, including repositioning or replacement. The facility continues to clean-up active spills and leaks at least every other week during a sweep of the site. Site personnel have increased their usage of the QR code for spill and leak reporting. Four vehicles were removed from the site and the other four are covered with tarps. DPW maintains additional tarps on hand for any other damaged vehicles. DOEE will continue to inspect and DPW will continue to perform corrective actions on any observed issues, including spill cleanup and spill/leak reporting.

Observation 16:

The EPA Inspection Team observed a damaged filter sock adjacent to Bioretention #3 at OSSE's Southwest Terminal.

DOEE Response – DOEE and OSSE replaced the filter sock and will continue to inspect the site. Facility staff gave the inspection team a copy of the onsite Stormwater Pollution Prevention Plan (SWMPP)

DC Office of the Inspector General published the audit report 'Department of Energy and Environment and DC Water and Sewer Authority, The District has

Made Progress Restoring the Anacostia River’ (OIG Project No. 19-1-24MA) in September 2020. In April 2021, OIG held an Audit follow-up to review progress on audit report recommendations. The audit report recommendations and DOEE’s response are:

1. Develop an alternative plan to address combined sewer overflows not captured by the Anacostia River tunnels.

Complete – the District has procedures in place to ensure untreated sewage does not constitute a hazard for swimmers, including swimming ban with exceptions process, weekly sampling and analysis and a citizen science monitoring program that publicly publishes data online, and warning lights for overflows.

2. Develop procedures to track suitability for contact recreation and advise the public when and where the Anacostia River is safe to swim.

Completed: swimming ban, with an exceptions process; weekly sampling and analysis of water; citizen science program; and posting of data and installation of warning lights.

3. Develop a plan to identify and address legacy toxins.

Completed: Anacostia Sediment Project Interim Record of Decision.

4. Adopt a management strategy to implement the remediation plan that addresses the riverbed sediment pollutants.

Ongoing: Anacostia Sediment Project Record of Decision establishes numeric cleanup goals and identifies 11 Early Action Area hotspots.

5. Establish specific performance goals for planting trees, installing green roofs, and retrofitting impervious surfaces.

The current level of implementation for tree plantings, green roof installation, and impervious surface retrofits in the MS4 Permit were deemed appropriate by EPA (negotiated as the maximum extent practicable) and are memorialized in the Sustainable DC plan. Each year DOEE publishes a report that tracks progress towards achieving these goals. The 2020 progress report is found online at <https://sustainable.dc.gov/sdc2>.

6. Develop a plan or adopt the 2008 Plan to serve as a guide to achieve the goal of a fishable and swimmable Anacostia River by 2032 or a revised estimated milestone date.

Ongoing: updated milestone will be based on findings from Anacostia Sediment Project, interjurisdictional cooperation, and other ongoing efforts.

7. Develop and implement an environmental management system.

DOEE disagrees that an Environmental Management System (EMS) is the best approach. The complexity of creating such an EMS would divert resources from project implementation. Further, DOEE already tracks and reports on activities to

restore the Anacostia River through the MS4 Annual Report and Story Map, Sustainable DC Progress Report, Phase III Watershed Implementation Plan for the Chesapeake Bay, Anacostia River Sediment Project Documentation, and District of Columbia Water Quality Assessment Integrated Report.

8. Collectively report all activities to restore the Anacostia River to a fishable and swimmable state, at least annually.

Ongoing: DOEE agreed to create an online “portal” which will organize and present documents and information relevant to water quality, stormwater management, and sediment remediation.

35. Please list any **reporting** requirements required by Council legislation and whether the agency has met these requirements.

Response:

See Attachment Q35

36. Please list all pending **lawsuits** that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

Response:

There are no pending lawsuits that name the agency, or any agency officer acting in their official capacity, as a party.

37. Please list all **settlements** entered into by the agency or by the District on behalf of the agency in FY 2022 or FY 2023, to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties’ names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

Response:

See Attachment Q37

38. Please list any **administrative complaints or grievances** that the agency received in FY 2022 and FY 2023, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted

from complaints or grievances received. For any complaints or grievances that were resolved in FY 2022 or FY 2023, to date, describe the resolution.

Response:

U.S. DEPARTMENT OF ENERGY & ENVIRONMENT & AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES AFL-CIO (LOCAL 631), F.M.C.S. Case No. 220225-03783. Employee grieved the agency's failure to award a Quality Step Increase (QSI) that the employee requested based on the FY20 performance period. The arbiter decided in favor of the employee by awarding them the QSI effective in FY23.

D. EQUITY

39. How does the agency assess whether programs and services are equitably accessible to all District residents?

Response:

The agency has an Equity Framework to guide staff and is working to implement uniform processes for assessing equity. DOEE's recently released Racial Equity Impact Assessment (REIA) may help identify gaps and opportunities at the program/service level, though the REIA is primarily intended to be used in the development of new policies, program, plans, and projects. DOEE produced the REIA as called for in the Equity section of Sustainable DC 2.0 and will continue to update the tool (a five-step questionnaire with accompanying documents) and the guidance around its usage. Assessing the accessibility of programs and services may require separate resources since the REIA is neither designed nor intended to be used as a one-size-fits-all equity tool (i.e. racial equity budget tools, HR tools, etc.).

- What were the results of any such assessments in FY 2022?

Response:

From January to April 2022, all branches and divisions were required to pilot test the REIA by assessing a program, service, regulation, policy, plan, or other project of their choice. A total of thirty-one (31) projects were reviewed by a team of trained REIA reviewers, with 7 REIAs identified among the submissions that stood out for demonstrating a high level of analysis. DOEE has shared preliminary findings from the FY22 agencywide pilot, and the analysis continues.

- What changes did the agency make in FY 2022 and FY 2023, to date, or does the agency plan to make in FY 2023 and beyond, to address identified inequities in access to programs and services?

Response:

DOEE has made significant progress in the development and usage of equity and racial equity tools and practices as mentioned in the above response. The primary changes for FY22 included releasing the Equity Framework (October 2021) and the agencywide pilot to apply the REIA to all areas of DOEE's programs, services, and operations.

- Does the agency have the resources needed to undertake these assessments? What would be needed for the agency to more effectively identify and address inequities in access to agency programs and services

Response:

The agency's progress between FY21 and FY22 has demonstrated the benefit of establishing a designated Equity Office within the agency, and DOEE will integrate planning for an Equity Office into the forthcoming departmental Racial Equity Action Plan.

40. Does the agency have a racial or social equity statement or policy? Please share that document or policy statement with the Committee.

Response:

Yes. DOEE formally published an Equity Framework in FY22 that includes an equity narrative and guiding definitions. Available at <https://doee.dc.gov/service/plans-and-commitments>. DOEE also produced its first agencywide Racial Equity Impact Assessment (REIA) and pilot tested the tool across the agency in FY22.

- How was the policy formulated?

Response:

The DOEE Equity Framework was drafted by the Equity Committee in FY21 and went through an agency-wide review and feedback process July-August 2021. T

- How is the policy used to inform agency decision-making?

Response:

The Equity Framework serves as a guide for staff and complements DOEE's Racial Equity Impact Assessment (REIA) 2nd edition tools, and additional training and resources for staff.

- Does the agency have a division or dedicated staff that administer and enforce this policy?

Response:

DOEE does not have a dedicated division. There is currently no staff member dedicated to administering and enforcing DOEE's developing equity tools and practices agencywide.

- Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

Response:

DOEE's Strategic Plan includes Equity & Justice strategic objectives, however the agency has not begun to assess compliance or application of the Equity Framework across administrations.

41. Does the agency have an internal equal employment opportunity statement or policy? Please share that document or policy statement with the Committee.
- How was the policy formulated?
 - How is the statement or policy used to inform agency decision-making?
 - Does the agency have a division or dedicated staff that administer and enforce this policy?
 - Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

Response:

DOEE adheres to the D.C. Official of Human Rights' equal employment of opportunity statement and policy.

E. PUBLIC HEALTH EMERGENCY

Please give an overview of any initiatives DOEE started in response to the pandemic that have been incorporated into the agency's permanent operations.

Response:

Nature Near Schools Meaningful Watershed Educational Experiences (NNS MWEEs):

DOEE launched this program in advance of SY21-22 as a response to the COVID-19 pandemic replacing the long-running Overnight MWEE program. The NNS MWEEs program was implemented through partnerships with four environmental education nonprofits and consisted of schoolyard exploration and lessons. In SY22-23, DOEE expanded the NNS MWEEs to include additional schools and allow for field trips and overnights on a limited basis. DOEE funds this program through Bag Fees and Chesapeake Bay Implementation Grant funding. OSSE had previously supported the program with funding to support busses but has not committed to funding bus trips going forward. DCPS has not funded this program. DOEE is planning to reintroduce overnights in SY23-24 but lacks funding to support the goal of sending all DCPS and Charter School 5th graders on overnights. DOEE estimates that \$600k in additional funding would support reintroduction of overnights while also supporting NNS programming. DOEE plans to offer NNS to fourth graders and overnight MWEEs for fifth graders as the program moves forward.

~~42. How were DOEE's operations been affected by COVID-19 in FY 2021?~~

43. Which of DOEE's divisions are currently working remotely? What percentage of DOEE's total employees currently work remotely?

Response:

Approximately 90% of DOEE staff have been approved for some form of telework schedule. We comply with the Mayor's telework policy as issued.

44. Please provide a copy of the agency's Continuing Operations Plan and any remote working protocol (if applicable).

Response:

N/A

~~45. What agency programs and services have been impacted by revenue loss during FY 2021 and FY 2022, to date, if any?~~

46. How has the agency ensured that all staff have access to appropriate equipment and internet connection, so as to work from home? What happens if a worker did not have the right tech or a stable connection?

Response:

DOEE's IT Team worked with agency program managers to ensure employees had adequate cellphones, MiFi devices, and Hotspot features activated to access the internet while working remotely. These components all work together to enable the employee to access the DC Government network. Z-Scaler Software has replaced Virtual Private Network (VPN) and continues to allow employee's access to work in the agency work environment. Employees can use the Office 365 applications and access the One Drive to access, store, and share files.

DOEE IT has in place a QuickBase IT Request database form that works like a Help Desk to receive employee system issues and concerns for their virtual experience. To resolve the request, as a management tool the agency invested in the Bomgar Remote Desktop software tool.

The agency has also provided employees with videos, WebEx training, literature, guides and training on the use of conference meeting application to support effective teleworking.

47. How much federal stimulus relief was directed to the agency during FY 2022 and FY 2023, to date, and for what purposes was it used? Is the agency anticipating any formula-based funding from the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, or any other recent federal legislation, and how will that be factored into the upcoming budget submission or supplemental? Please describe the uses of any such anticipated formula-based funding.

Response answers questions 48 and 49:

From ARPA State and Local Fiscal Recovery Fund (allocated by Mayor and Council), \$81M in FY22 and \$65M in FY23 primarily for: Affordable Housing Retrofit Accelerator for BEPS compliance assistance, green infrastructure maintenance, solar and related workforce training, and utility programs. As far as direct-to-agency ARPA grants, ~\$15M for **Low Income Home Energy Assistance Program (LIHEAP)** (expended in FY22), \$1M for LIHWAP (expended in FY22), and \$1M in various air quality grants.

From **Bipartisan Infrastructure Law (BIL) formula funds**, DOEE received or expects to receive the following amounts in FY23: \$57 mil from Drinking Water SRF (passes to DC Water for lead pipe replacement), \$11 mil from Clean Water SRF (supports green infrastructure projects); \$4 mil from Weatherization Assistance Program (weatherization in low income homes), \$500K from Chesapeake Bay Program (to fund RiverSmart Homes), \$300K from LIHEAP (energy bill support for low income residents), \$3 mil from State Energy Program, \$1.9 mil from Energy Efficiency Block Grant, \$1.5 mil from Preventing Outages program, \$4.4 mil from Energy Efficiency RLF (Passes to GreenBank to be loaned for green projects).

48. Was the agency a recipient of any other federal grants related to the public health emergency?

Response:

See above.

49. For any reductions to services, programs, or staffing, please provide the agency's plans to mitigate those in future Fiscal Years.

Response:

We do not anticipate any reductions in services, programs, or staffing in the coming years. We believe we will have some funding pressure regarding personnel once the additional federal funding runs out but hope to re-align internal funds to cover those positions which could cause a slight decrease in service depending on where we pull the funds or a more rapid depletion of special revenue funds to cover those labor costs.

50. *What competitive or application-based funding in the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, or any other recent federal legislation has DOEE identified as being eligible for? Please provide a description of the type of funding, and the proposed use for that funding, for which the agency has submitted, or plans to submit, applications. If there is funding that DOEE has identified being eligible to apply for but does not plan to apply for, please explain why.*

Response:

Under the Inflation Reduction Act (IRA), there are several programs on DOEE's radar, including: EPA Greenhouse Gas Reduction Fund, EPA climate pollution reduction grants, EPA environmental and climate justice block grants (currently in RFA and we plan to pursue), EPA air quality grants, DOE whole-home retrofit and

energy-efficient electric appliance rebates program (known as HOMES and HEEHRA), and NOAA coastal resiliency grants. The DOE rebates funding will be awarded under a formula, but details for all other programs are unknown. The law is broad so we await further clarification from federal agencies on eligible uses of funds, but we suspect those uses could include residential energy-efficiency and electrification, clean energy and clean vehicle deployment, air quality, and climate adaptation programs. At this point it is too early to rule out applying for IRA grants where DOEE could potentially be an eligible recipient. DOEE has applied for the following competitive grants:

Bipartisan Infrastructure Law grant programs: *America the Beautiful* (\$13 mil for stream and wetland restorations - did not win); *Innovative Nutrient and Sediment Reduction* (\$1 mil for stream restoration and pollution cleanup); *Brownfield Job Training* (\$500K for workforce development); *Brownfield Community Wide Assessment* (\$1 mil for site assessments mostly in Wards 7 and 8). DOEE plans to apply for these grant programs: *Resilient & Efficient Codes* (\$600K to develop resilient building code); *Recycling Education and Outreach* (\$800K for battery recycling campaign). DOEE has hired two program analysts to position focused on working with federal agencies to apply for stimulus dollars and ensure they are spent responsibly.

51. For all federal funding identified in question 51, please describe any local matching requirements.

Response:

Match requirements for most programs under **IRA** are currently unknown. We await further federal guidance. The **BIL plus ups** (awards above the usual baseline formula funds) to the Drinking Water and Clean Water State Revolving Funds each have 10% local matches.

52. Are there other ways that DOEE plans to leverage federal funding opportunities identified in question 51 to maximize the impact for the District and District residents?

Response:

Beyond federal grants, **IRA** augments existing and includes new clean energy and energy efficiency tax credits. DOEE can play a role in outreach/promotion to residents around those tax credits. The tax credits could also enable deployment of clean energy in public buildings. **IRA** includes a "direct pay" provision for state and

local governments and tax-exempt entities to benefit from tax credits. Additional Treasury guidance is needed, but this could reduce the costs to the District of implementing such improvements. DOEE is also exploring how to stack various funding streams for whole-home retrofits that address multiple issues (e.g. lead/mold, weatherization, energy efficient appliances) - along with whether such work could be expanded to a block or neighborhood level.

DOEE is positioning itself as a major supporting partner on several competitive BIL grant applications where another entity would be a more strategic lead applicant such as the National Building Institute for the Resilient and Efficient Codes grant (\$600K) and MWCOG for the Regional Invasive Species BIL grant (\$1.1M). In both cases, DOEE is playing a significant role in developing the proposals despite not being the receiving agency to maximize funds coming into the District for sustainability goals.

2023 Performance Oversight Pre-Hearing Questions – Part II
Department of Energy and Environment

Safe and Healthy Housing

54. How many environmental complaints did DOEE receive from the public in FY 2022? Please break these down by topic, including air quality (broken into asbestos, indoor mold, engine idling, major sources, minor sources, odor, and other); illegal discharges into District stormwater sewers or waterways; illegal pesticide and fertilizer application; improper e-waste disposal, bag bill violations; coal tar ban violations; violations of the ban on polystyrene foam and the requirement to use compostable or recyclable food service ware; lead paint violations; lead-safe work practices; and any other categories in which the agency receives complaints.

- Please identify how many complaints in each category resulted in a written warning, notice of violation, or notice of infraction from DOEE. **Please also identify the number of complaints still pending resolution, if any.**
- Please also identify how many proactive inspections DOEE did in each category, and how many resulted in a written warning, notice of violation, or notice of infraction from DOEE.

Response:

See Attachment Q54.

55. Please provide the Committee with an update on DOEE's mold inspection and remediation work.

- How many mold inspectors did DOEE have on staff in FY 2022 and FY 2023, to date? How have they conducted mold inspections during the public health emergency?

Response:

DOEE had two (2) Mold Inspectors in FY 2022, and to date in FY 2023 still has two (2). The Lead-Safe and Healthy Housing Division repurposed another inspector to assist with mold inspections. DOEE is currently recruiting for an additional three (3) Mold Inspectors. During the public health emergency, mold inspections were conducted either virtually or in-person.

- **What is DOEE's current role in mold inspection and remediation, in light of the passage of B23-132, the Residential Housing Environmental Safety Amendment Act of 2020, which would require DOB to undertake mold inspections at District properties? Does**

DOEE still plan to expand this program, should funding be made available?

Response:

DOEE meets with DOB to discuss mold inspections, referrals, and mold trainings for their inspectors. DOEE is prepared to review and approve mold license applications from DOB inspectors once received. As the indoor mold provisions of B23-132 are not yet funded, DOEE has not made any changes to its indoor mold program thus far. If the bill is funded, DOEE will consider how its own inspection program might change to support DOB's efforts. DOEE will still have a role in licensing mold inspectors and remediators and setting threshold levels of mold contamination.

56. How many inspectors did DOEE have on staff during FY 2022 and FY 2023, to date, to conduct lead-based paint risk assessments and clearance examinations in rental housing?

Response:

DOEE had six inspectors in FY 2022 and has five inspectors to date in FY 2023. One new inspector is scheduled to start in mid-February 2023. DOEE is currently recruiting for an additional inspector.

- ***How many lead-based paint risk assessments did DOEE make in FY 2022 and in FY 2023, to date?***

Response:

During FY 2022, DOEE conducted 67 lead-based paint risk assessments. As of January 20, 2023, DOEE conducted 23 lead-based paint risk assessments. Lead risk assessments were conducted in response to referrals for elevated blood lead level cases and complaints related to potential lead-based paint hazards and/or unsafe work practices. Complaints were received via phone, email, 311, sister agencies, and other methods by internal and external customers.

- **What options does DOEE have to require remediation of a risk of lead exposure if one is found? Are there funds available to help property owners complete the remediation of risk?**

Response:

According to the Lead-Hazard Prevention and Elimination Act of 2008, as amended (DC Law 17-381; D.C. Official Code § 8-231.01, *et seq.*) and its implementing regulations, intact lead-based paint at a pre-1978 dwelling unit or child-occupied facility is not considered a violation. If a lead-based paint hazard is identified, DOEE may enforce the identification of a lead-based paint hazard by issuing one or more of the following: (1) Notice of Violation, (2) Notice of Infraction, (3) Order to Eliminate Lead-Based Paint Hazards, or (4) Another order necessary to protect human health or the environment, or to implement Chapter 33. Remediation funds are available via DOEE's Lead Reduction Grant program, personal loans, and other private/nonprofit organizations.

SEU & Special Purpose Revenue Funds Oversight

57. DOEE oversees the District's contract with the DC Sustainable Energy Utility (SEU), and receives 10% of the contract's value for administration:

- How did DOEE work with the SEU achieve its statutory goals in FY 2022? Please identify and describe any programs that DOEE implements in coordination with the SEU.

Response:

DOEE provided advice, strategic guidance, and technical assistance to help the DCSEU achieve its statutory goals and contract deliverables in FY 2022. DOEE held weekly meetings with DCSEU senior managers and subject matter experts to review and discuss new and existing program designs, performance metrics, opportunities for collaboration and leveraging of available resources, and strategic implementation approaches to ensure the successful launch of new programs and/or initiatives.

In FY 2022, DOEE substantially increased the 5-Year option period value of the DCSEU contract to add funding to support the design and implementation of a Strategic Electrification Program for low-income DC residents and the administration of the Affordable Housing Retrofit Accelerator ("AHRA" or "Retrofit Accelerator") program. These programs provide a comprehensive suite of technical and financial assistance to help owners of affordable multifamily residential buildings decarbonize their buildings and comply with the District's Building Energy Performance Standards (BEPS). DOEE staff spent countless hours working with the DCSEU program managers, engineers and subcontractors to successfully design and implement the Strategic Electrification and Retrofit Accelerator programs.

The Strategic Electrification Program seeks to install high-efficiency electric heat pumps, high-efficiency electric water heaters, and advanced thermostats in single-family homes owned or rented by low- and moderate-income District residents. The

program will help remove gas-powered HVAC equipment and replace it with high-efficiency electric equipment in income-qualified single-family homes. These replacements will help income-qualified residents cut operational costs and have better functioning equipment. In addition to replacing gas-fired HVAC equipment with electric heat pumps, the DCSEU will work closely with the Solar for All Program to install solar photovoltaic (PV) systems to fully offset the anticipated increases in electricity costs. If solar panels cannot be installed on-site, program participants will be enrolled in DOEE's Community Renewable Energy Facility (CREF) program to receive monthly on-bill credits to help reduce their overall electricity costs.

The Retrofit Accelerator, which is funded by a combination of Sustainable Energy Trust Fund American Rescue Plan Act of 2021 funds, provides ASHRAE Level II energy audits, electrification/load studies, pre-development incentives, integrated design charrette assistance, accelerated permitting and final inspections, retro-commissioning (RCx), and technical assistance to help building owners understand the 2021 BEPS requirements (including BEPS reporting requirements, compliance cycles, exemptions, and potential penalties). The Retrofit Accelerator will also help building owners identify an appropriate BEPS compliance pathway and provide rebates and/or low-interest loans to help offset the cost of installing recommended energy efficiency upgrades.

All buildings that meet the affordable housing criteria specified in the Clean Energy DC Act that do not meet the 2021 BEPS and have also submitted a program application by the specified due date will be prioritized for assistance from the Retrofit Accelerator.

- Please identify whether the SEU met its benchmark minimums and maximums in FY 2022. For any minimum benchmarks not met, please identify any barriers to the achievement and ways DOEE can help address those issues.

Response:

See Attachment Q57.

The attachment shows the DCSEU's reported FY 2022 achievements against established minimum and maximum performance benchmark targets. The DCSEU exceeded the minimum performance targets for both of the annual performance benchmarks and exceeded the maximum performance target for one of the two annual performance benchmarks detailed in the chart. However, the DCSEU underperformed against all of the cumulative performance benchmarks due to the lingering effects of the COVID-19 pandemic, which limited the DCSEU's ability to

develop a robust pipeline of energy efficiency and renewable energy projects that could have been completed in FY22.

58. Please outline the results of the Solar for All program in FY 2022 and FY 2023, including:

- The amount of renewable energy development fund dollars spent on each project.

Response:

From the start of the Solar for All program in 2016, a total of 32.2 MW of community solar and 3 MW of single-family solar has been installed in the District. Solar for All's total capacity of 35.2 MW comprises about a quarter of the District's entire installed solar capacity. In FY 2022, the Solar for All program installed 6.5 MW of community solar and 743 kW of single family solar. In FY 2023 (through January 2023), the Solar for All program has installed 1.3 MW of community solar and 23.1 kW of single-family solar. In the remainder of FY 2023, we intend to install an estimated 2.4 MW of community solar and 345 kW of single family solar in FY 2023. DOEE has two (2) projects under the current phase of Solar for All – a \$6 million contract with the DCSEU, and a planned \$375,000 MOU with DGS to install solar at the renovated Takoma Park Aquatic Center with the solar benefits going to the Solar for All program.

- A list of the agencies or organizations receiving such funds, whether each organization is a nonprofit or a CBE, and whether the funds were issued through a contract, grant, or other funding mechanism.

Response:

FY 2022:

- Grant – Groundswell (nonprofit): \$378,243;
- Grant – Cadogan and Associates LLC (CBE): \$28,285;
- Grant – Design Green LLC (CBE): \$124,600;
- Grant – Institute for Market Transformation (IMT) (nonprofit): \$125,000;
- Grant – Synapse Energy Economics: \$47,914;
- Grant – Electrification Coalition Foundation (nonprofit): \$28,998;
- Grant – Buro Happold Consulting: \$13,010;
- Contract – Cadmus Group LLC: \$57,044;
- Contract – Gas Safety Inc: \$95,000;
- Contract – Eighty2Degrees LLC (CBE): \$4,500;
- Contract – Xerox Corporation: \$4,123;
- Contract – United States Postal Service: \$1,250;
- Contract – Supretech Inc (CBE): \$3,491;
- Contract – Metropolitan Office Products (CBE): \$7,596

FY 2023 (so far):

- Grant – Groundswell (nonprofit): \$608,740;
- Grant – Buro Happold Consulting: \$600,000
- **What community outreach and public education efforts about the program did DOEE or the SEU undertake in FY 2022 and FY2023, to date? Please describe any measured or perceived impact of these efforts.**

Response:

The Solar for All program restarted in-person outreach on a weekly basis in FY 2022, mainly targeting DHS benefit centers to take advantage of residents applying for public benefits and already having their documentation on hand. The program has an annual goal of signing up 2,000 residents for Solar for All benefits, and so far the program has signed up 134 residents, with plans to ramp up recruitment in the spring and summer months. DOEE has established an MOU with the Mayor’s office on Latino Affairs and engaged with the Mayor’s Offices of Asian and African Affairs, to help make it easier to target non English proficiency/limited English proficiency residents and get them signed up for Solar for All. The program also conducted outreach at several affordable housing properties across the District, leveraging the income covenant documents from those properties to make the sign-up process for residents easier. The program is continuing these efforts in FY 2023. Additionally, beginning in FY 2023, DOEE has made administrative changes so that any resident who signs up for LIHEAP or Utility Discount benefits can be automatically enrolled in Solar for All without applying separately. This should make it easier for residents to enroll and allow DOEE to ensure residents with an expressed energy burden are benefitting from longer-term energy cost stability. Typically, LIHEAP has served between 8,000 and 12,000 residents on an annual basis, all of whom are automatically qualified for Solar for All, so allowing for each of them to also directly receive a Solar for All benefit should result in a significant number of signups for the Solar for All program throughout the year.

- ***Please describe the impact, if any, of delays in interconnection that impacted Solar for All projects in FY 2022 and FY 2023, to date?***

Response:

Solar for All projects were and are impacted by delays and costs associated with the interconnection process. These delays increase the cost of installing solar in the District, and those costs are passed on to the Solar for All program by contractors, ultimately reducing solar build-out in the District and limiting the amount of benefits that can be passed on to District residents. Additionally, the uncertainty

embedded in the interconnection process dissuades some private investment in potential Solar for All projects, reducing market competition on cost. Also, delays in project delivery mean delays in residents receiving benefits while energy burdens continue to impact their lives.

59. Please describe all other expenditures from the Renewable Energy Development Fund in FY 2022 and FY 2023, to date. Please describe how those expenditures differed from planned expenditures, if at all.

Response:

The majority of expenditures from the Renewable Energy Development Fund (REDF) in FY 2022 are captured and explained in the detailed responses to question 58 above on Solar for All. FY 2022 actual expenditures were aligned with planned expenditures. FY 2022 actual expenditures totaled \$3,359,887.87 (\$2,000,824.25 in PS + \$1,359,063.62 in NPS). FY23 expenditures are also aligned with the spending plan. Fiscal Year 023 expenditures, to date, total \$2,009,858.12 (\$695,307.88 in PS + \$1,314,550.24 in NPS).

60. Please describe all expenditures from the Sustainable Energy Trust Fund in FY 2022 and FY 2023, to date. Please describe how those expenditures differed from planned expenditures, if at all.

Response:

See pages 1 and 2 of Attachment Q60 for a chart entitled: “DOEE FY2022 SETF Spend Plan.”

- How much revenue was raised in FY 2022 pursuant to the fees levied under D.C. Code § 8-1774.10(b)(2A)? How much of these revenues (if able to be distinguished) were raised for each of heating oil and fuel oil?

Response:

See pages 3 to 5 of Attachment Q60 for FY 2022 SETF revenue received from Pepco, Washington Gas, and companies that supplied fuel oil in the District.

61. Please describe all expenditures from the Stormwater Permit Review Fund in FY 2022 and FY 2023, to date. Please describe how those expenditures differed from planned expenditures, if at all.

Response:

The Stormwater Permit Review Fund (Fund 654) is utilized to fulfill the requirements of the District's Municipal Separate Storm Sewer System (MS4) Permit. The MS4 Permit is issued by the US EPA and includes numerous functions and metrics that must be achieved during the five-year permit term. Examples of these requirements include: retrofitting 1,038 acres of impervious surfaces with stormwater management practices that capture stormwater runoff, planting over 6,075 trees per year, installing over 350,000 square feet of green roofs, sweeping more than 8,000 miles of roads, preventing 108,347 pounds of trash from entering the Anacostia River each year, and numerous administrative and technical functions.

In FY 2022, approximately \$12.6 million was utilized to pay for personnel expenses for staff whose responsibilities address MS4 Permit requirements and to issue contracts, grants, and interagency MOUs for projects that meet MS4 Permit requirements. Finally, the fund is also used as matching funds for federal grants to implement stormwater management projects.

The FY 2022 expenditures did not differ from planned expenditures. As of January 21, 2023, to date, approximately \$4.2 million has been expended or obligated, and no differences from planned expenditures have occurred.

Green Infrastructure

62. The Sustainable DC Plan includes a goal of using 75% of the District's landscape to capture rainwater through the increased use of green roofs and green infrastructure. Please provide a chart indicating the amount of land capturing rainwater in FY 2021, FY 2022, and FY 2023, to date, broken down by permeable surface and stormwater best management practices.

Response:

See Attachment Q62.

- Please provide the number of home audits completed in the RiverSmart Homes program for FY 2022 broken down by Ward.

Response:

Ward 1: 49
Ward 2: 10
Ward 3: 81
Ward 4: 325
Ward 5: 224
Ward 6: 75

Ward 7: 248
 Ward 8: 66
Total: 1,078

- DOEE uses a database to track and account for installation of stormwater management practices in the District. Based on the data, by how many square feet did the amount of landscape treated with BMPs increase in FY 2022, broken down by watershed? How does that compare to FY 2021?

Response:

In FY 2022, DOEE approved Stormwater Management Plans under the District’s Stormwater Rule, which will result in **9.05** million ft² draining to green infrastructure practices. In FY 2021, approved plans will result in 4.95 million ft² draining to green infrastructure practices. This data is summarized below by watershed:

	Area of land (square feet) draining to green infrastructure practices resulting from approved Stormwater Management Plans (in year approved)		
Watershed	FY 2021	FY 2022	Increase from FY 2021 to FY 2022
Anacostia	3,203,992	3,766,842	562,850
Potomac	1,216,378	1,342,291	125,913
Rock Creek[1]	533,598	3,943,092	3,409,494
<i>Total</i>	<i>4,953,968</i>	<i>9,052,225</i>	<i>4,098,257</i>

[1] Large increase from FY 2021 to FY 2022 in Rock Creek Watershed primarily due to DC Clean Rivers Green Infrastructure Installation

- Please provide an update on the implementation of DOEE’s stormwater retention credit trading system. How many properties listed credits and how many trades occurred in FY 2022?

Response:

The Stormwater Retention Credit (SRC) Trading Program has successfully encouraged properties to voluntarily install and maintain green infrastructure (GI) . Since the program began, the total number of SRCs certified is 8,436,675 (1 SRC = 1 gallon retained/year).

FY 2022 program summary:

- Total SRCs certified: 1,617,886
- Properties listing credits for sale: 25

- Total credits for sale: > 1.8 million
- SRC Trades Approved: 50
- Total SRCs sold or transferred: 406,787

63. Please provide an update on DOEE's other stormwater management programs and efforts.

Response:

Please refer to the 2022 MS4 report storymap that provides updates on DOEE's stormwater management programs and efforts:

<https://storymaps.arcgis.com/collections/fa63827698fc4b698f295ffcfc120f03>

64. How many trees were planted in the District through DOEE programs in FY 2021, FY 2022 and FY 2023, to date? **Please break this down by program, by trees planted on private land vs. public land, and by Ward.**

Response:

9,225 trees were planted in the District through DOEE programs from FY 2021 to date in FY 2023 to date. Specifically:

- 3,732 trees in FY 2021;
- 4,117 in FY 2022; and
- 1,376 to date in FY 2023)

Of the trees planted, 26% were planted on public land and 74% were planted on private land. Plantings by Ward are as follows: Ward 1 (1%); Ward 2 (3%); Ward 3 (18%); Ward 4 (18%); Ward 5 (30%); Ward 6 (4%); Ward 7 (12%); and Ward 8 (14%). See Attachment Q64 for the breakdown of tree planting by program and fiscal year.

65. Please provide an update on the status of the new Office of Urban Agriculture.

- Please describe the Office's major accomplishments in FY 2022 and FY 2023, to date.

Response:

Major accomplishments include:

- Awarding \$77,000 to eight (8) District entities through the 2022 District Urban Agriculture Small Award Program.
- Hosting Rooting DC, a free day-long urban gardening forum that provides education about urban agriculture and food systems. The event was held virtually in June 2022 and had 600 participants.

- Securing \$50,000 from the US EPA Chesapeake Bay Implementation Grant for a demonstration project of Foodscapes DC, a new program to install edible gardens at District homes and provide garden maintenance and coaching.
- Facilitating Mayor Bowser and the District signing on to the Glasgow Food and Climate Declaration, in partnership with the DC Food Policy Council. The District joined 100+ sub-national jurisdictions as a signatory.
- Representing the District at the 8th Milan Urban Food Policy Pact Global Forum in Rio de Janeiro, Brazil.
- The Committee secured \$60,000 in recurring funding for urban agriculture grants in FY 2022. Have those grants been administered? Does the Office believe additional funding should be provided for this purpose in FY 2024?

Response:

- In FY 2022 the program received 20 applications, with \$190,000 requested.
- Eight grants were awarded. A description of each grant awardee project is available at our website: <https://doee.dc.gov/node/1592081>.

OUA's efforts to increase accessibility, especially through the Small and Accessible Sustainability (SAS) Grant Program, have been successful and resulted in an increase in applicants. Requests for FY 2022 and FY 2023 have exceeded available funding. On average, entities have requested \$200,000 annually.

- In the agency's responses to the Committee's FY 2021 performance oversight questions, DOEE shared a list of goals for the Office of Urban Agriculture during FY 2022. Please provide an update on the agency's efforts to achieve each goal:
 - *Engage with District residents on urban agriculture and understanding how food and crops are grown with a focus on socially disadvantaged population*

Response:

Rooting DC, the District's main forum for local urban growers to exchange best practices, continues to be a successful community event, attracting 600 attendees despite moving to a virtual platform in FY 2022. Rooting DC returns to an in-person event in FY 2023. OUA's Director, Kate Lee, co-chairs the Food Policy Council Urban Agriculture Working Group, which met monthly, virtually and in-person, over the year and welcomed seventeen (17) new members in FY 2022.

- *Mitigate negative impacts and increase benefits of urban agriculture, particularly environmental*

Response:

In FY 2022, OUA facilitated the District’s signing on to the Glasgow Food and Climate Declaration. With this, the District joined 100+ sub-national jurisdictions in a global commitment to addressing the climate crisis through integrated food policy initiatives. In FY 2022, OUA applied to and was awarded FY 2023 funding from the US EPA to pilot “Foodscapes DC”, a program modeled after the highly successful RiverSmart Homes program, to install edible gardens at District homes located in communities of low food access within the Anacostia Watershed. This program bolsters District efforts to manage stormwater impacts using technical assistance and garden education. OUA also provides technical assistance to District-based universities regarding the transition of land to urban farms, with a focus on maximizing environmental benefits.

- *Expand land under cultivation and amount of food (and other crops) produced*

Response:

Through the 2022 Urban Agriculture Small Award Program, OUA funded several projects that expanded the amount of crops produced, including a new youth garden at the Fort Stanton Farm in Ward 8, a vineyard, and indoor growing spaces for season extension. OUA continues to foster relationships with affordable housing developers who are building urban farms on their properties. To track land under cultivation over time, OUA developed a map in partnership with other District agencies, available at our website: <https://doee.dc.gov/urbanag>.

- *Support needs of District farmers, prioritizing socially disadvantaged populations.*

Response:

OUA most directly supports the needs of District farmers through our grant programs, such as the Urban Agriculture Small Award Program described above, which aims to make grants more accessible to small, new, and excluded entities. OUA additionally supports District farmers by acting as a reviewer and technical expert for the UDC CAUSES Specialty Crop Block Grant. As Co-Chair of the Food Policy Council Urban Agriculture Working Group, OUA Director Kate Lee uses this as a successful convening space to understand and address the needs of District farmers.

- *Streamline and align urban agriculture programs and policies by coordinating with local and national partners.*

Response:

In addition to acting as an ex-officio member and Working Group Co-Chair at the DC Food Policy Council, OUA provides a critical role as a convener for local and national partners including:

- Hosting a recurring sister agency meeting, composed of urban agriculture stakeholders across District agencies.
- Founding and organizing a monthly convening of urban agriculture directors across the country to share resources and build a community of practice.
- Participating in a UDC-DOEE Urban Agriculture Working Group aimed at strengthening collaboration and maximizing the impact of resources for urban agriculture.
- Has the Office set new or additional goals for the remainder of FY 2023, or plan to issue an updated set of goals soon?

Response:

The OUA goals identified above are ongoing. New, more specific, areas of interest include:

- Launching the pilot of OUA's new program, Foodscapes DC.
- Deepening conversations and exploration about the intersection of urban agriculture and affordable housing.
- Working internally with District agencies to help District residents navigate zoning for urban farms and permitting for agricultural infrastructure.

Lead, Water Quality, & CRIAC

66. Please provide an update on DOEE's progress toward completing the Anacostia River Hazardous Material Remediation Project, including a timeline outlining completion of major milestones that have been met or remain to be met along the way.

Response:

All activities in FY 2022 supported implementation of the Anacostia River Sediment Project (ARSP) Interim Record of Decision (ROD) issued September 30, 2020, that specifies the selected interim remedy for the Anacostia River, Washington Channel, and Kingman Lake. In total, an area of approximately 77 acres will be cleaned up at an estimated cost of \$35.5 million; greatly reducing the human health risk from polychlorinated biphenyls (PCBs).

Notable FY 2022 activities include:

- Updated project website: <https://restoretheanacostiariver.com/>
- Drafted Beneficial Use guidance (used to determine if dredged sediments can be used to create living shorelines and wetlands or if they must be disposed of offsite) for public review and comments and conducted one (1) public meeting. Received comments and prepared responses to comments for review.
- Drafted Baseline and Performance Work Plan (used to assess effectiveness of implemented remedies and for decision making if additional remediation in the project area will be necessary). The document is in the review phase and will be finalized by the 3rd quarter of FY 2023.
- Finalized Pre-design Investigation work plans for Kingman Lake and Washington Channel (refines extent of sediment cleanup). Most of the field work is complete except bathymetry surveys scheduled in late January 2023. Treatability study is planned for testing sediments for disposal/beneficial use.
- Worked with Maryland Department of the Environment and Prince George's County Department of the Environment to investigate and remediate upstream sources.
- Worked with the University of Maryland Baltimore County, United States Fish and Wildlife Service, and United States Geological Service and prepared to refine extent of contamination and prepare food web model for River recovery.

Worked with the University of Maryland Baltimore County and US Fish and Wildlife Service and deployed mussels and passive samplers to test for bioaccumulation and porewater concentrations in the Anacostia River.

- Developed cost recovery strategy for Potentially Responsible Parties.
- Began the Natural Resource Damage Assessment and Restoration (NRDAR) process. Preassessment Screen issued in September 2021 determined that 5 Criteria in 43 CFR § 11.23 (e) have been met to proceed with NRDAR for the Anacostia River.

Drafted the following remediation implementation schedule:

- Kingman Lake: 2024
- Washington Channel: 2024
- Anacostia River Main Stem: 2025

67. Please update the Committee on the expenditure of CRIAC relief funds allocated to DOEE in FY 2022 and FY 2023, to date.

- How much funding remained in the CRIAC relief special fund at the end of FY 2022? How much funding does DOEE anticipate will remain in the fund at the end of FY 2023?

Response:

\$1,417,016.46 remained at the end of FY 2022 for both CRIAC Residential and Nonprofit programs. According to records in SOAR, an estimated \$321,287.51 was unspent in FY 2022. DOEE plans to exhaust all funding in FY 2023 for CRIAC.

- During the COVID-19 pandemic, CRIAC relief funds have been utilized for low-income bill relief, rather than CRIAC-specific relief. Are funds still being used in this way? What is the agency’s plan for this special fund?

Response:

During COVID-19, CRIAC relief funds were not utilized for bill relief. American Rescue Plan Act (ARPA) funds were used for water bill payment.

68. Please provide the Committee with an update on the LPRAP program, and the agency’s lead water service line replacement work.

- Please provide a breakdown of lead water service line replacement assistance provided in FY 2022 and FY 2023, to date, by AMI grouping (recognizing that the Council combined the 100% and 80% AMI groupings in the FY 2022 budget), number of properties receiving relief, and total amount of relief provided.

Response:

FY 2022:

- Applications approved by DOEE:
 - 77 homes below 100% AMI or with tenants in a District or federal housing program;
 - 313 homes at or above 100% AMI or that did not provide their income.
- Number of properties where the replacement was completed and the contractor paid:
 - 242 (The difference in approved applications and completed replacements is due to ongoing work not yet completed by the end of the fiscal year, or the property owner had not yet chosen a contractor from DC Water’s approved contractor list to complete the replacement.)
- Total amount of relief provided per DC Water:
 - “For LPRAP as of 9/30/22, DC Water has received and paid invoices for work related to 242 private-side lead replacements totaling \$727,425.59 That represents checks disbursed to plumbers performing the work. DC Water estimates total spending of eligible funding is \$909,281.99 based on additional direct, indirect, and administrative costs that have yet to be invoiced and paid. This is an estimate and will be updated as actual costs are invoiced and paid.”

FY 2023 as of 1/25/2023:

- Applications approved by DOEE:
 - 22 homes below 100% AMI or with tenants in a District or federal housing program;
 - 92 homes at or above 100% AMI or that did not provide their income.
- Number of properties where the replacement was completed and the contractor paid:
 - 101 (The difference in approved applications and completed replacements is due to ongoing work not yet completed by the end of the fiscal year, or the property owner had not yet chosen a contractor from DC Water’s approved contractor list to complete the replacement.)
- Total amount of relief provided:
 - \$326,057.45 in checks disbursed to plumbers performing the work.
- Did DOEE expend all funding provided for LPRAP during FY 2022? Was there more demand for LPRAP subsidies than funding available?

Response:

No, DOEE did not expend all funding provided. DC Water has yet to submit its final reconciliation report for FY 2022, but reported that it “estimates total spending of eligible funding is \$909,281.99 based on additional direct, indirect, and administrative costs that have yet to be invoiced and paid.”

- Please provide an update on the work of the Lead Water Service Line Task Force, including (1) a list of Task Force members, (2) the dates of meetings held in FY 2022 and FY 2023, to date, and planned meeting dates for FY 2023 (3) copies of agendas and any other foundational documents or other materials produced by the Task Force, to date.

Response:

(1) Task Force Members: Kenley Farmer, designee for DOEE; Maureen Schmelling, designee for DC Water; Stephen Varga, designee for DDOT; Matthew Nestopoulos, designee for Department of Consumer and Regulatory Affairs (DCRA); Randy Speck, public representative appointed by Council; Valerie Baron, public representative appointed by Council

(2) Dates of Meetings: 09.06.22, 09.01.22, 08.25.22, 08.11.22, 08.09.22, 08.04.22, 07.28.22, 07.21.22, 07.14.22, 07.07.22, 06.30.22, 06.23.22, 06.17.22, 06.09.22, 05.26.22, 05.12.22, 04.28.22, 04.14.22, 03.31.22, 03.17.22, 03.03.22, 02.17.22, 02.03.22, 01.20.22, 01.06.22, 12.23.21, 12.02.21, 11.04.21, 11.18.21

(3) Part One of the Lead Service Line Planning Task Force Report was submitted to OCA and the Mayor for review in September, and Part Two (costs) was submitted in

December. Per DC Code § 34–2162(c): "(1) Within 2 months after August 23, 2021, the Task Force shall hold its first meeting. The Task Force shall meet at least monthly. (2) The Task Force shall dissolve after submitting the report required by subsection (d) of this section."

You can find most of the requested documents on <https://doee.dc.gov/service/lead-service-line-planning-task-force-meetings>, including meeting agendas, recordings, and minutes.

Waste Diversion

69. The FY 2022 budget included funding to implement the Zero Waste Omnibus Amendment Act of 2021. Among the law's provisions is a requirement that food service entities only provide disposable food service ware upon request or at a self-service station. The legislation also establishes a grant or rebate program to support reductions in the use of disposable food service ware, and a battery stewardship program.

- DOEE required a new program staffer to support this work. What is the status of recruitment and hiring of this new staffer?

Response:

DOEE hired a new employee to implement the disposable food service ware grant program, "Ditch the Disposables," in January 2022.

- Has DOEE begun inspections to track the disposable food serve ware requests? How will the agency be tracking compliance, given this relates to deliveries made to private residences?

Response:

DOEE's implementation of the "Utensils by Request" requirements of the Zero Waste Omnibus Amendment Act started with outreach and compliance assistance to online food ordering platforms, individual restaurants, and other food-serving entities. DOEE inspectors are tracking that online food ordering apps are including the opt-in buttons and are systematically inspecting food serving entities to be sure that utensils and condiments are at self-service stations. Inspectors will also observe interactions between the business and the customer to check that businesses are not automatically including utensils and other regulated items without request. Inspectors DO NOT track if customers' specific requests made through an online platform are adhered to upon pick-up or delivery; however, if DOEE receives a tip that utensils were automatically included, inspectors will do outreach to that business and may issue a notice of noncompliance.

- Please provide the Committee with an update on DOEE’s planning for the grant or rebate program to support disposable food service ware use reductions. How is DOEE planning for this new program, and when does the agency anticipate finalizing the new program and, separately, launching it to the public? **Please also include an update on responses to, and any awards made from, the RFA titled “2022 Small and Accessible Sustainability Grant Program.”**

Response:

DOEE awarded a 2022 Small and Accessible Sustainability Grant to the Chesapeake Bay Trust on February 28, 2022. Under this grant in FY 2022, the Trust awarded the first round of Ditch the Disposables (DtD) Grants to thirteen (13) grantees totaling \$185,877. More information about these grantees can be found at <https://doee.dc.gov/disposables>. In FY 2023, DOEE received \$250,000 through an enhancement request to continue DtD into a second year. The Trust has completed its initial selection process for the FY 2023 funds and will award these grants in February 2023.

- What is the status of the battery stewardship program established by the Act? Has DOEE begun to develop the public educational and other materials necessary to successfully launch this program? When does DOEE estimate enforcement of the new program’s requirements will begin?

Response:

Status: To implement the battery stewardship provisions in the Zero Waste Omnibus Amendment Act of 2020, DOEE drafted regulations that became effective on December 30, 2022. DC’s only battery stewardship organization, Call2Recycle, submitted its proposed battery stewardship plan on December 30, 2022. The Act has established timeframes for DOEE to approve or reject the plan and for Call2Recycle to resubmit the plan if needed. Once the plan is approved, Call2Recycle must implement it within 90 days. The ban on producers disposing of primary and rechargeable batteries in the trash is now in effect. Under temporary legislation, the disposal ban will apply to all persons in the District starting August 1, 2023.

Education and outreach: Call2Recycle is primarily responsible for educating the public about its battery collection program. DOEE will review and approve Call2Recycle’s plan for outreach. DOEE is required to assist with outreach efforts and will develop outreach materials later in FY 2023 once the battery stewardship collection sites are closer to opening.

Enforcement: DOEE is now drafting proposed infraction regulations. Final regulations establishing the infractions and fine amounts must be in place before DOEE can begin enforcement.

70. The Zero Waste Omnibus also establishes a Donation and Reuse Program at DOEE to increase diversion of reusable materials from landfills and incineration.

- Please provide the Committee with an update on the recruitment and hiring of the three FTEs necessary to administration of this new program.

Response:

In FY 2022, the Donation and Reuse Program hired 2.5 FTEs for the program. (One position shares its time with product stewardship, particularly the new battery stewardship program.) One (1) FTE hired is no longer with the agency, and we are working on filling the position.

- Has DOEE begun work on establishing the technology platform for direct donation coordination? Please provide an estimate timeline for development and launch of this new platform.

Response:

After extensive conversations with DonateNYC, OCTO, and stakeholders, DOEE decided to promote existing technology platforms for direct donation coordination, such as Buy Nothing, Freecycle, and Trash Nothing, instead of creating a new one. A key part of this decision was that these platforms are widely used and trusted by their users. They have a “network” advantage because they have an existing userbase. Rather, DOEE used this funding to launch reuse.dc.gov, which, in addition to promoting existing exchange platforms, includes a map-based directory of ~125 entities where individuals can repair, donate, and shop second-hand household items. The website also includes information about the importance of food recovery, other reuse programs, and events. In the first three months, Reuse DC had over 8,000 visitors and 20,000 page views. DOEE will continue to make improvements to the website.

- Has DOEE issued, or planning to issue, grants to support this program?

Response:

Yes, DOEE has issued grants to support this program. The Donation and Reuse Grant Program is administered by the Chesapeake Bay Trust, as part of the Small and Accessible Sustainability (SAS) Grant Program, with a goal to make grant programs more accessible to small, new, and historically excluded entities.

Applicants requested \$140,000 in Year 1 (FY 2022) of the grant program and \$172,000 in Year 2 (FY 2023). Year 1 (FY 2022) of the grant program awarded a total of \$64,000. The awardee projects are listed on <https://reuse.dc.gov/page/programs>. The Trust has completed its initial selection process for the FY 2023 funds and will award these grants in February 2023.

71. In 2021, the Council passed and funded the Green Food Purchasing Amendment Act of 2021, which established a program at DOEE to address the greenhouse gas emissions associated with the District's food procurement.

- Please provide the Committee with an update on the recruitment and hiring of the two FTEs necessary to administer this new program.

Response:

DOEE hired one FTE to oversee and implement the program to address the greenhouse gas emissions associated with the District's food procurement (Green Food Program). DOEE has also recruited a program analyst, to start in February 2023, for Environmentally Preferable Products and Services (EPPS), also included in the Green Food Purchasing Amendment Act of 2021. Shortly, DOEE will begin recruitment for a second program analyst for the EPPS program with funding secured through an FY 2023 budget enhancement.

- What is the status of DOEE's work to establish a metric to estimate and track greenhouse gas emissions stemming created across the lifecycle of certain food and beverages purchased by the District? **Has DOEE transmitted the report due to the Council on January 1, 2023, as described in DOEE's 2022 oversight response?**

Response:

In September 2022, the District signed the Cool Food Pledge, an initiative run by the World Resources Institute (WRI) that helps organizations reduce their food related greenhouse gas (GHG) footprints. WRI has developed a methodology to calculate food- and beverage-related GHG emissions based on global research. As a signatory of the Cool Food Pledge, DOEE will annually provide the District's food purchasing data to WRI and WRI will calculate the associated GHG emissions. DOEE anticipates that the initial calculation of baseline emissions will be complete by September 30, 2023, with annual reporting thereafter. DOEE has not yet submitted the report due January 1, 2023 and is seeking to extend the deadline to September 30, 2023.

- What is the status of DOEE's work to establish best practices for agencies to reduce greenhouse gas emissions related to these purchases? When does the

agency estimate this guidance will be ready? What form will it take—written guidance, trainings, etc.?

Response:

DOEE has been working with partners from WRI, Friends of the Earth, and the George Washington University Redstone Center for Prevention and Wellness to develop best practices for reducing food related GHG emissions. Independently, DOEE staff are also reviewing best practices from jurisdictions such as New York City that have adopted similar legislation. After baseline emissions have been established, DOEE will work with each food purchasing agency to provide guidance on how best practices should be implemented. DOEE will provide a written report and will also provide additional support to agencies via meetings and/or trainings. DOEE estimates that this guidance will be available by September 30, 2023.

- Will DOEE be able to report to the Council on progress (or the lack thereof) on reaching the greenhouse gas emissions goals under this Act? By contract or by agency?

Response:

Yes, DOEE will be able to report to Council on the progress made on reaching food related emissions goals. Progress will be reported by agency and at the District-wide level and will be available on DOEE's website along with our annual GHG emissions reporting.

- **DOEE is slated to begin its role in reviewing statements of work submitted to OCP for compliance with our EPPS requirements on January 1, 2023. How, during 2022, did DOEE prepare for that role? Did DOEE meet directly with OCP to plan for this—and, if so, when did those meetings begin?**

Response:

DOEE began meeting with OCP on January 7, 2022, and every three weeks thereafter throughout 2022 to prepare for the EPPS Certification Program and Green Food Program. In FY 2022, DOEE awarded a contract to update sustainable specifications, review a sample of EPPS-related contracts, and analyze the necessary steps to implement an EPPS certification system and process. The contract deliverables will be used by OCP and DOEE as the basis for developing the EPPS Certification Program. An FY 2022 recruitment effort was unsuccessful, but, based on a new recruitment effort, DOEE will have a new EPPS program analyst with a February 2023 start date. In FY 2022, DOEE shifted the responsibilities of an existing staff member to begin preliminary EPPS work, including an analysis of

existing guidelines and best practice research on EPPS programs around the country. DOEE has not yet launched the EPPS Certification Program due January 1, 2023 and is seeking to extend the deadline to September 30, 2023.

72. How much revenue did the District collect pursuant to the Bag Law in FY 2022? How did this amount compare to FY 2021?

Response:

DOEE collected \$2,184,913.91 in FY 2022, a 12% increase compared to FY 2021.

- Since the law’s implementation in 2010, how has single-use bag usage changed in the District? Please provide an account of the number of single-use bags used at establishments that collect the bag fee annually, since 2015.

Response:

DOEE does not collect data on the number of single-use bags used at District establishments that collect the bag fee. Bag Fees, which correlate roughly to bag usage, are as follows:

Fiscal Year	Bag Fee Collected
2015	\$2,236,275.44
2016	\$2,284,104.15
2017	\$2,382,747.11
2018	\$2,294,977.50
2019	\$2,282,879.44
2020	\$2,068,208.73
2021	\$1,946,105.40
2022	\$2,184,913.91

Other factors, such as population growth and compliance rates, also need to be factored in.

- Please detail DOEE’s enforcement of the Bag Law in FY 2022. How many total businesses did DOEE inspect? How many fines did it issue for non-compliance?

Response:

In FY 2022, DOEE completed 460 Bag Law inspections and issued 40 fines for non-compliance.

- How does DOEE monitor compliance with the Bag Law at self-checkouts? At smaller retailers? Does DOEE have an estimated rate of compliance for FY 2022 or FY 2021?

Response:

DOEE monitors compliance with the Bag Law at self-checkout stations and small retailers through the same anonymous shopping method done at the regular check-out. Inspectors will purchase a single item and check to see if the store's self-checkout station includes the option to pay for bags. Throughout each fiscal year, inspectors work through the ANCs across the District, with each ANCE assignment including 5 inspections. Additionally, DOEE receives tips through the 311 system and the agency website and conducts inspections at those locations. The rate of compliance for FY 2022 was 68%. The rate of compliance for FY 2021 was 69%.

Climate Resilience

73. The District's climate resiliency work, while most focused in agencies like DOEE, spans across agencies and agency divisions. The District has made great efforts to move forward its climate resiliency work but does have a particular agency or official leading on and coordinating this work (outside of the Mayor herself).

- Which agency does DOEE see as the lead on this work? Does DOEE believe an explicitly, cross-agency staffer or office to lead on this coordination would be useful?

Response:

DOEE serves as a leader among District agencies in advancing the District's climate resilience work. The climate resilience work of DOEE and its sister agencies is guided by the 2016 Climate Ready DC Plan, which DOEE will begin updating next fiscal year. DOEE already has a staff position that is dedicated to implementing and updating this Plan. This person works closely with the Chief Resilience Officer at HSEMA, who is focused on resilience beyond climate risks. Supporting DOEE and HSEMA's existing staff in their cross-agency work has proven to be a constructive approach.

- How else can we support day-to-day cross-agency coordination, if not through a single official or office leading on this work?

Response:

DOEE would welcome additional support in implementing Resilient DC initiative 2.2.2. to “Establish DC Government-wide climate change adaptation policy guidance, and procedures by 2023.” This initiative would require every District agency to identify a ‘climate champion;’ complete an agency-specific climate vulnerability assessment that identifies the impact of climate change on the agency’s mission, programs, and operations; and incorporate actions that lower climate risk into Agency Performance Plans.

74. At the Committee’s 2022 roundtable on Climate Resilience, Director Wells shared information on DOEE’s work with HSEMA and other District agencies to establish resiliency hubs in the District.

- Please provide the Committee with an update on this work since DOEE’s 2022 oversight response. Where are these hubs being sited? How is the Executive selecting ideal sites?

Response:

DOEE continues to collaborate with District agencies – in particular, HSEMA and DPR – and community partners to advance the Ward 7 resilience hub pilot and to structure the District’s resilience hub program. DOEE has advanced the pilot resilience hub project by providing technical assistance to community partners to acquire federal funds for capital, programming, and operational expenditures. Funds acquired last year include a three-year \$500,000 grant from NOAA to support the Ward 7 pilot resilience hub at the FH Fauntery Community Enrichment Center and the Ward 7 Resilience Hub Community Committee (RHCC), as well as a nearly \$1 million Congressional appropriation from Rep. Eleanor Holmes Norton to support the physical improvement of the building, including solar panels and a battery storage system. In June 2022, DOEE held an interagency briefing on resilience hubs and the pilot with members of the Ward 7 Resilience Hub Community Committee (RHCC) and nearly 60 participants from more than eight District and federal agencies/offices.

Resilience hubs will be strategically located in areas where disinvestment due to structural inequity and racism has led to increased vulnerability to climate change. The pilot hub is in Deanwood, located at the edge of the 100-year floodplain that extends from Watts Branch stream through multiple neighborhoods in Northeast DC. DOEE is developing a methodology and guidance to site resilience hubs that will incorporate socio-economic, demographic, and health variables in combination with climate-related hazards – particularly extreme heat/urban heat island effect and flooding. The Heat Sensitivity Exposure Index and map, which DOEE released in 2022, provides an example of the type of methodology DOEE and HSEMA are considering: <https://opendata.dc.gov/datasets/DCGIS::heat-sensitivity-exposure-index/about>.

- How are these sites being designed? For what specific purposes – that is, for specific types of weather events or catastrophes?

Response:

DOEE published a two-page summary document on resilience hubs in August 2022 that details some of the guidance and requirements for community resilience hubs (available at <https://doee.dc.gov/service/community-resilience-hubs>). Additional guidance is being developed in collaboration with agency and community partners. In practice, resilience hubs are community-serving organizations that operate in steady state, “blue skies” mode, more than 99% of the time, building community resilience and social connections through their ongoing programming and services. These communal hubs are augmented to serve as operational sites to serve residents during climate disasters and other disruptions like extreme heat, flooding events, pandemic, and more.

Following national guidance for developing resilience hubs, the District’s program will focus on providing technical assistance, partnerships, and funding to community-based organizations operating as resilience hubs. District-operated facilities such as recreation centers and libraries – which provide consistent “steady state” programming and services to residents – will serve as partners to District-recognized community resilience hubs and will be targeted for “resilient power projects” like solar panels with battery storage.

- What kind of community engagement is DOEE undertaking on these sites?

Response:

For the pilot at the FH Faunerooy Community Enrichment Center, DOEE continues to engage with residents through the Ward 7 Resilience Hub Community Committee (convened by DOEE beginning in 2017) and through a partnership with the Faunerooy Center to support the activities of the three-year NOAA grant: workforce development, environmental education, and building community capacity with the RHCC. Community engagement lessons from the pilot are being documented to benefit future efforts.

75. Please provide the Committee with an update on DOEE’s efforts to achieve goals laid out in the Climate Ready DC Plan during FY 2022 and FY 2023, to date.

Response:

Annual progress reports for the Climate Ready DC (CRDC) plan can be found at <https://sustainable.dc.gov/progress>. A report for progress made in calendar year

2022 will be available on this website in April. Highlights in FY 2022 and FY 2023 to date include the following:

- DOEE published Keep Cool DC, the District’s extreme heat adaptation strategy, available online as an interactive document: <https://storymaps.arcgis.com/stories/7692809a1d6a498482d3fed431f432f9>.
- DOEE published a Heat Sensitivity Exposure Index on the District’s open data portal. This dataset identifies the areas of the District that are most exposed to extreme heat and where the most heat-sensitive residents live. DOEE will prioritize outreach and implementation of heat reduction strategies in these most vulnerable communities.
- DOEE launched its FloodSmart Homes program, which provides free resilience assessments of homes in the 100-year floodplain to determine which retrofit measures are most needed and would be most cost-effective to improve flood resilience.
- DOEE provided technical assistance to its pilot resilience hub community partners that helped them acquire nearly \$1.5 million in funding.
- What barriers in DOEE facing in meeting certain goals in the Plan?

Response:

DOEE is required to complete regular updates to CRDC per Mayor’s Order 2017-142. The next update, anticipated in FY 2024, would incorporate new climate science, prioritize racial equity and develop new actions to institutionalize climate adaptation across District government. This process will further evaluate the barriers faced in implementation, which include:

- Some actions are outdated and will be revised or removed in the CRDC update.
- Very few agencies have had the capacity or directive to integrate climate risks into their programs and plans. (See answer to question 73 above).
- Key Performance Indicators related to preparing for the impacts of climate change have not been developed.
- Many agencies rely on historical data and precedent to plan, rather than using future projections (e.g., a changing climate).
- Progress to date has largely relied on voluntary interest. For example, DOEE published Resilient Design Guidelines as called for in CRDC, which present strategies to design buildings and landscapes based on forward-looking climate data (https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/CRDC%20resilient%20design%20guidelines_FINALApproved.pdf). However, these guidelines are voluntary and have seen very little adoption. DOEE is exploring ways to incorporate the guidelines into existing

requirements like the Green Area Ratio (GAR). The District would benefit by following the precedent set by New York City to incorporate resilient design guidelines into the design of capital projects.

[\(https://climate.cityofnewyork.us/initiatives/climate-resiliency-design-guidelines/\)](https://climate.cityofnewyork.us/initiatives/climate-resiliency-design-guidelines/)

- Progress to date has also depended on external funding availability. Much of what has been implemented has been funded through FEMA. The challenge of scaling up adaptation measures becomes more acute when considering larger scale, more expensive projects.

76. Please provide an update on implementation of the Clean Energy DC Omnibus Amendment Act of 2018. What steps has the Agency taken in FY 2022 and FY 2023, to date, to implement the law? Has the Agency faced any unanticipated delays or hurdles?

Response:

Renewable Energy: The District increased the amount of renewable electricity supplied to the city in accordance with the Renewable Energy Portfolio Standard set forth in Title I of the Act. The RPS requires: "In 2022, not less than 32.5% from tier one renewable sources, 0% from tier two renewable sources, and not less than 2.6% from solar energy." The RPS is managed and implemented by the Public Service Commission.

Buildings: The agency continues its effort to implement the Building Energy Performance Standards (BEPS), established by Title III. The first multi-year BEPS Compliance Cycle began in January 2021. Per the Act, DOEE also published a Cost and Benefit Impact Study of BEPS in March 2022 and released the BEPS Greenhouse Gas Study at the end of calendar year 2022. In addition, DGS published its Strategic Energy Management Plan in the summer of 2022.

Workforce Development: Title IV of the Act calls for the establishment of a Sustainable Energy Infrastructure Capacity Building and Pipeline (SEICBP) Program to assist CBEs and local businesses in developing new or enhanced skills in energy efficiency and renewable energy. DOEE partnered with DSLBD, the Coalition for Non-Profit Housing & Economic Development (CNHED), and the DCSEU to implement the Train Green Program, also known as the SEICBP Program. This program provides workforce development initiatives for District residents in energy-related fields and implements a training and certification program to increase the participation and capacity of Certified Business Enterprises (CBEs) and CBE-eligible firms to engage in contracts and procurements related to professional services, energy efficiency and renewable energy design, construction, inspection, and maintenance. The Train Green Program was designed to offset the challenges impacting the local green workforce, including a shortage of skilled

workers, lack of understanding of green job pathways and business opportunities, misalignment between District building needs and qualified contractors, and lack of coordination within training and credentialing opportunities.

Transportation: In September 2022, DOEE published the Transportation Electrification Roadmap to guide the District’s transition to electric vehicles, as called for by Title V of the Act. The plan has helped inform, among other things, the development of the now federally funded National Electric Vehicle Infrastructure (NEVI) Formula Program, efforts by DMOI to coordinate the transition of government fleets to electric vehicles, and OSSE’s transition to electric buses (OSSE was awarded a \$7.6 million grant by the EPA in late 2022 to purchase electric buses).

DC Green Bank Capitalization: Consistent with the requirements of the Act, DOEE has transferred \$37 million of Sustainable Energy Trust Fund (SETF) revenue to the DC Green Bank from FY2020 to date to support sustainable projects and programs. The DC Green Bank reports that it has deployed approximately \$31 million in direct loans and leveraged more than \$160 million in private financing to finance green building, clean transportation, stormwater, solar, and energy efficiency projects across the District.

77. In November 2021, the final rulemaking for the first set of Building Energy Performance Standards went into effect.

- Please provide an update on the Building Energy Performance Standards (“BEPS”) and DOEE’s efforts to reduce emissions from buildings.

Response:

DOEE established the first BEPS on January 1, 2021, which began the first BEPS Compliance cycle for privately-owned buildings over 50,000 square feet and DC-owned buildings over 10,000 square feet that do not meet the BEPS. The BEPS were published through rulemaking (available in the DCMR and on the DOEE website [here](#)). Additionally, DOEE finalized the compliance regulations in November 2021 and published the BEPS Compliance and Enforcement Guidebook, which aims to assist building owners in understanding the requirements, compliance methods, and enforcement of the BEPS program. Buildings that were identified as not meeting the BEPS were informed via a letter and an email in July 2021, and DOEE followed up with another round of reminder letters in December 2022. DOEE has worked over the past several years to build up staff capacity, with six (6) new team members joining the BEPS team in FY 2022.

Additionally, DOEE has worked to create numerous tools and resources to help building owners understand the requirements and work towards compliance. Our Building Performance Helpdesk is very active, and we continue to answer questions

about the benchmarking and BEPS programs on a regular basis. We have also advised the Building Innovation Hub on the creation of several different tools and resources that are posted on its website to assist building owners with understanding the requirements and making decisions related to their compliance.

Currently, our team is gearing up for the first compliance reporting deadline of the BEPS Compliance Cycle, whereby any building owners that did not meet the BEPS must select a compliance pathway by April 3, 2023 (regulations state April 1, but April 1 is a non-business day). We have put in place several official forms by which building owners can submit inquiries and documentation to DOEE, and developed several internal standard operating procedures for reviewing the documentation submitted to us. We have also sent out multiple pieces of correspondence to buildings that do not meet the BEPS to inform them of the pathway selection deadline, and we have worked with several of our partners to perform specific outreach to these building owners and their representatives. We have also been working closely with our DC government partners, including DGS and DCHA, to assist them with the creation of their BEPS compliance plans.

In December 2021, DOEE launched the BEPS Affordable Housing Retrofit Accelerator (AHRA). The AHRA was established using American Rescue Plan Act (ARPA) stimulus funds to help provide financial and technical support to affordable multifamily buildings. DOEE continues to work closely with the other implementing partners for the program, DCSEU and the DC Green Bank, to provide free energy audits and BEPS regulatory compliance assistance to all participants and develop implementation and funding/financing plans for each property enrolled in the program.

- What kind of community engagement has DOEE undertaken in FY 2022 and FY 2023, to date, regarding the new requirements?
- ***Has DOE begun any outreach specifically to large residential buildings, especially condominium and cooperative buildings with residents with lower incomes or who are living on a fixed income? Has DOEE done any coordination with the Department of Housing and Community Development to help such residential buildings identify sources of funding to make upgrades related to BEPS, as well as to address other potentially deferred maintenance?***

Response (to both of the above questions):

Over the course of FY 2022 and to date in FY 2023, DOEE provided numerous local presentations and panel discussions with industry groups across the District, including the Apartment and Office Building Association (AOBA), the DC Building Industry Association (DCBIA), the National Housing Trust (NHT), the Housing Association of Nonprofit Developers (HAND), the US Green Building Council,

Advanced Energy Group, the DC Cooperative Housing Coalition, and various Advisory Neighborhood Commissions. Additionally, DOEE has been holding regular one-on-one meetings with individual college/university and hospital campuses, as well as providing regular updates to the Consortium of Universities.

In April 2022, DOEE hired a new BEPS BID Ambassador whose role is to engage with the Business Improvement Districts (BIDs) closely on BEPS and other Clean Energy DC initiatives. Over the course of FY 2022 and FY 2023, our BEPS BID Ambassador has been in contact with every BID across the District and has provided multiple presentations (both virtual and in-person) to each BID, based on their interest and needs.

Through the AHRA program, we are closely engaged with affordable housing owners/operators across the District to provide them with one-on-one assistance with the program, and we are working with these owners/operators to begin engaging more with the residents of their buildings. Additionally, we co-developed an initiative with the Building Innovation Hub focused on providing assistance to building owners that are also deemed high priority property types (such as worship facilities and senior care communities) but do not qualify as affordable housing and are not currently within the scope of the AHRA. DOEE has plans to continue all these engagement efforts over the course of FY 2023, and we are responding to requests for presentations and discussions nearly every day.

- How is DOEE working with DC Green Bank, the SEU, and other relevant agencies to help encourage compliance with the new standards prior to the 2026 deadline?

Response:

DOEE is working very closely with the DCSEU and the DC Green Bank on several initiatives related to the BEPS program. Most prominently, the DCSEU and the DC Green Bank are the core implementing partners for the AHRA program. Through the AHRA development process, DOEE has coordinated with both entities regarding the technical requirements for the BEPS program, and we have co-developed a process for providing energy audits, meeting with the participating building owners to discuss the results of the energy audits, and then providing an overview of the funding and financial assistance available to each AHRA participant. DOEE and the DC Green Bank co-developed a new AHRA loan specifically tailored to the needs of affordable housing properties participating in the AHRA. DCSEU and DC Green Bank are integral partners in the AHRA program, and we will continue to engage with them very regularly on this program. Additionally, in our outreach efforts with the BIDs, DOEE has included both DCSEU and DC Green Bank in all presentations that we have given to the BID members.

- How does DOEE collect data on BEPS compliance, and building by building energy performance rates?

Response:

Building performance data will continue to be reported to DOEE through US EPA's ENERGY STAR Portfolio Manager tool. DOEE pulls this data from Portfolio Manager into an internal data tracking database for review and storage. In FY 2022 and into FY 2023, DOEE engaged with the following vendors/entities to build out tools by which DOEE can better streamline the process for data collection and compliance tracking:

BEPS Online Portal – Through a long-standing membership with the Northeast Energy Efficiency Partnership (NEEP), DOEE has procured access to the Building Energy Analysis Management (BEAM) tool, which has been developed by Clearly Energy and offered to NEEP members. DOEE has continued to work with Clearly Energy over the last two years to add additional functionality to BEAM to create what is referred to in the BEPS regulations as the BEPS Online Portal. The portal includes:

- An internal data management/tracking tool that allows DOEE staff to collect, store, and review any data submitted related to the BEPS program (including data reported to DOEE through ENERGY STAR Portfolio Manager);
- A customer relationship management tool that allows DOEE to track all customer service and compliance assistance activities;
- The public-facing Building Performance Help Desk that houses all information related to the benchmarking and BEPS programs; and
- A customized owner portal that will provide building owners with a one-stop-shop for submission of BEPS-related documentation and compliance tracking.

US DOE Audit template – Through a partnership agreement, DOEE has engaged with the US Department of Energy (US DOE) and Pacific Northwest National Laboratory (PNNL) to build out a customized version of US DOE's audit template tool. The DC-specific audit template will serve as the tool by which all building owners or their project teams will submit the ASHRAE Level-II audit information required for building owners following the prescriptive pathway. Having access to this tool will allow the building owner or their project teams the ability to submit the information in a clear and concise manner, as well as allow DOEE to collect this data in a streamlined and consistent manner. The audit template was launched publicly in FY 2022, and DOEE has now published an article on its website that provides guidance on how to submit energy audit data to DOEE.

US DOE Retro-commissioning template – DOEE is also working with US DOE/PNNL to gain access to a similar tool for collecting retro-commissioning data

from building owners who choose to pursue retro-commissioning as part of the prescriptive pathway. The scope of work was initiated at the end of FY 2022 and continues into FY 2023. The expected timeline for public launch is Q3 FY 2023.

78. Please provide the Committee with copies of the FEMA 100- and 500-year flood maps for the District.

Response:

The best way to see the FEMA 100-and 500-year flood maps is to view them on dcfloodrisk.org instead of as a static copy. Official Maps for the purposes of regulation and flood insurance are available in graphic form from the FEMA National Flood Hazard Layer at <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. Copies of the FEMA maps in “shapefile” format for use in geographic information systems (GIS) are available for download from the FEMA Map Service Center at <https://msc.fema.gov/portal/home> and can be provided to the Committee via email upon request.

- Does DOEE believe these maps are accurate, given changes in weather patterns over the past decade? How is DOEE working with FEMA to update these maps?

Response:

DOEE believes that these maps could be made more accurate in two ways: by using improved data and modeling and by incorporating climate change projections.

Since the FEMA flood maps became effective in 2010, improved hydrologic and hydraulic (“H & H”) data and improved topographic data for some watercourses has become available from District projects and the US Army Corps of Engineers (USACE). DOEE is working with FEMA to use the most recent modeling to update the District’s official flood maps through FEMA’s Letter of Map Revision (LOMR) process. In FY 2023, DOEE will be pursuing a LOMR for Watts Branch. Updated modeling shows that the 100-year floodplain will shrink and the number of homes in the Watts Branch 100- and 500-year floodplains will be reduced once the LOMR is processed and completed. Updated and more accurate modeling does not always reduce the number of properties in a floodplain, but in this case, it does.

The FEMA maps approved in 2010 do not include any sea level rise or increased precipitation projections expected with climate change. The FEMA method for creating flood maps simply looks at historical records and does not consider future conditions. This is problematic as DOEE’s own mapping efforts show that with climate change, today’s 500-year floodplain will be more like the 100-year floodplain

in 2080. In other words, a 100-year floodplain that incorporates the latest precipitation and sea level rise trends is larger than FEMA's official floodplain map for the District.

As FEMA cannot update their maps with future conditions, DOEE has undertaken some of this future condition mapping on its own, described below.

- Please provide an update on DOEE's flood mapping efforts. What is the status of our flood mapping? What are the agency's next planned steps in using this data (beyond setting flood insurance requirements as prescribed in B24-410, the Flood Resilience Amendment Act of 2021)?

Response:

As FEMA flood maps do not account for climate change, DOEE has completed one flood mapping effort and is underway on a larger effort to better understand the city's true risk of flooding. A recent collaboration with USACE used anticipated precipitation patterns in the year 2080 to show what the 100- and 500-year floodplains in Watts Branch and Oxon Run will be in the year 2080. Based on the analysis, there will be an additional 223 homes that will be at risk of a 100-year flood in 2080 compared with today's maps. These maps help DOEE identify homes that could benefit from individual building upgrades, or benefit from a neighborhood scale infrastructure project like a levee or blue green infrastructure.

In FY 2022, DOEE awarded a contract to develop an Integrated Flood Model (IFM), following a two-year procurement process. The IFM incorporates updated riverine and coastal flooding models with new modeling of interior flooding, which the city currently does not have. The IFM will enable DOEE to identify areas throughout the District that will be likely inundated with floodwater permanently, periodically, or during large storm events of any type (riverine, coastal, interior, or combination) and in any scenario (i.e., varying levels of climate change). Once the maps are complete (in approximately 2 years), DOEE will be able to identify specific areas in neighborhoods that are at risk of flooding, with more knowledge of the source of the problem, and can begin to design infrastructure solutions to help reduce the risk.

79. At the Committee's 2022 climate resiliency roundtable, Director Wells mentioned several methods that could assist the District in reducing the urban heat island effect. Paramount among these was furthering our tree planting and tree canopy goals. But other recommendations included reducing incidence of pavement, painting of white roofs, and air conditioning assistance for the elderly.

- What reasonable alternatives to pavement are available, in areas where parking is needed? Until recently, permeable pavers, while a potential option,

have not provided the necessary structure to support regular, repeated use by vehicles.

Response:

There is no single best solution for all surface parking lots. Shade trees, solar structures, and cool pavement materials each have strengths and challenges in different circumstances. DOEE is interested in piloting projects to explore solutions like cool pavement. Existing requirements like the Green Area Ratio (GAR) could be expanded to incorporate heat reduction/shade requirements for certain projects like surface parking lots.

- What would DOEE recommend regarding white roofs—an incentive program? A requirement that roofs be painted white?

Response:

Current (2017) DC Energy Conservation Code, both residential and commercial provisions, requires cool roofs. The anticipated DC Construction Code update planned for adoption in late 2023/early 2024 is expected to carry forward the current cool roof requirements. Other regulations, including the DC Green Construction Code and Green Area Ratio (GAR), require heat island mitigation on site hardscapes using vegetation, as opposed to reflective materials. These have also proven to be useful tools in mitigating the urban heat island effect, but each applies to only a select portion of projects.

- Does DOEE collect or have access to any data on the percentage of seniors without air conditioning? Would DOEE support subsidies or other support to assist seniors in accessing these units?

Response:

DOEE does not have access to data on the percentage of seniors without air conditioning. The Department of Aging and Community Living (DACL) and DOEE partnered on a “Stay Cool Program” that provided air conditioning window units and repair/replacement of centralized AC units to qualifying seniors in 2020. With funding, this program could be relaunched and incorporate lessons learned, including covering costs for electrical work since many participants did not have functioning or code-compliant outlets.

While some seniors may already own an air conditioner, they may choose not to use the air conditioner due to energy costs. DOEE’s LIHEAP program provides financial assistance for heating and cooling costs to low-income residents in the form of a one-

time regular benefit towards their electric bill with the option of an emergency payment if their services are off or their remaining balance is greater than \$250.

The District could also assist heat-vulnerable residents by pursuing maximum indoor air temperature regulations, as proposed in Keep Cool DC. Similar legislation passed in Montgomery County that requires landlords to provide air conditioning to maintain comfortable temperatures during summer months. This could benefit seniors as well as other low-income or heat-sensitive residents.

- Some jurisdictions are considering requirements that ground-level parking lots install solar panel canopies. What are DOEE's thoughts on such a requirement?

Response:

DOEE's Solar for All program has funded several projects involving parking canopies. Such projects present some technical considerations beyond standard rooftop solar projects and require additional levels of permitting review by DOB to ensure compliance with issues such as fire truck access, but those considerations are manageable, and coverage of surface parking is a good use for solar panels given their potential to provide relief from the heat and other weather elements along with clean electricity. Additionally, surface parking lot canopy panels are a standard design element for vehicle charging microgrids, which are an important way of building in resilience for vehicle charging and is something that DDOT is considering for their bus charging facilities.

However, any requirement for surface parking lots to install solar panel canopies could block conversion of the parking lot into a higher and better use of the land such as for housing, and ultimately infill housing is one of the greenest policies a city can pursue, so any program to require or encourage solar canopies on surface parking lots should make sure to not act as a deterrent to potential infill housing.

- What other approaches would DOEE recommend to address the heat island effect and to reduce the severity of heat waves?

Response:

Extreme Heat Adaptation: In October 2022, DOEE published Keep Cool DC, the District's extreme heat adaptation strategy. This document, available online, provides guidance to District agencies on the strategies to reduce the urban heat island effect and keep residents safe during heat emergencies.

Chief Heat Officer: Miami-Dade and Phoenix have set a national precedent by creating a Chief Heat Officer position, which coordinates cross-agency efforts to

reduce the impacts of extreme heat. This strategy is not included in Keep Cool DC, but the District may benefit from such a position.