

2024 Performance Oversight Pre-Hearing Questions
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.
 - a. 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.
 - b. Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

Response: See Attachment Q1a for organizational charts; see Attachment Q1b for vacancy information.

2. Please list each **new program** implemented by the agency during FY 2023 and FY 2024, to date. For each initiative please provide:
 - a. A description of the initiative, including when begun and when completed (or expected to be completed).
 - b. The funding required to implement the initiative;
 - c. Any documented results of the initiative.

Response:

Hyperlocal Monitoring Pilot

- a. *Description and timeline:* DOEE's Air Quality Division implemented a pilot program in which the agency procured a contractor, Aclima Inc., to map block-by-block air pollution levels in Ivy City, Brentwood, Buzzard Point, and Mayfair for two weeks in June 2023. The contractor analyzed the data and presented it to the public for engagement.
- b. *Funding:* \$32,500 from local; \$116,400 from special purpose revenue funds.
- c. *Results:* DOEE obtained valuable information to better address air pollution in the four neighborhoods. DOEE has shared this information with the public and relevant agencies and is using it to develop a plan to locate and establish a low-cost sensor network that will be in place until at least the end of 2026. DOEE is planning to expand the hyperlocal monitoring effort in FY24 to more neighborhoods and for a longer time period.

Private Fleet District Electrification and Low-NOX (PF-DEAL) Program

- a. *Description and timeline:* DOEE's Air Quality Division began the Private Fleet District Electrification and Low-NOX (PF-DEAL) program to help finance the electrification of medium- and heavy-duty vehicles owned by private fleet operators in the District, with a focus on shuttle buses and specifically those that operate in environmental justice communities. DOEE released its first Request For Applications (RFA) in FY23 and intends to issue a second RFA in FY24.
- b. *Funding:* \$515,991 from Diesel Emission Reduction Act grants and \$537,542 from Volkswagen Settlement Funds.
- c. *Results:* DOEE received two responses to the RFA issued in FY23 and is moving to issue funds to relevant applications in FY24.

Green Trades DC Technical Training Program

- a. *Description and timeline:* The Green Trades DC Technical Training Program, a subgrant of the Solar Works DC program, began in June 2023 through a grant issued to the International Brotherhood of Electrical Workers (IBEW) Local 26, the local chapter of the international electrical union that serves the District, five counties in Maryland, and 44 counties in Virginia. The program aims to recruit and train District residents ages 18 and up to prepare for careers as journey-level electricians to help the District meet its solar, energy efficiency, and sustainability goals. Residents can apply to either the 12-month pre-apprenticeship program or the 48-month apprenticeship program. Through the program, pre-apprentices and first-year apprentices receive a competitive wage of \$24.50/hour. First-year apprentices are eligible for full benefits for themselves and their families as they begin their path toward becoming journey-level electricians. The program continues to grow in FY24 to encompass related high-demand careers in the solar, renewable energy, and green building fields to help meet the industries' labor workforce needs throughout the District.
- b. *Funding:* \$969,000 in FY23 and \$1.59 million in FY24 in local funding.
- c. *Results:* To date, IBEW Local 26 has registered more than 150 District residents to train as electrical pre-apprentices and apprentices and/or receive wraparound services to support their path to becoming journey-level electrical workers. The grant with IBEW Local 26 continues, enabling them to actively recruit and train more District residents for these critical, in-demand careers.

Office of District Waterways Management

- a. *Description and timeline:* In 2022, Council established the new Office of District Waterways Management (Office) in DOEE through the Office of District Waterways Management Establishment Act of 2022, effective March 22, 2023 (D.C. Law 24-336; D.C. Official Code § 8-191.01 *et seq.*). Starting in FY24, the agency's budget funds two FTEs to staff the Office and a contract for the development of the District Waterways Advisory Plan. The Office's two main outcomes are to develop the Advisory Plan and to create and staff a new District Waterways Advisory Commission, comprised of voting and non-voting members appointed by the Mayor and Council.
- b. *Funding:* In FY24, DOEE will expend approximately \$184,000 on Salary and Fringe for two FTEs and \$25,000 in contracting to get the Advisory Plan started, all in local dollars.
- c. *Results:* DOEE hired a staff person to lead the new Office in early November 2023. The second FTE, a program analyst to support the program, was hired on January 29, 2024. DOEE will engage the Office of the Mayor and the Council in early 2024 to stand up the Advisory Commission. Additionally, DOEE has started developing the scope of work for the Advisory Plan contract.

FloodSmart Homes

- a. *Description and timeline:* In FY23, a District budget enhancement enabled DOEE to begin the rollout and implementation of FloodSmart Homes, in line with an action recommended by the City Administrator's Flood Task Force. The program is intended to make flood-prone homes in the District, especially in Wards 7 and 8, more resilient to floods by 1) providing each home with a resilience assessment to identify potential upgrades and 2) installing those resilience upgrades at no cost to the homeowner. These retrofits (i.e. installation of flood barriers, elevation of utilities, and improvements to property drainage) help minimize costly flood-related damage and health consequences to residents when a flood occurs. In February 2023, DOEE awarded a contract for the assessments of individual homes. While homes were being assessed, DOEE awarded a grant to a local non-profit to manage the installation of resilience upgrades identified by the assessments. The grant was awarded in June 2023. Installation of upgrades occurred between July and September 2023.
- b. *Funding:* Council provided local funding to support one FTE and \$2.5 million to support this program in FY23. DOEE supplemented this funding with \$63,000 in FEMA grants, which can only be used for assessments and not for installation. DOEE did not spend all the local funds because the contracts

and grants could not be published for proposals until after the start of FY23, the award process takes many months, and the awards were finalized later in the fiscal year.

- c. *Results:* The contractor responsible for professional home assessments completed 65 assessments in FY23. The grantee responsible for resilience upgrades delivered flood emergency kits to 70 homes, delivered flood barriers to 62 homes, elevated outdoor HVAC units in 8 homes, elevated electrical equipment in 8 homes, waterproofed 1 home, and installed flood vents in one home. Of the 65 homes assessed in FY23, recommended resilience upgrades were fully installed in 8 homes, all in the last two months of FY23. Home assessments will continue in FY24 using FEMA grant funding; however, resilience upgrades will not be constructed, due to the lack of dedicated funding eligible for that purpose.

Green Food Purchasing Program

- a. *Description and timeline:* The Green Food Purchasing Amendment Act of 2021, effective July 29, 2021, requires DOEE, in consultation with the Office of Contracting and Procurement (OCP), to assess the greenhouse gas emissions from District Government food and beverage procurements, and to create a plan to reduce those emissions by 25% by 2030. The law requires the District to adopt a methodology for estimating these emissions, establish a baseline of emissions from procurements \$10,000 and larger, and identify best practices to meet the targets. The law also requires DOEE to issue annual reports describing progress toward interim targets starting in FY25.
- b. *Funding:* This program is locally funded. DOEE received \$97,000 in FY23 and \$100,000 in FY24 for one FTE (Grade 11).
- c. *Results:* DOEE hired a full-time staff member to implement the Green Food Purchasing Program requirements in October 2022 and released its first Green Food Report for FY23 on December 1, 2023. This report discusses the staffing update and details the successes in adopting a methodology and calculating an emissions baseline, as well as identifying best practices and next steps. DOEE has leveraged the District's participation in the Coolfood Pledge, an initiative developed by the World Resources Institute (WRI) that supports organizations to reduce the climate impact of food purchasing in line with the District's goals. This includes a Coolfood Calculator, which assesses emissions by food type based on a global life cycle peer-reviewed meta-analysis. Using this methodology, the FY23 Green Food Report details the baseline assessment for the District's purchasing, using 2021 as the reporting year. In June 2023, DOEE and WRI co-hosted a briefing for agencies,

vendors, and other stakeholders to share the District’s baseline results and share opportunities to put best practices into action.

Environmentally Preferable Products & Services (EPPS)

- a. *Description and timeline:* The Green Food Purchasing Amendment Act of 2021, effective July 29, 2021 (D.C. Law 24-16; amending D.C. Code § 2-361.01) requires the District Government to procure environmentally preferable products and services (EPPS) to the extent practicable (excluding emergency procurements). The EPPS program for sustainable purchasing is managed by OCP in collaboration with DOEE. For procurements over \$100,000, the law requires DOEE to issue an environmental certification to affirm that EPPS specifications are included in the procurement or are waived if not practicable due to cost, availability, or other grounds. In FY23, DOEE staffed the new EPPS certification program, hiring 2 FTEs to support this work. The certification is being piloted with a few select agencies in FY24 before being implemented across District Government in FY25.
- b. *Funding:* The EPPS program is locally funded. DOEE received \$181,000 in FY23 for two EPPS FTEs (Grade 13 and Grade 11).
- c. *Results:* In FY23, DOEE successfully hired two EPPS Program Analysts, achieving notable milestones, including:
 - Cultivated relationships with several District agencies and external stakeholders, disseminating information on the EPPS Revitalization initiative and Environmental Certification requirement.
 - Developed the proposal for the DC Green Cleaning Program to secure a \$500,000 grant from U.S. EPA. \$50,000 of the awarded funds will be allocated for training CBEs on applying for related contracts (e.g., Janitorial Services, Cleaning Products). The other \$450,000 will be used to launch the DC Green Cleaning Program.
 - Provided OCP with updates to 19 product and service environmental specifications, as well as a user-friendly Statement of Work table so that procurement officials and agency staff can copy and paste EPPS language directly into the requirements of each contract.
 - Conducted in-depth data analysis on District spending to identify EPPS opportunities.
 - Established the groundwork for an EPPS benchmarking pilot within DOEE and with partner agencies in FY24 and laid the foundation for a District-wide rollout of the Environmental Certification in FY25.

Battery Stewardship

- a. *Description and timeline:* The Zero Waste Omnibus Amendment Act of 2020 requires the collection and recycling of a broad range of both single use and rechargeable batteries, the first program of its kind in the country. It requires a battery stewardship organization (BSO), on behalf of producers of batteries and battery-containing products sold in the District, to submit and implement a plan for a program to collect and recycle batteries. One entity, Call2Recycle, has registered as a BSO. Call2Recycle submitted a proposed battery stewardship plan for DOEE review on December 30, 2022. DOEE made the plan available for public review and comment. DOEE approved the revised plan Call2Recycle submitted on August 4, 2023. Call2Recycle launched the public-facing program November 1, 2023. Also, as of August 1, 2023, it is against the law to knowingly throw household batteries in the trash in the District; they must be recycled.
 - b. *Funding:* The battery stewardship program is self-funded on the same model as DOEE's Paint and Electronics Stewardship programs. Registration fees from the regulated manufactures/retailers are deposited into an SPR fund to maintain program resources. The program's Fiscal Impact Statement (FIS) includes \$20,000 in annually recurring local funding for battery outreach and education.
 - c. *Results:* On November 1, 2023, DOEE and Call2Recycle launched the nation's first Extended Producer Responsibility (EPR) all-battery recycling program that allows District residents, workers, and visitors to safely recycle their household batteries free of charge. The District Battery Stewardship program provides convenient drop-off locations for secure, accessible, and safe battery recycling at end-of-life for both single-use and rechargeable household batteries. Currently, 216 producers representing 371 brands have designated Call2Recycle as their BSO to fulfill their compliance requirements. The law requires a minimum of one public collection site per 10,000 people in the District. The program launched with 10 public collection sites in Wards 1, 2, 3, and 5. DOEE is working closely with Call2Recycle to expand the network of public collection sites with an emphasis on Wards 7 and 8.
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:
- a. Title of position;
 - b. Name of employee or statement that the position is vacant, unfunded, or proposed;
 - c. Date employee began in position;
 - d. Salary and fringe benefits (separately), including the specific grade, series, and step of position;
 - e. Job status (continuing/term/temporary/contract);

- f. Whether the position must be filled to comply with federal or local law.

Please note the date that the information was collected in your response.

Response: The position listing is provided in Attachment Q3. See Attachment Q1b for the vacancy information.

4. Does the agency conduct annual **performance evaluations** of all of its employees, and was this done in FY 2023? 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 FY23, the agency completed 369 out of 381 total eligible performance evaluations. 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 the identified areas. 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 FY23.

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: See Attachment Q6.

7. Please provide the Committee with:
 - a. A list of all employees who receive cellphones or similar communications devices at agency expense.
 - i. Please provide the total cost for mobile communications and devices at the agency for FY 2023 and FY 2024 to date, including equipment and service plans.

Response: See Attachment Q7a.

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

Response: See Attachment Q7b.

- c. A list of employee bonuses or special award pay granted in FY 2023 and FY 2024, to date.

Response: See Attachment Q7c.

- d. A list of travel expenses, arranged by employee.

Response: See Attachment Q7d. This information is as reported by OCFO.

- e. A list of the total overtime and worker’s compensation payments paid in FY 2023 and FY 2024, to date.

Response:

Category	FY23	FY24 (to 1/12/24)
Overtime payments	\$263,811.96	\$85,133.15
Worker’s compensation payments	\$18.35	\$101.86

- 8. What is DOEE’s current remote work policy? Please provide a copy of the agency's Continuing Operations Plan and any other remote working protocol (if applicable).

Response:

DOEE currently allows remote work in accordance with District policy.

DOEE’s Continuity of Operations Plan includes sensitive emergency response information that should not be made publicly available.

- 9. Please provide a list of each **collective bargaining agreement** that is currently in effect for agency employees.
 - a. Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
 - b. 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.
 - c. Please note if the agency is currently in bargaining and its anticipated completion date.

Response:

AFGE Local 2725: Countee Gilliam, President, cgilliam@afge2725.com, (804) 631-3116; 221 employees covered; Union agreement effective through September 20, 1990 (remains in effect until superseded)

AFGE Local 631; Barbara Milton, President, bjm1277@aol.com, (202) 236-0500; 87 employees covered; Union agreement effective through September 30, 2013 (remains in effect until superseded)

AFGE Local 2978; Carroll Ward, President, carroll.ward@dc.gov, (240) 893-8349; 8 employees covered; Union agreement effective through September 30, 2017 (remains in effect until superseded)

AFGE Local 1403; Aaron Finkhousen, President, afge1403president@gmail.com, (202) 627-0334; 7 employees covered; Union agreement effective through September 30, 2023 (remains in effect until superseded)

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

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

Response: See Attachment Q10. Upgrades are only made when requested. If a change in the program process requires a functionality change, we would plan out the requirements to make the change.

11. 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 2023 and FY 2024, to date, and whether and how those allegations were resolved.

Response:

Allegations of sexual harassment or misconduct committed by or against DOEE employees are subject to the investigation procedures established in Mayor's Order 2023-131, "Updated District Government Sexual Harassment Policy, Guidance, and Procedures" (superseding Mayor's Order 2017-313, "Sexual Harassment Policy, Guidance and Procedures").

DOEE received one sexual harassment complaint in FY23/FY24, to date. Two DOEE female employees alleged that they had been verbally harassed by male MPD officers during an inspection of an off-site MPD facility. Because the conduct involved MPD, the DOEE sexual harassment officer (SHO) transferred the complaint to the MPD to conduct the investigation. The investigation resulted in inconclusive findings.

- a. Has DOEE identified a primary and alternate sexual harassment officer ("SHO") as required by Mayor's Order 2023-131 ("Sexual Harassment Order")? If no, why not? If yes, please provide the names of the primary and alternate SHOs.

Response: Yes, DOEE has identified Eileen Perry, Human Resources Specialist, as the primary SHO and Lauren Maxwell, Human Resources Officer, as the alternate SHO.

- b. Has DOEE received any requests from staff in an otherwise prohibited dating, romantic, or sexual relationship for a waiver of the requirements of provisions of the Sexual Harassment Order? What was the resolution of each request? If a waiver has been granted, are there limitations on the scope of the waiver?

Response: DOEE has not received any notifications from staff about prohibited relationships.

12. For any **boards or commissions** associated with your agency, please provide a chart listing the following for each member:
 - a. The member's name;
 - b. Confirmation date;
 - c. Term expiration date;
 - d. Whether the member is a District resident or not;
 - e. Attendance at each meeting in FY 2023 and FY 2024, to date.
 - f. Please also identify any vacancies.

Response: See Attachment Q12.

13. 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 Q13.

14. 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 continue to hold our Quarterly Environmental Stakeholder Meetings, where participants can ask DOEE staff questions directly or through the chat function of the software. The public is far more engaged thanks to these options. We have increased our social media presence and post information about programs, projects, meetings, and events through our social media outlets. We also provide information on the federal grants we've applied for and received at <https://doee.dc.gov/service/federaldollars>.

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

- a. What is the nature of comments received? Please describe.
- b. 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, ANC meetings, and public events. DOEE receives public comments on proposed regulations and reports from environmental advocates, business owners, and residents, and incorporates the feedback into its final documents and operating procedures. DOEE also welcomes feedback, comments, and questions from residents and others via the “Ask the Director” link on our homepage. We continue to focus on ensuring our programs and practices are equitable. Any feedback we receive in terms of equity is sent to our Equity Committee for review and assessment.

16. What has the agency done to reduce agency **energy use** in FY 2023? Did the agency’s energy use increase or decrease in FY 2023? 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 continues to partner with building management to conserve energy use by monitoring water usage, replacing restroom faucets with touchless devices, and saving on lighting during extreme temperatures.

DOEE’s electricity consumption at the 1200 First Street NE Headquarters decreased from 902,703 kWh in calendar year 2022 to 814,220 kWh in calendar year 2023. The total change of 88,483 kWh represents a 9.8% decrease in electricity consumption from 2022 to 2023. DOEE’s electricity consumption at 1200 First Street decreased from 866,172 kWh in calendar year 2017 to 814,220 kWh in calendar year 2023. The total change of 51,952 kWh represents a 6% decrease in electricity consumption from 2017 to 2023. No natural gas is consumed in the DOEE space at 1200 First Street, so therms are not relevant.

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

Number of Employees Hired in FY 2023 and FY 2024, to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing	1	1
Term	55	35
Temporary	31	17
Contract	Unknown*	Unknown*

*DOEE does not have access to this data.

18. Please provide the agency's FY 2023 Performance Accountability Report.

Response: DOEE's FY23 Performance Accountability Report is available at https://oca.dc.gov/sites/default/files/dc/sites/oca/page_content/attachments/DOEE_2024-01-16.pdf.

B. BUDGET AND FINANCE

19. Please provide a chart showing the agency's **approved budget and actual spending**, by division, for FY 2023 and FY 2024, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

Response: See Attachment Q19.

20. Please list any **reprogrammings**, in, out, or within, related to FY 2023 or FY 2024 funds. For each reprogramming, please list:

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

Response: See Attachment Q20.

21. Please provide a complete accounting for all **intra-District transfers** received by or transferred from the agency during FY 2023 and FY 2024, to date, including:

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

Response: See Attachment Q21. Due to limitations in DIFS, the dates on which funds were transferred to the receiving agency are not available.

22. Please provide a list of all **MOUs** in place during FY 2023 and FY 2024, to date, that are not listed in response to the question above.

Response: See Attachment Q22.

23. Please identify any **special purpose revenue accounts** maintained by, used by, or available for use by your agency during FY 2023 and FY 2024, 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 2023 and FY 2024, to date;
 - Expenditures of funds, including the purpose of each expenditure, for FY 2023 and FY 2024, to date.

Response: See Attachment Q23.

24. 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 Q24.

25. Please provide a complete accounting of all **federal grants** received for FY 2023 and FY 2024, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2023, the amount of any unspent funds that did not carry over.

Response: See Attachment Q25.

26. 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:

DOEE has submitted or plans to submit an application for the following Inflation Reduction Act (IRA) competitive grants:

- National Oceanic and Atmospheric Administration (NOAA) Climate Resilience Regional Challenge (in partnership with DDOT, DPR, and DGS) for installation of blue-green infrastructure in flood-prone District neighborhoods, expansion of resilience hub program, and a “cool corridors” pilot project to combat extreme heat;
- U.S. Environmental Protection Agency (EPA) Greenhouse Gas Reduction Fund (in partnership with DCSEU and DC Green Bank) for solar and storage deployment in low-income and disadvantaged communities;
- NOAA Transformational Habitat Restoration and Coastal Resilience Grants (this grant program is also funded under the Infrastructure Investment and Jobs Act (IIJA)) for wetland restoration along the Anacostia River; and
- EPA Climate Pollution Reduction Grant (CPRG) Implementation Grant for implementation of projects outlined in priority climate action plan; projects and lead District agencies to be determined.

The above grants have not yet been awarded.

DOEE has submitted or plans to submit an application for the following [IRA formula grants](#):

- U.S. Department of Energy (DOE) Home Energy Rebates Programs;
- DOE Training for Residential Energy Contractors;
- Clean Air Act grants funded under IRA for air quality monitoring (to date, some have been awarded);
- EPA Climate Pollution Reduction Grant (CPRG) Planning Grant for development of a priority and comprehensive climate action plan (awarded); and
- DOE Assistance for the Adoption of the Latest and Zero Building Energy Codes (DOB lead; DOEE support).

Most recently, DOEE has submitted or plans to submit an application for the following competitive grants under IIJA (also known as the Bipartisan Infrastructure Law, or BIL):

- Grid Resilience and Innovation Partnership (DOE) – DOEE will apply in May 2024 for smart grid installation at resilience hubs in disadvantaged neighborhoods.
- Electric Vehicle Charger Reliability (FHWA) – DOEE applied in November 2023 and won \$588,000 to install a 4-port 150kW vehicle charging station at Benning Rd and 34th St NE (Ward 7).
- Pollution Prevention Grant (US EPA) – DOEE applied in June 2023 and won \$500,000 for technical and cost assistance to cleaning service providers in Wards 5, 7, and 8 to transition to sustainable products and practices.

- Transformational Habitat Restoration and Coastal Resilience (NOAA) – DOEE applied in November 2023. The grant would fund wetland restoration along the Anacostia River. (The NOAA grant program is also funded under the IRA.)
- Charging and Fueling Infrastructure Grant Program (U.S. Department of Transportation) – DOEE applied in June 2023 and was not awarded any funding in the first round of winners but awaits further information regarding an anticipated second round of winners. The grant would fund public EV charging stations across the District and Capital Bikeshare electrification.
- Resilient & Efficient Codes (DOE) – DOEE supported the National Building Institute’s March 2023 application which won \$1 million for energy efficient building code development.
- Recycling Education & Outreach (EPA) – DOEE applied for funding in February 2023 which would have supported a battery recycling campaign and rechargeable battery promotion. DOEE did not receive an award under this program.

Public information on DOEE’s ARPA, IIJA, and IRA grants and applications is maintained here: <https://doee.dc.gov/service/federaldollars> and <https://infrastructure.dc.gov/>.

- a. For all federal funding identified, please describe any local matching requirements.

Response: Generally, IRA grants do not have matching requirements. IIJA grants vary in match requirements from zero to 100%. Most commonly, the match is 5-10%, which is met with relevant special purpose revenue (SPR) funds and/or relevant project matches.

- b. Are there other ways that DOEE plans to leverage federal funding opportunities to maximize the impact for the District and District residents?

Response:

DOEE staff are constantly seeking and pursuing federal funding opportunities that align with the District’s goals and needs as outlined by planning efforts such as Sustainable DC 2.0, Clean Energy DC, Carbon Free DC, and others. We have bolstered staff capacity to ensure that the District can leverage valuable federal dollars to advance energy and environmental goals, including citywide carbon neutrality by 2045.

For some high match grants, DOEE has limited matching capacity as an individual agency, resulting in a smaller proposal than the District would otherwise be eligible for. For example, the Grid Resilience and Innovation Partnership (GRIP) program grant due in May 2024 allows proposals up to \$250 million but requires a 100% match. DOEE is only able to identify about \$5 million in matching funds through SPR and current energy projects under our purview, so we are only able to ask for \$5 million in federal funds.

DOEE is a member of the BIL Central Team (BCT), convened by OBPM and DMOI, to collaborate regularly with other agencies receiving significant funding from the BIL spending law, including DDOT and OCTO. The BCT tracks formula funding received by the District and actively promotes proposals to win additional competitive BIL funds. DOEE has applied for and supported many grants and worked with agencies such as DDOT, DPW, DCPL, DOES, DGS, HSEMA, and OSSE. Overall, DOEE is slated to receive about \$80 million in formula BIL funds over five years. Both the formula and competitive grants DOEE wins will support infrastructure projects such as river and land restoration, much needed wetlands installations, building electrification, and projects promoting more renewable energy usage throughout the District. A sizable portion of these funds will be channeled into disadvantaged communities in Wards 5, 7, and 8, and to benefit low-income residents across the city.

27. Please list each contract, procurement, lease, and grant (“**contract**”) awarded, entered into, extended and option years exercised, by your agency during FY 2023 and FY 2024, to date. For each contract, please provide the following information, where applicable:
- a. The name of the contracting party;
 - b. The nature of the contract, including the end product or service;
 - c. The dollar amount of the contract, including budgeted amount and actually spent;
 - d. The term of the contract;
 - e. Whether the contract was competitively bid or not;
 - f. The name of the agency’s contract monitor and the results of any monitoring activity;
 - g. Funding source;
 - h. Whether the contract is available to the public online.

Response: See Attachment Q27.

28. Please provide the details of any **surplus** in the agency’s budget for FY 2023, including:
- a. Total amount of the surplus;
 - b. All projects and/or initiatives that contributed to the surplus.

Response: See Attachment Q28.

29. For FY 2023 and FY 2024 to date, please provide the number of contracts and procurements executed by your agency. Please indicate how many contracts and procurements were for an amount under \$250,000, how many were for an amount between \$250,000-\$999,999, and how many were for an amount over \$1 million.

Response:

	FY23	FY24
Under \$250,000	259	82
\$250,000 - \$999,999	39	5
Over \$1,000,000	16	2
Total:	314	89

30. Please provide the typical timeframe from the beginning of the solicitation process to contract execution for:

- a. Contracts and procurements under \$250,000
- b. Contracts and procurements between \$250,000-\$999,999
- c. Contracts and procurements over \$1 million

Response: OCP does not track this data. However, to educate users, OCP guides all agencies on the estimated life cycle of Requests for Quotations, Invitation for Bids, and Requests for Proposals, as well as for procurements both under and over the \$1 million threshold.

31. In cases where you have been dissatisfied with the procurement process, what have been the major issues?

Response:

- **Turnaround Times:** Long turnaround times on solicitations/awards, with some contracts taking years to be awarded. Even when contracts are awarded within a single fiscal year, the timeline from purchase order approval until the fiscal year-end does not allow sufficient time for the work to be completed. This is a major issue for projects using operating funds.
- **Lack of Transparency:** Tracking systems for solicitations and contracts are not transparent, consistently used, or comprehensive. As a result, when delays happen, it is difficult to pinpoint the length of time or the cause of the delay.
- **Council Review Threshold and Timeline:** The \$1,000,000 threshold for Council contract review is too low. Many of our projects are over \$1,000,000

and non-controversial, but Council review adds months to the award timeline.

- **Additional OAG Review:** An OAG review has been added to the contracting process. This has slowed things down and happens at the wrong time – when the solicitation has already been fully reviewed/approved by OCP.
- **Vendor Registration and System Instructions:** Potential vendors do not receive clear registration or user instructions for either PASS or DIFS. When issues arise, OCP’s vendor management staff does not reach out to the vendor promptly to inform them of what needs to be corrected or about next steps.

DOEE has raised many of these concerns with OCP, and is hopeful that we can make progress on addressing several of them.

32. What changes to contracting and procurement policies, practices, or systems would help your agency deliver more reliable, cost-effective, and timely services?

Response:

- **Vendor Registration and System Instructions:** DOEE would benefit from more proactive, direct support for vendors during the vendor registration process in PASS and DIFS.
- **Turnaround Times:** Shortening solicitation times, especially for large procurements, would also be very helpful to allow programs and vendors appropriate time to complete the needed work.
- **Training:** Procurement staff could be trained on how others (CA’s/OCFO) use the procurement system. They should understand not only requisitioning but also invoicing and other functions.
- **Certification:** Aid CAs in getting “clean hands” certification for contractors. This is one of the biggest reasons small contracts fall through.
- **OAG review:** Should be reworked to make it more timely or eliminated.
- **Council Review Threshold:** Increase the monetary threshold for a contract to require Council review.
- **Other Monetary Thresholds:** Increase the thresholds for other types of solicitations as well to reflect inflation since thresholds were established.
- **Transparency in Tracking:** Create a more transparent and comprehensive tracking system for solicitation review showing all the steps in the process, who the reviewers are, where the solicitation is in the process, and how long it has been in process (at that step and overall).
- **Transparency in Roles:** Clearly defined responsibilities for any reviewers involved in providing approvals and a description of the value added from their review.

C. LAWS, AUDITS, AND STUDIES

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

Response:

Over the years, Council has required DOEE to submit (or coordinate with other agencies and advisory bodies in submitting) at least 15 routine reports on various program activities and expenditures. Many of these reports are required annually; some are semi-annual; some are quarterly. In several cases (especially for quarterly reports), the frequency of the reports is unnecessary, since the information does not meaningfully change from report to report. Report deadlines sometimes do not align with the timeframes in which needed information (e.g., reports from grantees) is available. Requirements to “transmit to Council” many of the reports also trigger additional process steps that result in inefficient use of the time and efforts of agency, Executive, and Council staff. Some of these reports could simply be published online and made available to interested members of the public and Council; removing the “transmit to Council” requirement would improve the transparency and speed of information provision.

In general, the routine reporting requirements create undue levels of burden on the agency, which could use the time savings to focus more on actual program implementation and service delivery. Changing (or in some cases, eliminating) these requirements would allow the agency to provide information in ways that are more meaningful and aligned with agency processes, rather than (in some cases) duplicative requirements established many years ago. DOEE has provided a set of specific recommendations to the Committee and we will be glad to discuss further.

34. Please identify any statutory or regulatory **impediments** to your agency’s operations or mission.

Response:

The requirement for Council to approve contracts above \$1,000,000 and reprogramming requests above \$500,000 has been an impediment to agency operations. This requirement delays agency projects and programs, including important projects that impact the environmental health of District residents. Further, it does not allow DOEE the flexibility it needs to operate efficiently. DOEE suggests that these thresholds be raised, as the current levels are out of step with current operational needs.

35. 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 Q35.

36. Please explain the impact on your agency of any **federal legislation or regulations** adopted during FY 2023 and FY2024, to date, that significantly affect agency operations or resources.

Response:

Federal Income Thresholds and Impact on Solar for All Program

The U.S. Treasury Department (Treasury) and the U.S. Department of Energy (DOE) released rules and guidance for how the “Low-Income Communities Bonus Credit Program” for clean energy would operate in October 2023. Those rules address one of the qualification methods for the 20% low-income benefit tax credit differently from how the District has addressed it for the Solar for All program, using calculations from the U.S. Department of Housing and Urban Development that lower the 80% area median income for the District to the U.S. median income across the board. The Treasury/DOE method thereby creates a lower income threshold that does not match the income threshold used by DOEE. DOEE has flagged this issue for Treasury and DOE, but so far it has not been addressed. This issue affects several other higher-income states as well. It would be challenging to align our Solar for All program with the added revenue provided by this new tax credit if the rules are not adjusted.

District’s Municipal Separate Storm Sewer System (MS4) Permit

On November 20, 2023, EPA finalized and issued the most recent National Pollutant Discharge Elimination System (NPDES) permit for the District’s Municipal Separate Storm Sewer System (MS4). The new MS4 permit sets new and increased performance requirements for the District’s stormwater management program. These requirements will be challenging to meet. Of particular concern is the new permit’s requirement to manage 1,175 acres of the MS4 area with stormwater management practices during the 5-year permit term, which represents a 13% increase from the 1,038 acres required to be managed under the last permit term. DOEE is currently reevaluating its stormwater management efforts to determine how to prioritize programs and projects, and to identify new measures to implement in the interest of meeting these new requirements.

Waters of the United States (WOTUS)

The EPA and the Army Corps of Engineers published a rule entitled "Revised Definition of 'Waters of the United States'; Conforming," which became effective September 8, 2023 and revised the definition of “waters of the United States” to

comply with the Supreme Court's *Sackett v. EPA* decision. As a result, most of the District's wetlands and many of the District's streams lost federal protection.

On May 14, 2021, DOEE published a final rulemaking to add new Chapters 25 (Critical Area – General Rules) and 26 (Critical Area – Wetlands and Streams) to Title 21 of the District of Columbia Municipal Regulations (DCMR). These regulations ensure that the District's wetlands and streams are protected regardless of the reduction in federal protection resulting from *Sackett v. EPA*.

37. Please provide a list of all studies, research papers, and analyses (“**studies**”) the agency requested, prepared, or contracted for during FY 2023. Please state the status and purpose of each study.

Response: See Attachment Q37.

38. 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 2023 and FY 2024, to date.

Response:

Single Audit of Federal Awards

In FY23, the agency was audited as part of the District government's single audit of federal awards. DOEE's LIHEAP was the subject of findings and recommendations, as noted below in the answer to Question 39.

Risk Assessment of Lead Pipe Replacement Assistance Program

The District Office of Inspector General (OIG) completed a final report entitled “Risk Assessment of the District's U.S. Department of Treasury Programs Funded Through the American Rescue Plan Act of 2021” (OIG Project No. 22-2-27MA). The OIG contracted with Crowe LLP to perform this comprehensive risk assessment. The DOEE Lead Pipe Replacement Assistance Program was the subject of risks assessed in the report, but no recommendations were provided on the program.

State Review Framework (SRF): Clean Air Act and Resource Conservation and Recovery Act

In March 2023, the Environmental Protection Agency (EPA) finalized its report on 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.

Clean Air Act Title V Program Evaluation

In September 2023, EPA completed an evaluation of DOEE's delegated permitting program under Title V of the Clean Air Act. The Title V permitting program is designed to establish complete and enforceable air quality permits for all major stationary sources of air pollutants in the District. It is implemented according to the procedures specified in 20 DCMR Chapter 3. Title V program evaluations are a part of EPA's routine oversight of District programs with the intent of identifying best practices, areas for improvement, and ways in which EPA can improve its oversight role.

Technical Systems Audit of the District's Ambient Air Monitoring Program

In June 2023, EPA Region 3 conducted a triennial Technical Systems Audit (TSA) of the District's ambient air monitoring program and issued a summary report. A TSA is an on-site review and inspection of a monitoring organization's ambient air monitoring program to assess its compliance with established regulations and guidance governing the collection, analysis, validation, and reporting of ambient air quality data. A TSA is also an opportunity to highlight areas where a monitoring organization has shown innovation and improvement, identify areas where programs can be strengthened, and provide feedback to the organization. EPA is required to conduct a TSA at least once every three years as required in federal regulations (40 CFR Part 58, Appendix A, § 2.5).

39. 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:

Single Audit of Federal Awards

The FY22 Single Audit identified two findings related to the Low-Income Home Energy Assistance Program (LIHEAP). These findings are provided in Attachment Q39A and summarized below.

The first finding related to eligibility. For two (2) samples, the benefit paid to the participant was more than the actual benefit amount allowed per the benefit table. The auditor recommended that DOEE strengthen existing policies and

procedures to ensure initial application household information is correctly recorded into the system and that DOEE put in place supporting documentation to show that DOEE has control over the review of the benefit application.

DOEE action: DOEE strengthened its controls in the following manner:

- DOEE’s third-party database developer updated the code in FY22 to prevent incorrect benefit amounts from being generated due to an error in identifying correctly inputted income amounts. The overall operations and maintenance of the eligibility systems ensure the code remains updated with accurate information.
- In FY22, DOEE implemented a quality assurance check of benefit payments to identify database errors and duplicate benefits before submitting benefit payments to utility vendors. DOEE continues this process today to ensure that database errors are identified and addressed in a timely manner.
- DOEE conducts, and requires participation by staff in, quarterly system demonstration and refresher trainings to ensure the review of applications and household size are correctly recorded into the system.

The second finding was on earmarking and documentation. The auditor recommended DOEE strengthen existing policies and procedures to ensure earmarking calculations are reviewed and put controls in place on such review.

DOEE action: DOEE established a process for its Grant Management Specialist to create a report that allows program and budget staff to review the year-to-date spending in the categories with earmarking limits, compare the data to the limits based on the amount awarded by the grantor, and see the available balance in each category in the report.

Lead-based Paint Hazard Audit

In FY21, the Office of the District of Columbia Auditor (ODCA) published a report titled “More Urgency Needed to Fix Lead-Based Paint Hazards.” In the report, ODCA recommended that DOEE’s Lead-Safe and Healthy Homes Division should improve its enforcement process, including:

- Request action to clarify the law to start enforcing lead remediation in public housing.
- Establish internal deadlines for each step of the enforcement process to reduce delays.
- Enforce deadlines for requesting extensions.
- Use authority to remediate lead hazards and issue liens, deny permits, issue multiday fines, and collaborate with other agencies as needed when an owner does not comply.

For the current implementation status of each recommendation, see Attachment Q39B.

State Review Framework (SRF): Clean Air Act and Resource Conservation and Recovery Act

EPA issued a report with various findings and recommendations to DOEE. Recommendations for the CAA program included upgrading DOEE's air quality database and updating Standard Operating Procedures (SOPs) to ensure timely reporting of minimum data requirements to EPA's electronic system. Recommendations for the RCRA program included updating SOPs to ensure timely completion of inspection reports. EPA recommended that both programs adjust how gravity and economic benefit are considered in penalty calculations. DOEE is working toward completing the recommendations within the timeframe agreed upon with EPA.

Clean Air Act Title V Program Evaluation

EPA found that DOEE prepares Title V permits in accordance with Title V rules and regulations. EPA also identified that DOEE's permitting program faces a challenging backlog and worked with DOEE to identify recommendations to reduce the permit backlog.

EPA identified the following recommendations:

- Submit revisions to the District's State Implementation Plan (SIP) for both the Title V and synthetic minor permitting programs.
- Work collaboratively with EPA to identify priority permits to reduce the backlog.
- Evaluate data management systems and implement changes to streamline the systems and increase efficiency.

DOEE is working toward completing these recommendations within the scheduled timeframe.

In addition to completing EPA's recommendations, DOEE is recruiting a new position for a lead permit engineer to expedite review of complex Title V permits. This recruitment was opened to the public on January 19, 2024.

Technical Systems Audit of the District's Ambient Air Monitoring Program

EPA's report indicated four findings of note along with a few best practice observations. One finding was related to staff assignments and resources to maintain the separation of duties between field operations and quality assurance

functions. The remaining three findings were related to safe access to the monitoring sites for staff to carry out field operations. EPA suggested corrective actions and DOEE is working with partner agencies regarding safe access to the field sites where the District's air monitoring stations are located.

Compliance Evaluation Inspection of District's Municipal Separate Storm Sewer program

EPA conducted a Compliance Evaluation Inspection (CEI) of the District's Municipal Separate Storm Sewer (MS4) program in July 2022. They issued the inspection report entitled: "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.

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 prioritizes compliance monitoring inspections of construction sites that discharge to water quality-impaired waters, sites near surface waters, areas undergoing rapid development, large construction sites, and sites with a history of non-compliance. DOEE sets a goal in program guidelines and references for erosion and sediment control inspections on all construction sites every 15 business days, consistent with EPA-recommended best practices.

DOEE recognizes the need to target prioritized sites while increasing the frequency of construction inspections overall. To improve environmental compliance, customer service, and reduce wait times for the construction industry, DOEE is working with DOB to design and build procedures for a third-party inspection program.

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 SWM Plan 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 – DOEE does use this form. DOEE had been referring to it by a different name for internal purposes but has since adopted the form’s official name for internal use.

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 - DOEE has edited the Dry Weather Outfall Inspection Form to include a section to specifically document changes since previous inspections, and now links outfall observations with the associated Illicit Discharge investigation. The database also now allows a photo to be attached.

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 in the range of within 24 hours of the initial inspection to within a week.

DOEE Response - DOEE updated its SOPs to reflect that, in the rare instance a discharge cannot be investigated within 24 hours or when the source of the dry weather flow cannot be identified, 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 services 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 clear water leaving the trash trap.

DOEE Response - Dry weather flow is well documented from Outfall 999 and DOEE determined the majority of this flow is due to groundwater infiltrating into the MS4. DOEE ensures that the trash trap is maintained on a quarterly schedule.

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.

Observations 9 – 16:

Observations 9-16 reflect single point-in-time conditions at municipal facilities during EPA’s inspection. A concise summary of each observation is listed below, and the full text was included in DOEE’s 2023 pre-hearing questions. All issues listed have been addressed by DOEE and the facilities were brought into compliance, so there are no further updates in 2024. However, compliance is an iterative process; the MS4 team continues to inspect these facilities and address any new pollution issues that are discovered.

Observation 9: The trash trap at Outfall 999 was inundated with trash and debris.

Observation 10: A spill was observed at the DPW NE Fleet Parking and Storage Facility.

Observation 11: Observed leachate and petroleum sheen flowing toward trench drains at the Transfer Station.

Observation 12: Observed oil stains in the vehicle storage area at the DDOT Street and Bridge Maintenance Facility.

Observation 13: Observations at the National Park Service Rock Creek Park Maintenance Yard.

Observation 14: Observations of spilled salt and inadequate salt containment at the South Capitol Street Salt Dome.

Observation 15: Observations of spills and leaks at the DPW Impound Lot.

Observation 16: Observed a damaged filter sock adjacent to Bioretention #3 at the Office of the State Superintendent of Education (OSSE) Southwest Terminal.

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

Response: See Attachment Q40.

41. 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: N/A, no pending lawsuits.

42. Please list all **settlements** entered into by the agency or by the District on behalf of the agency in FY 2023 or FY 2024, 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 Q42.

43. Please list any **administrative complaints or grievances** that the agency received in FY 2023 and FY 2024, 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 2023 or FY 2024, to date, describe the resolution.

Response:

EEO Complaint:

Complainant claims she was discriminated against based on race, color, and gender. The complaint was heard by an EEO Counselor and no resolution was reached. The EEO Counselor provided Complainant with an Exit Letter and Notice of Right to File a Formal Complaint. No Formal Complaint has yet been filed.

EPA Complaint 05R-22-R3:

The U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC), informed DOEE that it received a complaint filed on behalf of residents of the District's Brentwood neighborhood. The Complaint alleged that DGS and DOEE discriminated against residents of the Brentwood neighborhood on the basis of race in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) *et seq.*, and EPA's nondiscrimination regulation at 40 C.F.R. Part 7. In the

case in District Superior Court, Staley v. District of Columbia, Case Number: 2021 CA 003930 B, the Court issued an order granting the District's motion to dismiss for lack of standing. That is now on appeal to the District Court of Appeals, Staley v. District of Columbia, No. 22-CV-303. EPA has administratively closed the complaint without prejudice because the pending appellate case concerns similar civil rights issues as those raised in the current administrative complaint against DOEE.

D. EQUITY

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

Response: The agency developed and uses an internal Equity Framework and Racial Equity Impact Assessment (REIA) tool (a five-step questionnaire with accompanying documents) to assess equity in DOEE programs and services. The framework and the REIA may help staff identify gaps and opportunities to advance equity at the program/service level. DOEE produced the REIA as called for in the Equity section of Sustainable DC 2.0 and will continue to update the tool 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.

a. What were the results of any such assessments in FY 2023?

Response: A total of thirty-one (31) projects have been reviewed to date 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.

b. What changes did the agency make in FY 2023 and FY 2024, to date, or does the agency plan to make in FY 2024 and beyond, to address identified inequities in access to programs and services?

Response: DOEE continues to use equity and racial equity tools and practices as mentioned in the above response. The primary plan for FY24 is to continue to apply the REIA to all areas of DOEE's programs, services, and operations. DOEE is also a pilot agency that has worked with ORE to develop a Racial Equity Action Plan (REAP), which focuses both on internal and external operations.

c. 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: DOEE has made tremendous progress in establishing standard resources to train and educate staff in equity best practices and historical context.

Equity trainings tailored to DOEE program needs is mandatory for all staff, standard tools like the Equity Framework and REIA are available and in use, and an Equity and Engagement Program Analyst works alongside an internal Equity Committee to advance equity in internal operations alongside external programs and services. DOEE has also worked to build and maintain close relationships with the Office of Racial Equity to support DOEE's actions. Additional budget and resources could always be used to expand training and education offerings, build capacity beyond one FTE focused on equity, and provide resources for external third-party equity specialists to assist DOEE in reviewing operations and providing assessments and best practices.

45. Does the agency have a racial or social equity statement or policy? Please share that document or policy statement with the Committee.
- a. How was the policy formulated?
 - b. How is the policy used to inform agency decision-making?
 - c. Does the agency have a division or dedicated staff that administer and enforce this policy?
 - d. Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

Response:

The DOEE Racial Equity Action Plan (REAP) is the agency's three-year work plan that lays out measurable targets and performance metrics for embedding equity and environmental justice principles into DOEE's business practices and operations. The REAP was developed with employee input including a staff survey on equity issues (with 319 employees responding), six agencywide listening and discussion sessions, an open comment period on the plan (producing over 150 written comments), and guidance from the DC Office of Racial Equity (ORE). The plan was approved by the Office of the Mayor on February 15, 2024 and community members will soon be able to provide input. Preparation for implementation of this plan started in January 2024.

The DOEE Director's Equity Committee – a group of appointed members representing diverse parts of the agency – is charged with overseeing the implementation of the REAP, providing regular updates to the Director, and producing an annual written progress report for the Director and all staff. Various teams will be tagged as leads on plan actions ranging from improving recruitment and promotion practices to strengthening relationships with neighborhood leaders in disadvantaged communities and operational improvements in grantmaking and equity data centralization. Some actions in the plan can be carried forward without funds while others will require identifying funding sources to implement.

Additionally, the DOEE Equity Framework serves as the guiding document that defines what equity means and why the agency works to address it intentionally. DOEE is also in regular contact with ORE about progress on the plan's development and environmental justice and equity efforts generally.

46. 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. Office of Human Rights' (OHR) policy on equal employment. The U.S. Equal Employment Opportunity Commission (EEOC) statement of equal employment is included in all job announcements. DOEE does not have a separate division to enforce the OHR policy; it is managed by the Human Resources Division. DOEE follows best hiring practices to comply with the policy.

47. The District defines racial equity as "the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents." What are three areas, programs, or initiatives within your agency where you see the most opportunity to make progress toward racial equity?

Response:

In order to make intentional progress toward racial equity, DOEE will do the following, among other initiatives outlined in the agency's Racial Equity Action Plan (REAP):

- Survey and build stronger working relationships with ANCs and environmental justice leaders living and working in disadvantaged neighborhoods, especially in Wards 5, 7, and 8.
- Review the grantmaking process to identify and correct barriers that might make it more difficult for community organizations led by people of color and women to win DOEE grant awards.
- Have each of the agency's 20 divisions and offices carry out, on an annual basis, a REIA of at least one program, regulation, or policy and implement changes to advance racial equity.

48. In the past year, what are two ways that your agency has addressed racial inequities internally or through the services you provide?

Response:

1. In 2023, DOEE conducted an agencywide staff survey about equity with over 300 staff responding (76%). The agency also held three agencywide listening sessions to discuss ideas and concerns about diversity and equity with 70-180 participants in each session and discussion topics such as the challenge of talking about race issues in the workplace, implicit biases and microaggressions, and white supremacy, among many others. Action items were drafted based on these inputs and three more open discussions were held to further refine the actions that would go into DOEE's first REAP.

2. DOEE produced a five-minute video featuring over 20 employees talking about equity, workplace diversity, and environmental justice. The message describes disparities in health and wealth among race groups, highlights some of DOEE's major programs that address environmental injustice, explains why workplace diversity is an asset, frames the resources available to help all staff embed equity principles in their work, and explains how staff can get involved with DOEE's equity projects. The video was shared with current staff, and all new staff will view this video with the Human Resources representatives on their first day of work at DOEE.

What additional resources would help your agency reduce traditional burdens felt by Black, Latine, Indigenous, and other communities of color in FY25 and beyond?

Response:

(1) DOEE has started planning for the implementation of initiatives that don't require immediate funding, but the overall plan is ambitious and currently unfunded. Much of the REAP will not be realized without additional funding.

(2) DOEE would also like to receive the DOEE data subset from the 2023 Disparity Study that analyzed biases in District grant and contract awards. Understanding and correcting hidden biases in DOEE's grantmaking is one of the major objectives outlined in the REAP. Obtaining the DOEE data from the Disparity Study would contribute substantially toward achieving that action.

49. Consider one area where your agency collects race information. How does your department use this data to inform decision making?

Response:

In Fall 2023, DOEE's RiverSmart Homes program started collecting program applicants' demographic information (such as race, gender, income, ward, and age)

on a voluntary, anonymous basis. So far, the response rate has been well over 50% and is starting to yield a picture of who is applying to the program, which is open to all residents.

DOEE is looking to apply this model to other customer-facing programs administered by the agency to understand where there might be gaps in reaching disadvantaged residents and calibrate outreach and program promotion strategies.

50. How are communities of color engaged or consulted when your agency considers changes to programs or services? Provide one specific example from the past year.

Response:

DOEE has been developing a resilience hub program for several years. This effort has been informed by DOEE's engagement with the Ward 7 Resilience Hub Community Coalition (RHCC) since 2019, a group comprised of Ward 7 residents who are thought leaders on resilience hubs and nearly all of whom are people of color. This past year, DOEE has been developing a plan to expand the number of community resilience hubs supported by District government and seeking federal funds to do so. DOEE issued an open and competitive Request for Partners to include a community-based organization on an application to a federal grant, and the RHCC was selected to assist DOEE in identifying and assisting new resilience hubs if the federal grant is awarded.

51. What barriers does your agency face when trying to 1) make progress toward racial equity or 2) better understand racial inequity within the agency's context and operations (if any)? How does your agency's spending address existing racial inequities (grant disbursement, procurement/contracting, etc.)?

Response:

Access to funding and datasets pose notable challenges to advancing equity work. The District's intentional focus on identifying and quantifying inequities and taking measurable actions to combat them is truly excellent and much needed. The next barrier to overcome is funding for these efforts. DOEE will be looking for external funding opportunities for its REAP budget.

Also, it would be very helpful to gain access to DOEE's employee data in order to analyze possible disparities in hiring, compensation, promotion, and retention based on race and gender. Traditionally, such data is managed by DCHR and not always readily accessible.

DOEE's budget includes major signature programs designed specifically for low-income residents who are living in disadvantaged neighborhoods in Wards 5, 7, and 8. LIHEAP and CRIAC assist low-income residents in paying for energy costs. The Weatherization Assistance Program, Lead Pipe Replacement Assistance Program, Lead-Safe and Healthy Housing, Solar Works, and Solar for All program offer home improvement and toxin abatement for low-income residents. Together, these programs support tens of thousands of people who are among the lowest-income residents of the District.

52. Please provide data on the racial diversity among leadership and at all staff grade levels. How does retention differ by race across levels? How does pay differ by race within levels?

Response: DOEE does not maintain data on racial diversity broken down by leadership, salary/grade, or retention.

E. Program-specific Questions

Safe and Healthy Housing and Environmental Justice

53. How many environmental complaints did DOEE receive from the public in FY23 and FY24, to date? Please break these down by issue, including: air quality (further 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 notable categories for which the agency receives complaints.
- a. Please identify how many complaints in each category resulted in a written warning, notice of violation, or notice of infraction from DOEE.
 - b. Please identify the number of complaints still pending resolution, if any.
 - c. Please identify how many proactive inspections DOEE conducted in each category, and how many resulted in a written warning, notice of violation, or notice of infraction from DOEE.

Response: See Attachment Q53.

54. Please provide the Committee with an update on DOEE's mold inspection and remediation work.
- a. What is DOEE's current role in mold inspection and remediation? Please describe the process for:
 - i. Receiving and investigating mold complaints;

Response:

The District of Columbia's Air Quality Amendment Act of 2014 requires tenants to notify the landlord or property owner in writing about mold concerns. The landlord/property owner must inspect within seven days of receiving the written notice about mold and has 30 days to remediate the condition.

Upon receipt of a mold complaint notification via the Mold Complaint Tracking Database or any other means, such as 311, written requests from Council, ANC Commissioners, and sister agencies, DOEE's Branch Chief assigns the complaint to a mold inspector. The Mold Inspector then contacts the complainant by phone or email to schedule an inspection or provide compliance assistance. The Mold Inspector also confirms the tenant's information and enters into the Mold Complaint Tracking Database any supplementary information such as the address of the mold-affected unit and nature of the complaint. If indoor mold contamination is 10 square feet or more, the Mold Inspector informs the tenant that a DC-licensed mold professional is required to abate the mold (if the mold contamination is less than 10 square feet, licensed professionals are not required, but DOEE provides compliance assistance to ensure the work gets completed according to regulatory guidelines).

Conducting the Inspection

Prior to leaving the office, the Mold Inspector gathers appropriate tools, equipment, materials, and instruments required for the inspection, including personal protective equipment (N95 respirator, hard hat, Tyvek suit, steel toe boots, disposable shoe covers, safety vest, safety glasses, work gloves), a flashlight, a moisture meter, FLIR Infrared camera or FLIR camera attachment for iPhone, a hygrometer (for relative humidity and temperature), measuring tape, and borescope.

The Mold Inspector performs the mold inspection according to the program's standard operating procedures (SOP), using the following steps:

1. Ask the tenant to identify the area(s) of mold;
2. Perform a visual inspection of, and document, the area(s) of mold;
3. Take photos in accordance with DOEE guidance in the inspector handbook (with common objects such as a ruler for scale) and note locations on the floor plan sketch;
4. Take moisture readings using a moisture meter and/or FLIR camera;
5. Record in notebook environmental conditions such as temperature and relative humidity (RH) both inside the apartment and outdoors, at the time of the inspection; and
6. Record in notebook statements (and their source) made during the inspection that can provide evidence for a violation or potential violation.

Conducting re-inspections:

A Mold Inspector is responsible for conducting re-inspections to verify compliance at any location where an initial mold complaint inspection was performed and DOEE's Licensing and Certification Branch has not received confirmation of mold remediation by the property owner within the required 30-day time period from mold discovery to abatement. The Mold Inspector may conduct the reinspection as a Visual Citing Analysis or as a physical inspection. The Mold Inspector performs a reinspection of a property as close to the 30-day abatement deadline as possible.

During the reinspection, the Mold Inspector obtains documentation that establishes the presence of mold, or that confirms mold was properly abated.

Immediately following a reinspection, the Mold Inspector documents the date and time of reinspection in the Mold Complaint Tracking Database activity log and notes the presence or absence of mold.

If, after reinspection, the Mold Inspector identifies the presence of mold, the Mold Inspector initiates enforcement action.

- ii. Enforcing compliance with the District's mold law; and

Response: Upon inspection, if the indoor mold contamination is *less* than 10 square feet in area, the Mold Inspector informs the tenant that a DC-licensed mold professional is not required to abate the mold and proceeds to provide compliance assistance for abatement. If the initial inspection determines there is 10 square feet or *more* in the cited area, a DOEE-approved licensed mold inspector must be hired to perform remediation. Upon reinspection of a property with the presence of 10 square feet or more of mold that is *not* completely abated within the required timeline, the Mold Inspector sends the Branch Chief an e-mail within two business days requesting approval to draft and issue an enforcement notice. Currently, a Notice of Violation (warning) is issued since the regulations establishing a schedule of fines for Notices of Infractions are not yet finalized.

- iii. Coordinating with the Department of Buildings' ("DOB") housing code inspectors to address underlying causes of mold.

Response: DOB refers to DOEE's Mold Inspection Triage Form prior to sending mold inspection requests to be completed by DOEE Mold Inspectors. Upon receipt of the mold inspection complaint, DOEE follows the SOPs incorporated in our Protocol. When DOEE conducts a mold inspection and identifies a building code violation, the complaint is referred/submitted to DOB.

- b. How many mold inspectors did DOEE employ at the start of FY23 and at the end of FY23, and how many mold inspectors does DOEE currently employ?

Response: At the start of FY23, DOEE employed 2 Mold Inspectors. DOEE employed 5 Mold Inspectors at the end of FY23. As of February 2024, DOEE has 5 Mold Inspectors.

- c. Please describe the training provided to mold inspectors employed by DOEE and any licensing or certification they are required to obtain.

Response: Training is initially conducted externally through Aerosol Monitoring and Analysis, an accredited school whose curriculum focuses on mold inspections and remediation. Additionally, DOEE conducts training for all inspectors. The training includes an EPA Basic Inspection Training Course, a DOEE Field Safety Course, and DOEE Onboarding that covers agency inspection SOPs and protocols. Lastly, the Mold Program conducts practical training on laws, regulations, program-specific SOPs, referrals, and partner agency collaboration.

- d. How many residential mold inspections were conducted by DOEE-employed mold inspectors in FY23 and FY24, to date?

Response: In FY23, DOEE conducted 173 inspections (152 in person and 21 virtual). In FY24, as of February 5, 2024, DOEE conducted 90 inspections.

- e. What was the average time between when DOEE received a mold complaint and when a DOEE-employed mold inspector conducted an inspection regarding that complaint in FY23 and FY24, to date?

Response: DOEE responds within two days on average after receiving the complaint by contacting the complainant via telephone to schedule the inspection. Inspections are conducted within one week of receiving the complaint and reports are finalized within that week.

- f. What was the average time between when a DOEE-employed mold inspector conducted an inspection regarding a complaint and when the underlying cause of mold was addressed in FY23 and FY24, to date?

Response: In FY23 and FY24, to date, after DOEE's initial inspection, the average time taken to address the underlying cause of mold is 30 days.

- g. In August 2022, DOEE published a Notice of Proposed Rulemaking (Notice ID N125823) that would establish fines for violations of the District's mold laws, but the proposed rule has not been finalized. What is the status of this proposed rule? Please describe any barriers to finalizing the rulemaking.

Response: After this Notice of Proposed Rulemaking was published, the proposed rules were open for public comment for a 30-day period. The comment period closed with no comments received. Subsequently, certain technical errors and omissions were discovered in the published rulemaking. DOEE determined that the rulemaking could not be published as final without addressing these errors and omissions. DOEE has drafted a Notice of Second Proposed Rulemaking, which has been reviewed by the Office of the Attorney General for legal sufficiency. This corrected rulemaking is under review by the Office of the Mayor.

55. Please provide the Committee with an update on DOEE’s residential lead risk assessment and remediation work, including the following information:
- a. How many lead inspectors did DOEE have on staff at the start of FY23 and at the end of FY23, and how many lead inspectors does DOEE currently employ, to conduct lead-based paint risk assessments and clearance examinations in rental housing?

Response: DOEE employed 4 of these inspectors at the start of FY23, 3 at the end of FY23, and currently employs 4.

- b. How many lead-based paint risk assessments did DOEE conduct in FY23 and in FY24, to date, broken down by reason for assessment (e.g., referral for an elevated blood lead level or complaint, referral from a sister agency, or complaint received via phone, email, or online Mold Complaint form)?

Response:

FY23	elevated blood lead level	43
FY23	complaints	52
FY24	elevated blood lead level	11
FY24	complaints	9

- i. How many lead-based paint risk assessments conducted by DOEE in FY23 and FY24, to date, resulted in a lead hazard being identified?

Response: In FY23, 70 violations were identified. In FY24, to date, there were 8 inspections that resulted in lead hazards being identified.

- ii. Of the identified lead hazards described above, how many have been abated, to date?

Response: To date, a total of 25 of the properties in the above cases are closed. The hazards have been addressed and the clearance report has been reviewed and accepted.

- c. How many lead clearance examinations did DOEE employees conduct in rental housing in FY23 and FY24, to date?

Response: DOEE rarely conducts lead clearance examinations. DOEE reviewed 230 clearance reports (for clearance examinations that were conducted by other parties) in FY23.

- d. What options does DOEE have to compel remediation of a risk of lead exposure if one is found?

Response: DOEE issues Administrative Orders, Notices of Lead-Based Paint Hazards, Notices of Infraction, Cease and Desist and Order to Relocate.

Are there funds available to help property owners complete the remediation of risk?

Response: Yes, DOEE runs the Lead Reduction Program (LRP). This program uses HUD funds to assist eligible households with lead hazard reduction activities. The primary purpose is to maximize the number of children under the age of six who are protected from lead poisoning in the District.

How does DOEE's Lead-Safe and Healthy Housing Division connect residents with financial and technical assistance for lead remediation in their homes?

Response: LHHD provides residents with information about the LRP program through direct referral, providing information flyers in risk assessment reports and direct links on the website.

56. Please provide an update on the Lead Reduction Program ("LRP") in FY23 and FY24, including a breakdown of the:

- a. Total number of LRP applications received;

Response: FY23: 261; FY24: 105

- b. Total number of LRP applications processed;

Response: FY23: 261; FY24: 72

- c. Total number of LRP applications approved; and

Response: FY23: 248; FY24: 42

- d. Cumulative value of funds provided by the LRP.

Response:

FY23:

- funding from ARPL - \$3,667,284.14
- funding from HUD Remediation - \$1,206,985.89

FY24: \$0

57. Please provide an update on National Engineering Product's ("NEP") compliance with DOEE's directive to create an odor control plan pursuant to recently adopted regulations, including DOEE's response to NEP's draft plans.

Response: On October 31, 2023, DOEE issued an administrative order to NEP to submit an Odor Control Plan (OCP) for review by December 30, 2023. On November 27, DOEE received an extension request from NEP that outlined constraints for submittal that included difficulty in obtaining a contractor to assess the facility and write the plan, and scheduling limitations during late December and into the New Year. DOEE amended the original order on December 20, 2023 to extend the due date for submittal of an OCP to March 1, 2024. DOEE has not yet received the OCP from NEP.

- a. Please describe all efforts DOEE has made to measure emissions from NEP, including any data that DOEE has received from other sources, the results of the measurements, and any actions that DOEE has taken to remediate emissions from NEP.

Response:

During the summer of 2022, DOEE's contractor, TetraTech, performed testing at the NEP facility. The primary goal of this testing was to determine what chemical compounds the facility might be emitting, using production days to represent worst case emissions. The test methods sampled for a broad range of possible pollutants but were not designed to quantify total facility emissions.

On July 14, 2022, the testing was performed while NEP was producing their Copaltite product. During this testing, samples were taken from the production floor to identify what pollutants were present in the facility during production, and samples were taken from the building vents to determine what pollutants were being emitted and to get a ballpark estimate of the quantity of those emissions during production. Additionally, one sample was taken upwind of the facility at ground level and three samples were taken downwind from the facility at ground level to identify pollutants present in the area without the contributions of the

facility (upwind sample) and to identify the impact of the facility on nearby pollutant concentrations (downwind samples).

For screening purposes, TetraTech primarily used [Regional Screening Levels \(RSLs\)](#) to identify pollutants that require additional analysis. The production floor sampling detected 13 compounds, two of which, acetonitrile and formaldehyde, exceeded the RSLs used for industrial sites. The concentrations detected did not exceed OSHA or other identified occupational safety standards. These two compounds were detected in the building vent samples as well. The upwind community sample detected a total of 11 compounds, four of which were above RSLs used for evaluating residential locations: isopropyl alcohol, vinyl acetate, ethyl acetate, and benzene. Because these compounds were detected upwind of the facility, it is unlikely that NEP was the source of these compounds. In the downwind samples, 13 compounds were identified, two of which (acetonitrile and formaldehyde) were above their respective residential RSLs, indicating that further analysis was appropriate.

On August 1, 2022, testing was performed while NEP was producing their Nepseal product. Based on the characteristics of the materials used in the production process, DOEE did not expect to see significant amounts of organic compounds, but rather focused the testing primarily on particulate matter. Therefore, production floor samples and building vent samples were taken, but community exposure samples were not taken. However, despite this expectation, 12 organic compounds were detected in the production floor samples, one of which, methylene chloride, exceeded the industrial RSL. Particulate matter emission levels were minimal.

A presentation on the results of this testing program as well as the detailed test reports can be found on [DOEE's website](#).

Following this testing program, DOEE began coordinating with the U.S. Environmental Protection Agency (EPA) who undertook another sampling program in the neighborhood, this time more focused on residential exposure and with less focus specifically on NEP. Despite this lesser focus on NEP, each sampling event is scheduled to take place on three days, an NEP production day, a non-production weekday, and a weekend day. This sampling program is ongoing. The first two sampling events occurred in July 2023 and August/September 2023. EPA has posted a summary of the testing program and the results of these two sampling events on the [EPA website](#). A third sampling event occurred in December 2023, but the results are not yet available. Because the sampling program is not yet complete, EPA has not yet performed any detailed analysis of the results. However, following receipt of the initial results, DOEE pointed out to EPA that their test method did not sample for formaldehyde or acetonitrile, the two primary pollutants of concern identified in the DOEE sampling when NEP was producing Copaltite. EPA has indicated to DOEE that they have incorporated formaldehyde testing into their test

program starting with the December 2023 sampling event. DOEE has not yet received the results from the December 2023 sampling event.

In addition to sampling and analysis, on August 4, 2023, DOEE finalized a revision to the District's regulation governing odors and nuisance pollutants. This regulation established requirements for certain sources to develop Odor Control Plans (OCPs). While NEP was not in a category that was required to develop an OCP by default, DOEE issued an administrative order on October 31, 2023 requiring NEP to prepare and submit an OCP for their facility. Upon request and justification from the facility, an amended order was issued on December 20, 2023 extending the deadline for the facility to submit the OCP to March 1, 2024. DOEE expects that NEP will propose some form of engineering controls to reduce odorous emissions from the facility (and likely overall total emissions) as part of their OCP. DOEE expects that any such engineering controls will be subject to air quality permitting requirements.

58. DOEE recently presented the result of air quality testing by a contractor in the Buzzard Point, Ivy City / Brentwood (including around NEP in particular), and Mayfair neighborhoods. Please describe any actions that DOEE has taken or plans to take, or policy recommendations that DOEE has developed, in response to the data collected from this pilot. If DOEE believes that additional data collection is necessary, please describe plans for that additional data collection and what questions DOEE hopes to answer through the data collection.

Response:

DOEE will expand the mobile monitoring effort to collect more data in these communities and many others during FY24. A longer study will allow us to understand more about pollution occurring during different emissions events and collecting data in other overburdened communities will enable us to service more areas of the District. This work should take place between April and June 2024.

Concerning policy actions and recommendations, a clear lesson learned from the data is that these communities, especially Ivy City and Brentwood, are being affected by the considerable diesel pollution in these neighborhoods. While most efforts to address this would be beyond DOEE's purview, speeding up electrification of the vehicles managed by DPW at the West Virginia Avenue maintenance facility would be beneficial to the health of Ivy City. DOEE is currently working with Amtrak to clean up pollution from its diesel switchers using Volkswagen funds, but efforts need to be taken to work with our neighbors in Maryland and Virginia to push for the electrification of MARC and VRE trains, respectively, which are the next largest sources of diesel pollution in the Ivy City Rail Yard. Solutions that look to treat diesel polluters negatively (e.g., idling bounty programs or fees on higher polluting vehicles using District roads) could benefit all communities. DOEE is also

managing the implementation of the Medium- Heavy-Duty Zero Emission Vehicle MOU, though more funding is needed for electrification incentive programs, which could be augmented by the aforementioned programs.

DOEE is also using the results of this ongoing project to examine the importance of stationary sources of air pollution, such as hot mix asphalt plants and concrete plants, as contributors to overall pollution levels in these neighborhoods. DOEE intends to use other tools at its disposal, such as permitting and enforcement authority, to mitigate the effects of these facilities on their neighborhoods.

DC Sustainable Energy Utility

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

- a. How did DOEE work with the SEU to achieve its statutory goals in FY23 and FY24, to date? 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 contractual goals and deliverables. DOEE held bi-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 successful launch of new programs and/or initiatives.

The DCSEU implements the Affordable Housing Retrofit Accelerator Program in close coordination with DOEE to provide a comprehensive suite of technical and financial assistance to help affordable multifamily residential building owners decarbonize their buildings and comply with the District's Building Energy Performance Standards (BEPS). The Retrofit Accelerator also helped 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.

DOEE also implemented the Affordable Home Electrification Program in partnership with the DCSEU 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. Through this program, DCSEU-qualified subcontractors replaced gas powered HVAC equipment 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 worked closely with the Solar for All Program to install solar photovoltaic (PV) systems to fully offset the anticipated increases in electricity costs.

- b. Please discuss whether the SEU met its benchmark minimums and maximums in FY23. For any minimum benchmarks not met, please identify any barriers to meeting these benchmarks and ways DOEE plans to address those barriers in the remainder of FY24.

Response: See Attachment Q59.

As shown in this attachment, the DCSEU exceeded the maximum annual performance target for the green jobs benchmarks and exceeded the minimum annual performance target for the benchmark related to improving energy efficiency in low-income projects. Regarding the cumulative performance benchmarks: DCSEU is not required to meet the interim FY23 targets as those were only established to determine whether DCSEU is eligible for performance bonuses. A determination on whether DCSEU has met its cumulative performance targets will be made after the conclusion of Option Year 5 on September 30, 2026.

60. Please outline the results of the Solar for All program in FY23 and FY24, to date, including:
- a. The amount of renewable energy development fund dollars spent on each project.
 - b. A list of the agencies or organizations receiving such funds, whether each organization is a nonprofit or a certified business enterprise, and whether the funds were issued through a contract, grant, or other funding mechanism.

Response (to a and b):

Since the start of the Solar for All program in 2016, a total of over 37 MW of new solar generation capacity serving nearly 10,000 households has been installed in the District. In FY23, the Solar for All program installed 2.69 MW of solar. In FY 24, DOEE has three (3) projects under the current phase of Solar for All – a \$3.6 million contract with the DCSEU, a planned \$375,000 grant to install solar to support Capital Bikeshare e-Bike charging (funded by ARPA), and a \$540,000 grant with the FH Faunteroy Community Enrichment Center to construct a resilience hub comprised of a solar system, battery storage system, and microgrid controller. This grant will allow the Center to serve Ward 7 residents even when the electric grid is down with a variety of community support and community health center benefits (funded by SETF and a \$90,000 grant from NASEO). Since these grants were not funded by REDF, they are not included in the bulleted list for FY24 below.

FY23:

- Grant – Groundswell (nonprofit): \$573,194;
- Grant – Buro Happold Consulting: \$398,850
- Grant – Cadogan and Associates LLC (CBE): \$ 7,844
- Grant – Design Green LLC (CBE): \$51,971
- Grant – Institute for Market Transformation: \$125,000
- Grant – Deaf Reach (nonprofit): \$8,601
- Grant – National Housing Trust (nonprofit): \$11,484
- Grant – Latinos Go Solar: \$30,000
- Contract – Synapse Energy Economics: \$67,385
- Contract – Radio One: \$25,000
- Contract – Howard University (WHUR Radio): \$15,000
- Contract – Lincoln Holdings LLC (Monumental Sports Network): \$50,000
- Contract – El Tiempo Platino/El Planeta: \$10,000
- Contract – Xerox: \$2,061
- Contract – Cadmus Group LLC: \$32,388
- Contract – DCSEU: \$2,711,044
- Contract – CDW (CBE): \$1,642
- Contract – MVS Inc (CBE): \$10,110
- Contract – Rizeup Technology Training (CBE): \$9,683
- Contract – Eighty2Degrees (CBE): \$3,900

FY24:

- Grant – Buro Happold Consulting: \$77,187
- Contract – Synapse Energy Economics: \$157,720
- Contract – DCSEU: \$3,635,509

- c. What community outreach and public education efforts about the program did DOEE or the SEU undertake in FY23 and FY24, to date? Please describe any measured or perceived impact of these efforts.

Response:

Solar for All engages the community primarily to get residents to sign up for program benefits.

The most efficient way to get residents to sign up is to take residents already receiving some kind of government benefit and allow them to sign up directly for Solar for All, because they don't have to go through the full income verification process that requires time and documentation on their part. This reduces their administrative burden and DOEE's administrative burden of running the program. DOEE has integrated its Solar for All application with the other utility benefit

programs administered by DOEE, including LIHEAP, CRIAC, and WAP, into a one-page (double-sided) application. This has made the sign-up process much faster for residents.

DOEE has also organized “Welcome to the Program” events at affordable housing properties because once DOEE receives the building’s income covenant documents, the building’s residents no longer need to prove their income to DOEE separately. Such events have become the primary form of outreach for the program.

DOEE also engages in several larger events around the District each year, such as the Open Streets Festival, Ward 5 Day, the Chinatown Symposium, the Senior Symposium at Ballou High School and others.

As a result of these administrative changes and outreach efforts, DOEE signed up 2,427 households in 2023 for program benefits, which exceeded its 2,000-household enrollment goal for the year. The outreach activity is summarized below.

Fiscal Year	Events	Residents Reached
2023	50	2,025
2024, to date	14	145

- d. Please describe the impact of delays in interconnection that affected Solar for All projects in FY23 and FY24, to date?

Response: The biggest interconnection issue in the District is the lack of transparency around interconnection costs and the inability of installers to accurately predict such costs. Pepco issues cost letters for interconnection that do not itemize expenses or provide a justification for the expenses. Developers can try to predict costs using the feeder maps and public queue information provided by Pepco, but actual costs do not always follow what is expected based on public information. That can lead to project delays when higher-than-expected costs cause project financing issues that need to be addressed before the project can move forward, or it can lead to project design issues if the interconnection cost letter includes a requirement to connect at another point in the grid than was initially planned. In part, as a result of these and other interconnection issues, only 27 of the 38 Solar for All projects initiated in 2022 are currently “In Service.” For 2023 projects, only 8 of 26 have been constructed.

61. Please describe all other expenditures from, and proceeds deposited into, the Renewable Energy Development Fund (“REDF”) in FY23 and FY24, to date. Please describe how actual expenditures differed from planned expenditures, if at all.

- a. What was the most recent certified balance for the REDF? What is the projected revenue collection for REDF for the remainder of FY 2024?

Response: FY 2023 actual expenditures totaled \$6,564,366.37 (\$2,310,828.35 in personal services + \$4,253,538.02 in nonpersonal services).

The most recent certified balance for the FY23 REDF was \$6,886,508. Those funds will go principally to cover staff costs for FY24, as well as work on the DCSEU contract that carried forward into FY24. In FY24 as of December 31, 2023, \$78,744 has been collected in unsubscribed energy payments from community renewable energy facilities (CREFs). Alternative compliance payment revenue for FY 2024 was \$72,250 — down from \$5.7 million for FY23, and a reduction from the \$3 million forecast for revenue. The forecast was too high primarily because of lower than assumed electricity usage in the District. DOEE is committed to enrolling eligible households to subscribe all available energy at operational CREFs; therefore, we do not make revenue projections based on unused capacity.

62. Please describe all expenditures from the Sustainable Energy Trust Fund (“SETF”) in FY23 and FY24, to date. Please describe how actual expenditures differed from planned expenditures, if at all.

- a. How much revenue was raised in FY22, FY23, and FY24, to date, based on the fees levied pursuant to D.C. Code § 8-1774.10(b), broken down by whether the fee was assessed against a natural gas company, electric company, or person who delivers heating oil or fuel oil to an end-user in the District?

Response:

See Attachment Q62a for FY22 revenue and FY23 expenditures and revenue collected.

See Attachment Q62b for FY24 expenditures and revenue collected to date.

63. Please provide a description of the Low-Income Decarbonization Pilot completed by SEU, through which income-qualified families received assistance to upgrade their heating systems, including:

- a. The selection process for participation in the Pilot;
- b. Whether the homes served through the Pilot were offered a choice of partial or full electrification and, if so, reasons for choosing either option;
- c. The number of homes served through the Pilot, broken down by ward;
- d. The cumulative value of home upgrades provided through the Pilot; and
- e. The estimated emissions reductions achieved through the Pilot.

Response: This pilot program ended in FY21. The final report is available at <https://www.dcseu.com/Media/Default/docs/residential/dcseu-lidp-whitepaper-report.pdf>.

Green Infrastructure

64. 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 FY22, FY23, and FY24, to date, broken down by permeable surface and stormwater best management practices.

Response:

Note: The Sustainable DC 2.0 Plan updated this goal to be: “By 2032, implement green infrastructure practices to capture, retain, or reuse stormwater from at least 10% of the District’s land area.”

Year	Permeable surface (sq. ft.)	Impervious area managed w/ Green Infrastructure (sq. ft.)	Combined (sq. ft.)	Total District Area (sq. ft.)	Percent Managed
FY22	951,520,682	64,402,235	1,015,922,917	1,707,897,957	59.5%
FY23	951,520,682	68,416,096	1,019,936,778	1,707,897,957	59.7%
FY24 (to 1/26/24)	951,520,682	69,360,993	1,020,881,675	1,707,897,957	59.8%

a. Please provide the number of home audits completed in the RiverSmart Homes program for FY23 and FY24, to date, broken down by ward.

Response:

The RiverSmart Homes Team cut wait times for customers in half this year from six months at the start of FY23 to three months currently.

Ward	Number of Audits in FY23	Number of Audits in FY24, to date
Ward 1	84	15
Ward 2	16	8
Ward 3	139	48
Ward 4	329	128
Ward 5	238	111

Ward 6	125	20
Ward 7	227	39
Ward 8	73	26
Total	1,231	395

- b. 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 FY23 and FY24, to date, broken down by watershed? How does that compare to FY22?

Response:

In FY23, an area totaling 4.6 million square feet of the District was retrofitted with green infrastructure (GI) to retain and treat stormwater runoff, with a majority of the retrofitted area located in the Anacostia watershed. In FY22, an area totaling 6.9 million square feet was retrofitted to be managed by GI. The rate of retrofits is largely driven by private development performed in accordance with DOEE stormwater regulations and therefore the pace of retrofits varies with development cycles.

New Land Area (square feet) Draining to Green Infrastructure

Year	Total area District-wide	Anacostia	Potomac	Rock Creek
FY22	6,898,023	4,484,623	959,024	1,454,377
FY23	4,623,210	2,059,293	1,871,311	692,607
FY24 to-date	1,285,964	926,683	207,537	151,745

- c. 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 FY23 and FY24, to date?

Response: Since the inception of the Stormwater Retention Credit (SRC) Trading program in July 2013, DOEE has approved 270 trades, accounting for 2,240,304 credits sold at a value of \$4,056,728.47. In FY23, DOEE approved 65 SRC trades (435,085 credits sold at a value of \$720,536.04) and 25 properties listed credits for sale. To date in FY24, DOEE approved 16 SRC trades (100,462 credits sold at a value of \$188,616.24) and 26 properties listed credits for sale.

65. Please provide an update on DOEE’s other stormwater management programs and efforts.

Response: Please refer to the 2023 MS4 Annual Report StoryMap that provides updates on DOEE's stormwater management programs and efforts:
<https://storymaps.arcgis.com/collections/31776e215eea4122a60a18739dd52054>

66. How many trees were planted in the District through DOEE programs in FY22, FY23, and FY24, to date? Please break this down by program, by trees planted on private land vs. public land, and by ward.

Response:

DOEE programs planted 9,570 trees during the reporting period. Of these, 27% were planted on public land and 73% were planted on private land.

DOEE-GRANTS/FUNDS	FY 22	FY 23	FY 24
RiverSmart Homes, Communities and Schools	1,663	1,694	734
Rebate (Casey Trees)	346	431	90
Large Parcel Properties (Casey Trees)	2,108	1,780	724
SUBTOTAL / DOEE funded	4,117	3,905	1,548

Ward	Total Percentage of Trees Planted
Ward 1	2%
Ward 2	3%
Ward 3	14%
Ward 4	17%
Ward 5	33%
Ward 6	4%
Ward 7	12%
Ward 8	15%

67. Please provide an update on the status of the new Office of Urban Agriculture.
 a. How many staff are currently employed by the Office?

Response: OUA employs two FTE's - Grade 13 and Grade 11.

b. Please describe the Office's major accomplishments in FY23 and FY24, to date.

Response:

In FY23, OUA successfully:

- Released and awarded an RFP to launch a proof of concept for Foodscapes DC, a residential edible garden installation and coaching project, which engaged two contractors for gardens installation/coaching at seven households in Ward 7 and 8.
- Executed the return of Rooting DC to an in-person event. Following years of virtual engagement due to the COVID-19 pandemic, DOEE partnered to host this beloved community education event at Anacostia High School offering workshops, exhibitors, and attracting 500 attendees.

In FY24 to date, OUA has successfully:

- Released and awarded the FY24 Urban Agriculture Infrastructure and Operations Award Program (more details in part c below);
- Secured all necessary components to ensure another successful in-person Rooting DC at Anacostia High School on March 9, 2024;
- Filled the vacant Grade 11 position. The new hire began 1/16/24;
- Submitted the Urban Farm Tax Abatements to the Office of Tax and Revenue (OTR) for the first half of FY24; and
- Convened the first in-person meeting of the Urban Agriculture Directors Network and presented our collaborative work at the 2024 Urban Sustainability Directors Network Annual Gathering in New Orleans.

c. How much grant funding did the Office award in FY23 and FY24, to date?

Response:

FY24: the program received 15 applications requesting \$140,668. \$68,000 of Local Funds were awarded to 8 entities.

FY23: the program received 19 applications requesting \$293,000. \$68,000 of Local Funds were awarded to 5 entities.

Does the Office believe additional funding should be provided for grants in FY25?

Response:

As evidenced above, there is notable interest in our program. Increased funding would allow us to better support District agriculture programs that target small, new, and historically underserved programs for the benefit of low food access communities.

d. Please provide an update on the agency's efforts to achieve each of the following goals:

- i. *Engage with District residents on urban agriculture and understanding how food and crops are grown with a focus on socially disadvantaged population;*

Response: OUA hosted Rooting DC; Co-Chairs the DC Food Policy Council Urban Agriculture Working Group; and presented at the Future Harvest Casa Regional Conference and at the Smithsonian’s Anacostia Community Museum Women’s Environmental Leadership Summit.

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

Response: The OUA program, Foodscapes DC, was created using EPA Chesapeake Bay Implementation Grant (CBIG) funding to install residential edible landscapes that apply stormwater retention best practices to food growing spaces.

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

Response:

- Partnered with Georgetown University to perform data collection and fact-checking for the District’s Urban Agriculture Map, ensuring that the District has an accurate baseline metric to gauge success for implementing Sustainable DC 2.0 goals of land under agricultural cultivation.
- Initiated new relationships with DHCD to explore their property portfolio for potential agricultural uses and increased intersections between housing and agriculture.
- Developed a case study for FY25 implementation, to assess challenges and best practices for affordable housing developers incorporating urban agriculture onto their properties.

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

Response: Successfully executed the Urban Agriculture Infrastructure and Operations Award Program, awarding all available funds to District farms.

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

Response:

- Serving as Co-Chair of the national Urban Agriculture Directors Network, founded by DC Urban Agriculture Director, Kate Lee;

- Developed relationships with the National Association of State Departments of Agriculture (NASDA) for increased exposure and access to federal resources, and increased District international representation by attending the Milan Urban Food Policy Pact Forum in Rio de Janeiro, Brazil in FY23.
- e. Has the Office set new or additional goals for the remainder of FY24, or plan to issue an updated set of goals soon?

Response: Additional areas of focus in 2024 are:

- Strengthening the intersections between affordable/public housing and urban agriculture.
- Beginning community engagement to develop a more strategic plan to achieve the Sustainable DC 2.0 goal of an additional 20 acres of land under crop cultivation by 2032.
- Beginning an assessment of the Urban Farm Land Lease program to better assess its strengths and limitations.
- Establishing a more formal relationship with the USDA to increase access to USDA resources.

Water Quality and Management

68. Please describe all expenditures from, and deposits into, the Stormwater Permit Review Fund in FY23 and FY24, to date. Please describe how actual expenditures differed from planned expenditures, if at all.

Response:

The Stormwater Permit Review Fund is utilized to fulfill the requirements of the District's Municipal Separate Storm Sewer System (MS4) Permit. The MS4 Permit is issued by the U.S. Environmental Protection Agency and includes numerous functions and metrics that must be achieved during the five-year permit term. The District was issued a new permit in November 2023. Examples of the requirements in the new permit include: retrofitting 1,175 acres of impervious surfaces with stormwater management practices that capture stormwater runoff, planting over 7,770 trees per year, sweeping more than 10,932 miles of roads each year, preventing 108,347 pounds of trash from entering the Anacostia River each year, developing several technical reports and analyses related to stormwater management, and numerous administrative and technical functions.

In FY23, approximately \$12.9 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 FY23 expenditures did not differ from planned expenditures. In FY24, approximately \$6.2 million has been expended or obligated as of January 19, 2024, and no differences from planned expenditures have occurred.

The FY23 revenue deposited into the Fund was \$13,147,877.49. DC Water typically provides the first quarter report on Stormwater Fee receipts in early February; as a result, no information regarding revenue collected to date in FY24 is available at this time.

a. What is the current fund balance?

Response: Accounting for the FY24 budget, the current fund balance is \$8.1 million. This balance is needed to meet ongoing operational budget needs, as DOEE's budget exceeds revenue, as well as for match to federal grants, including the \$11 million in Infrastructure Investment and Jobs Act funds that will be allocated annually through 2026. Further, these funds are critical to ensuring the District's compliance with the federally issued MS4 Permit.

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

Response:

DOEE continues its progress on Anacostia River Sediment Project (ARSP) including advancing the Natural Resource Damage Assessment and Restoration (NRDAR) process. All reports are available at <https://restoretheanacostiariver.com/>.

DOEE completed all Pre-Design Investigation field activities in Fall 2023, as described in the Final Pre-Design Investigation workplans (July 2022). The Basis of Design Report (BODR, November 2023) specifies 30% design for the remediation of the ARSP Early Action Areas in the Washington Channel, Kingman Lake, and the Anacostia River Main Stem, and includes refined Early Action Area boundaries. The BODR was available for public comment from November 1, 2023 through January 16, 2024. The implementation of the cleanup will begin in Winter 2025/2026, starting with the Washington Channel, followed by Kingman Lake, and the Anacostia River Main Stem.

NRDAR Trustees (i.e., Department of Interior, NOAA, and DOEE) issued a Damage Assessment Plan in July 2023 that specifies the process that will be used to quantify natural resource injuries and monetary damages in the Anacostia River.

The public comment period for this plan was July 17, 2023 through September 16, 2023. The final plan will be issued in the third quarter of 2024.

70. Please update the Committee on expenditures from, and deposits into, the CRIAC Assistance Fund in FY23 and FY24, to date.

- a. How much funding remained in the CRIAC relief special fund at the end of FY23?

Response: \$312,106.52

- b. What is the current fund balance?

Response: approximately \$727,000; DOEE is working to include additional unspent funds returned by DC Water.

- c. Please describe any additional expenditures planned for the remainder of FY24 and how DOEE anticipates that will impact the fund balance.

Response:

- Non-profit relief program: additional \$100,000 (adding to \$913,000 already provided to DC Water)
- Residential Assistance program: additional \$42,000 (adding to \$50,000 already provided to DC Water)
- DOEE Personnel: \$385,000
- Green Infrastructure implementation grant: \$200,000
- DOEE anticipates using all currently available funding in FY24. Fund balance may change when unspent DC Water funds are added.

71. Please provide the Committee with an update on the Lead Pipe Replacement Assistance Program (“LPRAP”), and the agency’s lead water service line replacement work, including the following information:

- a. The number of households/properties that applied for LPRAP in FY23 and FY24, to date.

Response:

FY23: 641 households

FY24, as of January 31, 2024: 260 households

- b. Please provide a breakdown of lead water service line replacement assistance provided in the number of households/properties approved for

LPRAP in FY23 and FY24, to date, by AMI grouping. If possible, please also provide a breakdown of approved households by ward.

Response:

FY23 Applications Approved by Ward and Assistance Level			
Ward	Income-Eligible Assistance	Standard Assistance	Total
Ward 1	11	76	87
Ward 2	0	35	35
Ward 3	2	65	67
Ward 4	15	65	80
Ward 5	17	72	89
Ward 6	6	60	66
Ward 7	4	19	23
Ward 8	10	14	24
Totals	65	406	471

FY24 Applications Approved by Ward and Assistance Level			
Ward	Income-Eligible Assistance	Standard Assistance	Total
Ward 1	1	33	34
Ward 2	1	20	21
Ward 3	1	25	26
Ward 4	2	21	23
Ward 5	2	38	40
Ward 6	2	26	28
Ward 7	5	12	17
Ward 8	4	7	11
Totals	18	182	200

For both tables: applications in the category of “Income-eligible assistance” are those for which income was under the area median income (AMI) or whose tenants participated in a District or federal housing program, meaning they qualify for full coverage of replacement costs. Standard assistance, on the other hand, was established to accommodate applicants whose income equals or surpasses the area median income guidelines or applicants who do not submit income documentation.

- c. The number of households/properties that received lead pipe replacement through LPRAP in FY23 and FY24, to date, and the total amount of relief provided.

Response:

In FY23: 282 households/properties; \$964,604 in total relief provided

In FY24 to date, 179 households/properties; \$475,834.39 in total relief provided

- d. Did DOEE expend all funding provided for LPRAP during FY 2023? Was there more demand for LPRAP subsidies than funding available?

Response: In FY23, DOEE fully utilized the local funding allocation. ARPA funding was underutilized, resulting in a carryover of \$2.7 million into FY24. FY23 indicated a disparity between available funding and demand, with lower demand relative to the allocated resources. For awareness, DOEE transferred funds to DC Water to complete LPRAP-related projects.

72. Please provide a detailed description of the work carried out by the Lead-Safe and Healthy Housing Division’s Healthy Homes Program in FY23 and FY24, to date, including the following information:

- a. The number of DOEE employees who serve as case managers in the Healthy Homes Program;

Response: During FY23 and in FY24 to date, five Public Health Analysts/Case Managers serve as case managers in the Healthy Homes Program.

- b. The number of households referred to the Healthy Homes Program, broken down by the source or type of referral;

Referring Entities	FY 2023 Referrals	FY 2024 Referrals
Children’s National Medical Center	14	8
DC Legal Aid Society	33	3
DOEE*	3	2
Impact DC	6	0
Self-Referral	23	10
Washington College of Law	1	0
Yachad DC	3	0
Others	1	2
Total Referral	84	25

*DOEE staff may refer tenants to this program. This includes referrals by members of the Lead-Safe and Healthy Housing team or DOEE staff from other programs who refer households to the Healthy Homes Program after DOEE has been in contact with the household for other reasons.

- c. The number of referred households enrolled, broken down by reason for enrollment (e.g., child with severe and/or poorly controlled asthma, child with an elevated blood lead level, and/or child or pregnant household member whose home contains other health and safety threats);
- d. The number of home environmental assessments conducted as part of the Healthy Homes Program;
- e. The number of Technical Assistance Reports issued as part of the Healthy Homes Program;

Response to c through e:

Healthy Housing Branch	Number of Pregnant Referrals *	Number of Asthma Referrals	Number of Other Referrals **	Number of Initial Home Visits***	Number of Follow-up Visits***	Number of Initial Technical Assistance Reports	Number of Follow-up Technical Assistance Reports	Number of Cases
FY 23	7	42	35	52	42	44	40	84
FY 24	2	13	10	10	3	9	3	25
Total	9	55	45	62	45	53	43	109

*All people who are referred are automatically enrolled.

**“Other” includes environmental health hazards such as pests, chipping/peeling paint, water damage, mold, child without asthma, and non-pregnant person).

***Initial home visits and follow-up visits are environmental assessments.

In FY 2024, this data covers the period from October 1, 2023 to January 30, 2024.

- f. A description of the tools and supplies DOEE can provide to households as part of the Healthy Homes Program; and

Response: The Healthy Homes program provides supplies to some households including wet and dry disposable mops, mattress covers, HEPA vacuums, and storage totes.

- g. How DOEE tracks and obtains successful hazard remediation for households in the Healthy Homes Program.

Response: Case managers take pictures of the hazards and develop a technical assistance report with the images of the hazards, reasons as to why the hazard is harmful, and remediation suggestions with a recommended timeframe for completion. The case managers conduct follow-up visits and take pictures of resolved hazards, hazards still needing to be addressed, and any new hazards that have been found. This occurs until all hazards are repaired or the case is closed due to various reasons. The notes are tracked in the Healthy Homes QuickBase

application and reports are saved on the shared drive. Case managers work with property owners, property managers, and support organizations to obtain successful hazard remediation.

73. Please describe the current implementation status of the Office of District Waterways Management Establishment Act of 2022, effective March 22, 2023 (D.C. Law 24-336; 70 DCR 1623), including:

- a. Whether DOEE has hired the two positions funded in the FY24 budget needed for implementation;

Response: DOEE hired two FTEs within the Watershed Protection Division: Kara Pennino (she/her) as the Waterways Administrator (Office lead) on November 5, 2023, and Brent Peterson (he/him) as a Program Analyst on January 29, 2024.

- b. The current membership of the District Waterways Advisory Commission; and

Response: The Office of District Waterways Management is developing a system to collect and assess a list of potential members for the Mayor and the Chairman of the Council to consider for appointment. This list will include at least one individual for each of the 14 seats.

- c. Anticipated timeline for developing and adopting the District Waterways Advisory Plan.

Response: The law requires the Advisory Plan to be finalized one year from the formation of the Commission. Council included the bulk of the budget that supports the development of the Plan in DOEE's FY25 budget. DOEE will work to meet the law's timeline but anticipates that a thorough planning process with robust stakeholder engagement will take longer. The Office has started developing the scope of work for the Advisory Plan contract.

Waste Diversion

74. The Zero Waste Omnibus Amendment Act of 2020 ("Zero Waste Omnibus") requires that food service entities only provide disposable food service ware upon request or at a self-service station ("Utensils by Request"), established an incentive program to reduce the use of disposable food service ware, and established a battery stewardship program. Please provide the following information:

- a. How many FTEs does DOEE have dedicated to fulfilling the requirements of the Zero Waste Omnibus?

Response:

DOEE's Urban Sustainability Administration has two FTEs working on Donation & Reuse and two FTEs working on product stewardship, including battery stewardship.

DOEE's Compliance Assistance and Policy Team in the Natural Resources Administration supports businesses in coming into compliance with the Utensils by Request provisions of the Zero Waste Omnibus Amendment Act, while also enforcing the Bag Law, high-PAH ban, and Food Service Ware requirements. The Team is comprised of five inspectors who also support non-enforcement projects.

- b. How does DOEE monitor compliance with the "Utensils by Request" components of the legislation? Please describe any changes to DOEE's compliance monitoring in FY23 and FY24, to date.

Response: DOEE monitors compliance with the Utensils by Request regulations by conducting approximately 300 food service ware inspections across the District each fiscal year. Our food service ware inspections also monitor compliance with the straw ban, foam ban, and the Mayor's food service ware material requirements. To conduct these inspections, inspectors either observe businesses interacting with customers during the point of sale or purchase personal food orders from District businesses and log those results as inspections. DOEE cannot issue fines for Utensils by Request violations as our citation regulations have not yet been approved. DOEE does issue warning letters to non-compliant businesses.

- c. 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 "2023 Small and Accessible Sustainability Grant Program."

Response: DOEE planned and implemented Ditch the Disposables in FY22 and FY23, but this program was discontinued in FY24 due to lack of funding. See Question 76 for more details.

- d. 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:

The public-facing components of the new battery stewardship program were launched on November 1, 2023, and currently 12 sites are available to the public. Call2Recycle, the registered battery stewardship organization responsible for implementing and expanding the drop-off sites, has a detailed outreach and engagement plan included in the approved Battery Stewardship Plan to expand the number of sites to the required 71 sites over the course of the next year.

In September 2023, DOEE completed a comprehensive ad campaign reminding residents of the battery disposal ban and upcoming stewardship program, including ads placed in the Washington Post, Washington Informer, El Tiempo Latino, and via radio ads on Urban One stations in DC. DOEE published a joint press release with Call2Recycle on November 1, 2023 highlighting the details of the program, and continues to work with Call2Recycle to inform residents on the new service to the District.

DOEE is currently tracking regulated manufacturers failing to meet the requirements of the program and intends to enforce through compliance assistance, NOV's, and soon NOIs, since final Battery Stewardship Infraction regulations were submitted for publication in the February 23, 2024 edition of the *DC Register*.

75. Please provide an update on the Donation and Reuse Award Program in FY23 and FY24, to date, including:
- a. The total number of applications for grants received;

Response:

FY23: 13 (\$171,785 in funding requested)

FY24: 15 (\$144,406 in funding requested)

- b. The total number of applications for grants processed;

Response:

FY23: 13

FY24: 15

- c. The total number of applications for grants approved;

Response:

FY23: 7

FY24: 7 (tentative, awards to be finalized in February 2024)

- d. The cumulative value of grants provided through the Donation and Reuse Award Program; and

Response:

FY 23: \$58,674

FY 24: \$62,530 (tentative, awards to be finalized in February 2024)

Total = \$121,204

- e. An assessment of the Program's impact on reducing waste.

Response: While waste reduction, repair, and reuse can be difficult to quantify, the Donation and Reuse Grants have demonstrated an impact on food recovery, reuse, and donations. In FY23, grantees held 11 donation and reuse events, ranging from food preservation to community repair. The grants assisted two non-profits with their food recovery programs, with one establishing seven food donation partners, providing 650 meals and 140 fresh, healthy food bags, and the other recruiting 155 new volunteer food rescuers. Another grant assisted a District university with the creation of a reuse market, where 732 students reused 3,779 secondhand items weighing nearly 6,000 pounds.

76. Please provide an update on the Ditch the Disposables Program, in FY23 and FY24, to date, including:

- a. The total number of applications for grants received;

Response:

FY23: 16 (\$319,301 in funding requested)

FY24: The program was unfunded. DOEE did not request applications or issue any grants.

- b. The total number of applications for grants processed;

Response:

FY23: 13 applications

- c. The total number of applications for grants approved;

Response:

FY23: 8

- d. The cumulative value of grants provided through the Ditch the Disposables Program;

Response:

FY23: \$173,843

FY22: \$185,877 (across 13 grants)

Total = \$359,720

- e. An assessment of the Program’s impact on reducing the use of single-use or disposable food service ware;

Response: Many awardees are still implementing their projects and developing metrics, but there is anecdotal feedback from past grantees on the impact so far:

RASA (FY23): Using grant funding to purchase reusable silverware and dining ware for their DC locations resulted in RASA (fast casual Indian eatery) making the same transition at all five of their DC-area locations to standardize their operations.

Sudhouse DC (FY23): After receiving grant funds to obtain a commercial dishwasher and reusable dishes, the grantee shared photos of their “overflowing dumpsters no longer overflowing.”

Valley Brook Tea (FY22): After completing the project, the owner said they were seeing a 50% reduction in trash volume so far due to transitioning their on-site dining ware and expected that figure to increase during the cold weather months as more customers stay inside to enjoy warm beverages.

Teaism (FY22): DOEE’s grant funded a reusable to-go cup program called KeepCup aimed at the restaurant’s regulars, featured in this video: <https://player.vimeo.com/video/856581220>. As of the end of September 2023, Teaism has sold 129 KeepCups and they have been redeemed 437 times.

American University (FY22): DOEE’s grant funded a dining hall transition to reusable to-go containers for students, which has proved to be quite successful and was featured in this video: <https://vimeo.com/858073917/59fee0121b>. This avoids about 64,000 single-use boxes annually. As of the date of the video, the university has diverted over 2,500 pounds of single-use plastic from the waste stream.

- f. Whether participating restaurants are assessed a variance fee by DOEE or another agency for participating in the Program, and whether DOEE has attempted to mitigate the impact of this fee.

Response: Some projects required a variance, which incurs an application fee, from the Department of Health. DOEE allowed the fee to be a part of the project budget.

77. 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.

- a. Please provide the Committee with an update on the recruitment and hiring of the program analyst for the Environmentally Preferable Products and Services Program.

Response: In FY23, DOEE successfully hired two EPPS Program Analysts (one Grade 13 FTE and one Grade 11 FTE).

- b. Please provide an update on DOEE's collaboration with the World Resources Institute to develop a methodology for calculating food- and beverage-related greenhouse gas emissions ("GHG").

Response: In 2022, the District signed the Coolfood Pledge, an initiative of the World Resources Institute (WRI), joining a network of more than 60 global cities, workplaces, hospitals, and restaurants in harnessing their purchasing power to provide meals that are healthy and climate-friendly. As a member, the District reports food purchase data to WRI annually, and WRI computes the GHG emissions associated with the reported food. The WRI Coolfood Calculator uses food quantity data to calculate related GHG emissions based on a global life cycle peer-reviewed meta-analysis.

- c. Please provide an update on efforts to:
 - i. Establish a baseline assessment of overall GHG emissions associated with food and beverages purchases;

Response: A baseline assessment of the District's food-related GHG emissions has been completed using calendar year 2021 as the baseline year. This was published in the FY23 Green Food Report.

- ii. Establish best practices to reduce GHG emissions associated with food and beverage purchases.

Response: DOEE has developed Green Food guidelines describing best practices to reduce food-related emissions, distributed them to covered agencies, and published them in the FY23 Green Food Report.

- d. Once best practices are established, how will DOEE ensure that agencies incorporate these practices into their procurement process?

Response: DOEE launched the Green Food guidelines by bringing together covered agencies, vendors, and Coolfood experts for a workshop to discuss best practices, understand challenges for implementing agencies, and identify resources that

would support agencies adopting these practices. DOEE will maintain regular contact with covered agencies to support compliance, connect agencies to additional programmatic resources, and work with the Office of Contracting and Procurement (OCP) to proactively identify opportunities to incorporate changes to contracts. Agencies are also required to submit food purchasing data to DOEE quarterly, which will be analyzed to ensure compliance with the guidelines and with the Green Food Purchasing Amendment Act.

- e. How is DOEE planning to meet GHG reduction targets required under the Act?

Response: As red meat (i.e. beef and lamb) is responsible for the majority of the District's food-related GHG emissions, the most effective strategy for reducing emissions is to limit servings of red meat. The Green Food guidelines recommend limiting red meat to two servings per week and processed red meat to one serving per week per meal type. The guidelines also recommend that agencies provide at least one fully plant-based option at each meal.

- f. Please describe how Local funding allocated to implement the law has been used in FY23 and FY24, to date, and how DOEE anticipates using any unspent funds in the remainder of FY24.

Response: DOEE received \$97,000 in FY23 and \$100,000 in FY24 for one FTE (Grade 11), which has been filled since October 2022.

- g. Is DOEE experiencing any barriers to implementation? If so, what are the barriers, and how does DOEE plan to overcome the barriers?

Response: Agencies have reported a lack of capacity to amend food purchasing contracts and implement Green Food guidelines and have expressed the concern that contract amendments can accrue additional costs. To overcome this, DOEE is supporting DC Health in exploring the development of District-wide food standards that limit servings of red meat and require plant-based meals. Additionally, we are working with agencies to identify appropriate ways to adapt contracts upon renewal to meet Green Food guidelines.

- h. Please describe collaboration efforts between DOEE and OCP to meet each agency's respective mandates for Green Food. How has DOEE been working to support OCP's mandates, and vice versa?

Response: DOEE collaborates directly with an analyst at OCP who facilitates communication and information sharing between DOEE and OCP contract officers, as well as contract administrators at covered agencies. This partnership enabled DOEE and OCP to determine agencies whose procurements fell under EPPS

sustainable specification categories, identify the relevant contracts, and establish contacts to complete the baseline assessment. The agencies are working together to insert the Green Food Guidelines into contracts as they are renewed or recompleted, and to support agency data collection and reporting.

78. How much revenue did the District collect pursuant to the Bag Law in FY23 and FY24, to date? How did this amount compare to FY 2022?

Response:

FY22; \$2,184,913.91

FY23: \$1,907,867.86

FY24 (Q1): \$404,751.21

DOEE expects the reduction is due to many factors, including non-compliance at the point of sale and in remittance to Office of Tax and Revenue (OTR). To combat this, DOEE is planning a large-scale outreach campaign to remind regulated businesses of the requirement to charge the fee and remit it to OTR.

- a. 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 plastic bags used at regulated establishments; however, we know through initial studies and other data that the Bag Law led to a noticeable reduction in single-use carryout bags throughout the District. In the first six months after implementation, an initial survey found 75% of residents reduced their plastic bag usage. A second survey in 2013 found that 79% of residents are carrying reusable bags, 80% of residents are using fewer bags, and District households have reduced the number of disposable bags used by 60%. DOEE is planning to conduct an updated study in FY25.

- b. Please detail DOEE's enforcement of the Bag Law in FY23 and FY24, to date. How many total businesses did DOEE inspect? How many fines did it issue for non-compliance?

Response: DOEE inspected 553 businesses in FY23 and 51 businesses to date in FY24. DOEE issued 11 Notices of Infraction (NOI/fines) for non-compliance in FY23. Thus far in FY24, DOEE has issued 13 fines. DOEE attributes the low number of NOIs issued in FY23 to staff turnover in FY22. As such, in FY23, DOEE focused on recruiting, onboarding, and training new inspectors. In FY24, the DOEE

compliance assistance team has already issued more NOIs than in FY23 and is on track to normal enforcement levels.

- c. 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 2023 or FY 2024, to date?

Response:

DOEE monitors compliance at self-checkout stations by purchasing an item and checking to see if the machine prompts the customer to indicate the number of disposable bags used. The inspector also checks to make sure the machine charges five cents per bag and that the total number of bags purchased is included on the receipt. In FY23, the compliance rate was 81%. This is an increase from past years' compliance rates. In comparison to FY19 (the last full pre-pandemic year), the business compliance rate was 77%. DOEE does not track self-checkouts separately from regular, manned check-outs, so cannot provide a specific compliance rate at self-checkouts.

In total, DOEE's workload measure for the Bag Law is 550 inspections per year. These inspections are divided into individual quotas for each inspector. Inspectors will assign themselves to an ANC, which dictates where they will do the inspections. Inspectors conduct their inspections by going into a regulated business, purchasing a product, and then logging the results of that inspection in the database. Depending on the results of the inspection, an inspector may log the inspection as "compliant", NOV (Notice of Violation), or NOI (Notice of Infraction). All NOIs come with fines starting at \$100 and can be doubled, up to \$800, depending upon prior inspections.

When completing inspections, most inspectors conduct secret inspections and do not notify the business owner that the inspection is taking place. Inspectors are encouraged to diversify where they inspect so that we can monitor self-checkout stations, small businesses, and larger businesses.

79. Pursuant to D.C. Law 24-16, DOEE has taken on a leadership role in implementing the Environmentally Preferable Products and Services ("EPPS") program. Please describe all major actions taken to date since DOEE began leading this program, as well as plans for FY 2024.

Response:

In FY22, DOEE spent \$70,000 in NPS funds to secure consulting services to make recommendations for how to update EPPS product specs, including the addition of new product categories (paint and carpet) and adding new eco-labels and an EPPS user guide.

In FY23, DOEE hired two EPPS Program Analysts (one Grade 13 FTE and one Grade 11 FTE). Major accomplishments included launching an education and outreach campaign on EPPS requirements to partner agencies, providing OCP with updated EPPS categories, and applying for an EPA Pollution Prevention grant focused on Green Cleaning that was awarded in January 2024.

In FY24, DOEE launched a pilot of the EPPS certification program internally and with DPW and DDOT. The goals of the pilot are to correctly identify EPPS contracts in PASS; provide guidance, training, and feedback related to EPPS policies and procedures; and streamline the certification process. The program will be rolled out District-wide in FY25.

- a. Please provide an accounting of how Local funding earmarked for EPPS has been utilized and how it is planned for in FY 2024 and FY 2025 budgets.

Response: DOEE received \$181,000 in FY23 for two EPPS FTEs (Grade 13 and Grade 11) and will continue to receive funding to support this staff.

- b. Please provide an update on progress toward meeting the D.C. Law 24-16 requirement to implement a certification system for certifying EPPS requirements in all District Government contracts over \$100,000.

Response: DOEE will use data, feedback, and lessons from the FY24 EPPS Pilot to plan for a District-wide rollout of the Environmental Certification in FY25, should barriers outlined in Question 79d be fully addressed. Specifics of the implementation plan are detailed below.

- c. What has been done to date and what is the plan for FY 2024 and FY 2025? When does DOEE anticipate fully meeting the mandate?

Response:

Please see DOEE's response to the initial part of Question 79 for a detailed accounting of actions taken to date. DOEE EPPS staff launched the pilot certification with DMOI cluster agencies DDOT, DPW, and internally, with the intention for a citywide rollout in FY25.

The pilot involves training agency staff on the proper procedures for identifying EPPS purchases in PASS Ariba and incorporating EPPS requirements into Statements of Work (SOWs) for non-emergency contracts exceeding \$100,000. Best practices derived from the pilot will be integrated into training materials, internal and external communications, agency-specific directives, and the overall

procurement process, should DOEE receive approval and support from OCP. With the necessary resources and collaborative efforts in place, DOEE anticipates full compliance with the environmental certification mandate by the end of FY25.

Beyond the Environmental Certification requirement, DOEE has made progress on other aspects of D.C. Law 24-16 as described below.

- d. Is DOEE experiencing any barriers to implementation? If so, what are they, and what are the proposed solutions?

Response:

Yes, DOEE is experiencing barriers to implementation. The primary barriers to implementation are: 1. Limited program funding and resources, compared to workload, 2. an imbalance in resources being applied to this work between DOEE and OCP, and 3. a lack of access to PASS data and administrative privileges.

1. Program funding and resources: During FY23, the District processed nearly 4,500 purchase orders over \$100,000. Given that the current EPPS legislation requires an environmental certification or waiver for all non-emergency contracts over \$100,000, this equates to approximately 20 contract reviews per day, posing a workload that is neither feasible nor realistic for two analysts. To fully meet the certification mandate, DOEE needs to explore opportunities for automating waivers, developing databases for data and documentation collection, and track vendor reporting to ensure compliance throughout the lifespan of the contract.

2. Differences in DOEE and OCP EPPS capacity and resource use: The Procurement Practices Reform Act and Green Food Act assign specific responsibilities to DOEE and OCP to implement EPPS and set aside funds for FTEs for each program in each agency. While the DOEE EPPS team is fully staffed, it is DOEE's understanding from our work with OCP that OCP currently has less than .5 FTE assigned to this work, whose availability varies based on competing deadlines. Based on DOEE's EPPS staffing experience, a team of at least 2 FTEs would be needed in OCP to manage the required trainings, SOW and contract reviews, and data collection necessary to fully implement EPPS.

3. Lack of access to PASS data and administrative privileges: DOEE EPPS staff need administrative privileges in PASS that allow them to review requisitions in real time, review OAPT data in real time, and access detailed contract information. DOEE also needs direct access to OCP staff that manage PASS to advise on necessary changes to the PASS requisition process to ensure requisitioners are unable to bypass the EPPS data collection requirement as they are currently permitted to do. DOEE has made the request for this access by OCP and has not been granted that access to date.

- e. Please describe collaboration efforts between DOEE and OCP to meet each agency’s respective mandates for EPPS. How has DOEE been working to support OCP’s mandates, and vice versa?

Response:

DOEE and OCP have continued to collaborate to meet the EPPS mandates at the program and leadership level. In November 2023, OCP and DOEE leadership teams and program staff met to discuss the Green Food/EPPS programs and delineation of responsibilities. DOEE updated OCP on progress toward meeting agency mandates and actions required of OCP to meet these responsibilities, including:

- **Staffing:** Hire OCP EPPS and Green Food FTEs
- **Training:** Embed EPPS into Procurement Training Institute Trainings and develop a PeopleSoft Course on Green Purchasing
- **Commitment:** Communicate the EPPS mandate to all procurement staff, implement EPPS performance goals for procurement staff, introduce KPIs for District spend, require “EPPS Only” or green contracts for certain products, approve new EPPS specifications, and link to DOEE’s Sustainable Purchasing website
- **PASS/IT Updates:** Add EPPS to the Contractor Performance Evaluation System Rating Scorecard, upgrade PASS access and user roles for the EPPS team, update PASS functionality to accommodate the environmental certification, enable % or \$ allocation for contracts with partial EPPS eligibility, and remove the “N/A” option that allows users to effectively bypass EPPS
- **Data:** Streamline NIGP Commodity Codes and develop related training

OCP has committed to integrating EPPS into trainings. DOEE has requested that OCP follow up with commitments on the other items. DOEE remains committed to working collaboratively with our partner agency to fulfill the EPPS mandates.

80. Please quantify the annual costs to taxpayers from DOEE’s budget for cleaning up litter in the District from 2020-2024.
 - a. How much did DOEE spend annually to meet compliance obligations under Municipal Separate Storm Sewer System (MS4) permits in the 2020-2024 MS4 reporting periods?

Response:

DOEE manages a stormwater enterprise fund that was established specifically to allow the District to comply with the federally issued Municipal Separate Storm Sewer System (MS4) Permit. This fund is titled the Storm Water Permit Review

Fund. Operating expenditures from this fund in the preceding four years are below:

- FY20 - \$11,825,234
- FY21 - \$11,329,357
- FY22 - \$12,596,616
- FY23 - \$12,853,847

In addition, DOEE commits approximately \$2.9 million per year in capital dollars from this fund to match approximately \$12.4 million per year in federal capital grant dollars to meet the MS4 Permit obligations.

Lastly, other DOEE costs to comply with the MS4 Permit are partially met through programs and efforts that pre-date the District's first MS4 Permit and are therefore considered "baseline" activities, such as reviewing plans for compliance with stormwater regulations, inspecting construction and industrial sites to eliminate illicit discharges, and providing environmental education and training. Many of these tasks are funded through longstanding special purpose and grant revenue that can't be broken out as strictly related to MS4 Permit compliance.

- b. How much did DOEE spend annually to clean plastic, aluminum and glass beverage containers from waste trash traps from 2020-2024?

Response: For the maintenance of trash traps in the District from FY20-FY24, DOEE has spent and/or encumbered approximately \$1,780,000.

- c. How much did DOEE spend for trash cleanup contracts annually from 2020-2024, including cleanups in parks funded by the DC bag fee and other funding sources. Provide actual or estimated costs for cleanups of plastic, aluminum and glass beverage containers.

Response:

DOEE has spent and/or encumbered approximately \$2,760,000 from FY20-FY24 on trash cleanup grants and contracts. This figure includes funding for direct trash cleanup, litter reduction outreach and messaging, research (bottle bill analysis, microplastics studies, trash counts), grants to businesses to switch from disposable food service ware to reusable food service ware, and supplies for trash related activities (illegal dumping cameras, signage, bags).

Combined with the response to Question 80b above, DOEE projects to spend approximately \$4,500,000 over FY20-24 on activities related to trash, litter, and dumping.

Climate Resilience

81. 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 advance its climate resiliency goals but does not have a particular agency or official leading on and coordinating this work (outside of the Mayor herself).
- a. Which agency does DOEE see as the lead on this work? Does DOEE believe a dedicated, 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 partner agencies is guided by the 2016 Climate Ready DC Plan, which DOEE has begun updating. 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 (though inclusive of) climate risks. DOEE and HSEMA each have existing staff for whom supporting cross-agency work is central to their role and this has proven to be a constructive approach. HSEMA's partnership has been particularly beneficial for funding implementation work that is qualified under the hazard mitigation program.

- b. How else can the Committee better promote and support better cross-agency coordination, if not through a single official or office leading these efforts?

Response: DOEE would welcome additional support in implementing the Resilient DC initiative to establish DC Government-wide climate change adaptation policy guidance and procedures. 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. HSEMA and DOEE have already developed an interagency climate resilience working group to bring together key voices from a wide range of agency partners, and attendees have expressed a clear need for implementing this initiative.

82. 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.
- a. Please provide the Committee with an update on this work since DOEE's 2023 oversight response. Where are these hubs being sited? How is the Executive selecting ideal sites?

Response:

DOEE has been collaborating closely with the Urban Sustainability Directors Network (USDN), the national thought leader on the concept of resilience hubs, to inform the District’s approach to resilience hubs. DOEE has convened an interagency working group specifically to support resilience hubs, which includes representation from multiple DOEE administrations and staff from HSEMA, DPR, and DHS. This group meets on an ad hoc basis and is working on resilience hubs on two tracks: 1) providing technical assistance, partnerships, and funding to community organizations who elect to serve as a resilience hub, and 2) identifying public facilities (e.g., recreation centers) that can serve the role of resilience hub.

For community facilities, DOEE is currently applying for federal funding to support improvements to buildings and support operations of resilience hubs in Wards 6, 7 and 8, in areas that have high vulnerability to the impacts of climate change. This risk is measured using various datasets including DOEE’s Heat Sensitivity-Exposure Index, the Resilience Focus Areas in the Comprehensive Plan, the FEMA floodplains, and the forthcoming Integrated Flood Model. DOEE also considers demographic information to measure climate vulnerability, including race, income, unemployment, and additional related factors.

For publicly owned facilities, DOEE is supporting DPR to complete a FEMA-funded scope of work to analyze three recreation centers for their capacity to serve as resilience hubs. The location of these recreation centers has not yet been determined.

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

Response:

DOEE serves as a thought leader and convener of District agencies around how best to support community resilience through resilience hubs. DOEE has been a core partner in supporting the Ward 7 resilience hub and will support expanding from that pilot to a network of resilience hubs primarily by advising community organizations and working with other agency partners to identify and connect to resources for programming and operations. As noted above, for publicly owned facilities, DOEE is supporting DPR to complete a FEMA-funded scope of work to analyze three recreation centers for their capacity to serve as resilience hubs. Contractors hired under this project will reference strategies in the [Resilient Design Guidelines](#).

DOEE is also seeking federal funding to support organizations who elect to serve as a resilience hub. This funding would support outreach and grant programs to

expand DOEE's existing offerings that may support: floodproofing (e.g., floodproof doors, wet floodproofing, raising of mechanical and electric equipment), weatherization (i.e., insulation), resilient energy systems (i.e., solar and battery storage), and other strategies as recommended in the District's Resilient Design Guidelines. Specific design strategies implemented would depend on each building's individual risk (e.g., location in a flood prone area or an urban heat island). Importantly, design and funding considerations for resilience hub spaces should not only include potential catastrophes, but also normal daily operations.

- c. What kind of community engagement is DOEE undertaking near potential sites?

Response:

DOEE has been engaging with the Ward 7 Resilience Hub Community Coalition (RHCC) since 2019. This group is a 501c3 organization dedicated to the establishment of resilience hubs, including the launch of the pilot resilience hub at the FH Faunerooy Community Enrichment Center in Deanwood. This initiative grew out of outreach that DOEE led in 2017-2018 through its Equity Advisory Group, which engaged 13 Ward 7 residents in advising on the implementation of Climate Ready DC. DOEE has since supported the Faunerooy Center with technical assistance, and the Faunerooy Center has received funding from a variety of federal sources. In January 2024, DOEE awarded the Center a \$540,000 grant for resilient energy technology.

DOEE collaborates closely with the RHCC, which is now conducting outreach to other potential resilience hubs in Ward 7, 8 and 6, and DOEE is currently applying for federal funding to support grant programs that, if awarded, would ultimately benefit community facilities.

83. Please provide the Committee with an update on DOEE's efforts to achieve goals laid out in the Climate Ready DC Plan during FY23 and FY24, to date.

- a. What barriers does DOEE face in meeting certain goals in the Plan?

Response:

DOEE publishes annual progress reports on Climate Ready DC (CRDC) implementation at <https://sustainable.dc.gov/progress>. The 2024 progress report is currently underway and will likely include, among others, the following District-wide highlights:

- The District was awarded \$1,430,113 through FEMA's Regional Catastrophic Preparedness Grant Program to plan and design blue-green flood resilience infrastructure in the Watts Branch watershed.

- DDOT’s Urban Forestry Division planted 458 street trees in the District’s most heat-exposed and heat-sensitive neighborhoods.
- 62 adults graduated from the Community Emergency Response Team training program that prepares residents to better respond to emergencies in their communities. 38 youth graduated from the CERT Summer Youth Employment program led by Serve DC.
- DPR and OP launched a Resilient Small Parks and Open Spaces study to utilize small public spaces to address climate related events and social stressors.
- The community resilience hub pilot project at the FH Fauntery Community Enrichment center, supported by DOEE and HSEMA, was featured in a video at COP28, the global conference on climate change.

While DOEE coordinates implementation of CRDC, most actions are led by other agencies. DOEE partnered with HSEMA in FY24 to engage these partner agencies on the topic of climate resilience. Since October 2023, DOEE and HSEMA have hosted one interagency workshop and two interagency advisory group meetings focused on the ongoing update to the CRDC plan. These groups have identified multiple barriers to implementing CRDC and are exploring solutions to these barriers through continued interagency workshops. DOEE intends for the forthcoming update to CRDC to address as many of these barriers as possible within our agency’s existing authority, considering the immediate and current impacts of climate change experienced by District residents. Themes for these barriers include:

- Resilience is not consistently incorporated into agency planning, budgeting, reporting, and operations processes. Key Performance Indicators related to preparing for the impacts of climate change have not been developed. (Resilience is not “required.”)
- Agencies do not have sufficient funding for implementation. Accessing external funding sources and technical support is needed to implement climate actions effectively.
- Resilient design/performance is not mandated for infrastructure or building projects. The Resilience Design Guidelines need to be continuously updated in accordance with climate science and should be mandatory for public and publicly financed projects. Agency staff need increased capacity building to ensure climate action is a priority at all levels, including senior leadership.
- Climate adaptation and resilience initiatives need to better align with community needs. Communities often have priorities and needs more immediate than climate adaptation and resilience goals (e.g., housing, public safety).

84. In November 2021, the final rulemaking for the first set of Building Energy Performance Standards (“BEPS”) went into effect.

- a. What percentage of buildings eligible for the first cycle of BEPS are compliant?

Response: The 2021 BEPS (established on January 1, 2021) were set at the median level of energy performance by property type. By definition, this means that approximately 50% of the properties met those standards and 50% of the properties did not meet those standards. This equates to approximately 950 buildings across the District that are required to make upgrades to meet the energy efficiency requirements by the end of calendar year 2026. Compliance with these energy efficiency requirements will not be determined until April of 2027.

In terms of progress that buildings covered by the requirements have made to-date, DOEE did perform a rough analysis on the data in March 2023. The information showed that across buildings that did not meet the 2021 BEPS, we have already seen a 4% decrease in energy use intensity (EUI) and most buildings seem to be on track to meet their energy performance targets. Additionally, this is compared to buildings that did meet the 2021 BEPS, which actually saw a 1% increase in EUI during the same time period. Based on the data we have seen thus far, the program has in fact been effective at motivating buildings to perform better.

- b. Has DOEE been able to access ARPA funds set aside for the Affordable Housing Retrofit Accelerator? What has been the impact of the funds that DOEE has been able to access, or of DOEE's inability to access funds previously set aside for this purpose?

Response: DOEE received ARPA funding in FY22 and FY23 to help establish and begin implementation of the Affordable Housing Retrofit Accelerator (AHRA). Since its inception in December 2021, the AHRA has provided 72 free energy audits to qualifying affordable housing buildings and completed 16 projects across the qualified buildings. DOEE, DCSEU, and DC Green Bank plan to continue work with eligible buildings through FY24 and FY25 by leveraging SETF and IRA Rebates funding.

- c. The Committee heard complaints from some buildings in the current cycle that it was difficult to receive complete data from Pepco, in order to set the building's baseline. What recommendations does DOEE have to increase energy data transparency from Pepco for buildings going forward?

Response:

DOEE is aware of the ongoing challenges stemming from Pepco's provision of aggregate, whole building data. DOEE has worked diligently with Pepco over the

past two years to address known data quality issues and recommend improvements to Pepco.

In Fall 2023, Pepco launched a new platform, called the Energy Usage Data System (EUDS). The focus over the last few months was for Pepco to transfer the data from the previous system, Resource Advisor, to the EUDS system.

DOEE recently became aware of delays related to Pepco transferring the data into EUDS and providing it to customers. Currently, DOEE is in weekly contact with Pepco on this issue and is working through the challenges with them. DOEE is also prepared to provide benchmarking deadline flexibility to building owners if the data is not provided to building owners in a timely manner.

As for recommendations on increasing better data transparency, DOEE recognizes that providing whole-building energy data is not a standard practice for Pepco. That said, Pepco is the only party that can provide this critical information to building owners, and the company needs to prioritize providing accurate, timely, and reliable data. DOEE believes Pepco needs to invest sufficient resources in data management, implement robust data quality verification processes, and be transparent about data verification. DOEE also believes it is important for our agency, the Public Service Commission, and Pepco to hold dedicated discussions about how to ensure Pepco is providing data that its customers can be confident are accurate for the purposes of complying with the District's laws and regulations, including DC Code § 8-1774.07(f)(1)(D). This DC Code provision requires Pepco to upload requested electric consumption data automatically on an ongoing basis, at least once every 45 calendar days, to a building owner's ENERGY STAR Portfolio Manager account, as well as make the data available for download.

- d. Has DOEE begun outreach to buildings that will be eligible for BEPS in the second cycle? If so, how many buildings has the DOEE met with? What concerns have building owners raised, if any?

Response:

At this time, DOEE has not yet begun specifically discussing BEPS with the buildings that fall in the 25,000-49,999 square foot range that will be subject to the next cycle of BEPS. These buildings were required to report energy benchmarking data to DOEE for the first time in April 2022, and many of them have still not complied with the benchmark reporting requirements. Thus, DOEE has focused its efforts on outreach to these buildings to first assist them with understanding the benchmarking requirements and submitting their data to DOEE. These efforts include: letters and postcards issued to the buildings to provide basic information and links to where they can get assistance; outreach to key stakeholders to help get the word out to these buildings; and partnering with the Building Innovation Hub,

which is currently working on finding contact information for these properties and calling or emailing them one by one. DOEE welcomes any recommendations from the Committee on how we can further these outreach efforts.

Over the course of FY24, DOEE will continue to focus and expand on these efforts to help increase compliance across these properties. Additionally, we recently applied for and have received funding from the U.S. Department of Energy to support efforts to research and develop a Retrocommissioning Pilot program, which will be designed to support smaller- to medium-sized buildings. Retrocommissioning is a holistic, structured, and oftentimes cost-effective process to assess and improve a building's energy performance through building maintenance and optimization. The District's Retrocommissioning Pilot design process will occur in FY24 and be rolled out in FY25. The goals of this pilot will be to engage with small- to medium-sized buildings, inform them of the District's building performance requirements, collect data on these properties, and provide them with a list of no-cost or low-cost energy efficiency measures that will help achieve energy savings in their buildings.

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

Response:

The easiest and most user- friendly way to see the FEMA 100-and 500-year flood maps is to view them on <https://dcfloodrisk.org/>. Official maps for the purposes of regulation and flood insurance are available in graphic form from the [FEMA National Flood Hazard Layer](https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd) 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.

- a. 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 U.S. 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 FY23, DOEE submitted a LOMR application to FEMA 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. Updated and more accurate modeling does not always reduce the number of properties in a floodplain, but in this case, it does. DOEE expects the official map change to take place in FY24.

The FEMA floodplain 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 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 taken some of this future condition mapping on its own, described below.

- b. 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, or interior flooding that occurs when heavy rains overwhelm the storm sewer system, DOEE has embarked on a broader effort to better understand the city’s true risk of flooding.

In FY22, DOEE awarded a contract to develop an Integrated Flood Model (IFM), following a 2-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 (expected in calendar year 2024), 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 planning and design for infrastructure solutions to help reduce the risk.

DOEE is in the process of developing Resilience Focus Area Plans in 15 identified areas and has prioritized the most urgent areas for planning. The first plan was completed in FY23 for the Southwest and Buzzard Point area. A plan is starting in the Watts Branch area in FY24. Results of the IFM will help focus the priority neighborhoods and specific locations within areas for resilient designs and types of flooding to mitigate.

86. At the Committee’s hearing on the Climatizing Our Overheated Living Spaces Regulation Amendment Act of 2023, many witnesses noted that the District needs to reevaluate how it protects residents from extreme heat and cold conditions in their homes.

- a. How is DOEE currently coordinating with other agencies to reevaluate current regulations, which are primarily focused on ensuring adequate heat, as average temperatures rise and weather patterns become less predictable across seasons?

Response:

DOEE evaluated current regulations and discussed them with DOB in advance of the Committee’s hearing on the Climatizing Our Overheated Living Spaces Regulation Amendment Act of 2023. DOEE has since researched other potential policy solutions to accomplish the intent behind this legislation.

DOEE and HSEMA are currently participating in a working group of C40’s Cool Cities Network focused on indoor air temperature regulation. This working group, comprised of numerous North American cities, is reviewing literature and existing regulations, exploring policy design and implementation of best practices, and analyzing financing and enforcement mechanisms for policies that regulate indoor air temperature and thermal safety.

- b. What recommendations would DOEE make to better coordinate this work across agencies? Are additional resources needed?

Response:

DOEE and HSEMA intend to convene an interagency working group focused on extreme heat mitigation and heat emergency response. Multiple cities have appointed Chief Heat Officers to coordinate heat-related interagency work and this would be valuable to replicate in the District. DOEE is currently pursuing federal funding to staff a Heat Officer position in the Urban Sustainability Administration, which would coordinate interagency work around extreme heat policies, programs,

and response, including but not limited to the issue of indoor air temperature safety.

Utility Affordability Programs

87. Please provide an update on the Utility Affordability Administration’s operation of the Energy Efficiency and Remediation Program (“EERP”) in FY23 and FY24, to date, including the following information:

- a. The number of EERP applications received, broken down by type of assistance sought (Emergency Mechanical Systems Replacement, Weatherization, and/or Lead Reduction), renter/owner, ward, presence of a child under 5 years old in the household, primary household language, and any other demographic data collected by DOEE (such as race).

Response:

FY23: 659 applications total

Type of assistance

Emergency Mechanical Systems Replacement (EMS): 94
Weatherization (Wx): 134
Wx and EMS: 36
Lead Reduction: 261
Multiple programs: 134

Renter/Owner

Own: 610
Renter: 49

Ward

1: 44
2: 12
3: 2
4: 118
5: 119
6: 45
7: 190
8: 129

Presence of child under 5 years old in the household

Closest data available:

- 59 submitted child under 6 visitor forms
- 45 children 0-2
- 90 children 3-6

Primary household language

Note: More than one language may be selected if there is more than one person in the household.

Applicant did not specify a language: 124
Amharic: 1
English: 532
Other: 15
Spanish: 4

Other demographic data collected by DOEE

Note: Applicants are not required to provide their race. An applicant can select more than one race if there is more than one person in the household.

Applicant did not specify a race: 233
American Indian/Alaska Native: 4
Black/African American: 383
Latinx: 11
Multi-race two or more: 1
Other: 41
Pacific Islander: 2
White: 9

In FY24, so far: 265 applications received (applications broken down by type of assistance sought may not sum to this total, since an applicant may apply for multiple types of assistance in a single application)

Type of assistance

EMS: 144
Wx: 225
Lead Reduction: 105

Renter/Owner

Own: 258
Rent: 7

Ward

1: 17
2: 2
3: 4
4: 36
5: 47
6: 10
7: 100

8: 49

Presence of a child under 5 years old in the household

Closest data available: Number of children under 6 = 23

Primary household language

Note: more than one language may be selected if there is more than one person in the household.

Applicant did not specify language: 72

Amharic: 1

English: 192

Other: 2

Spanish: 0

Any other demographic data collected by DOEE (such as race)

Note: Applicants are not required to provide their race. An applicant can select more than one race if there is more than one person in the household.

Applicant did not specify a race: 110

American Indian/Alaska Native: 0

Black/African American: 151

Latinx: 3

Multi-race two or more: 1

Other: 8

Pacific Islander: 1

White: 3

- b. The number of EERP applications approved broken down by type of assistance approved (Emergency Mechanical Systems Replacement, Weatherization, and/or Lead Reduction), renter/owner, ward, presence of a child under 5 years old in the household, primary household language, and any other demographic data collected by DOEE (such as race).

Response:

FY23: 455 applications approved

Type of assistance

EMS Only: 54

EMS and Wx: 24

Wx: 48

Lead Reduction: 248

Multiple programs: 81

Renter/Owner

Renter: 25

Owner: 430

Ward

1: 31

2: 12

3: 2

4: 77

5: 80

6: 20

7: 144

8: 89

Presence of a child under 5 years old in the household

Closest metrics available:

- 23 where child is 0 - 2
- 38 where child is 3 - 6
- 53 applications included child under 6 visitor form attached.

Primary household language

Note: more than one language may be selected if there is more than one person in the household.

Applicant did not specify: 46

Amharic: 1

English: 407

Other: 2

Spanish: 1

Any other demographic data collected by DOEE (such as race)

Note: Applicants are not required to provide their race. An applicant can select more than one race if there is more than one person in the household.

Client did not specify: 125

American Indian OR Alaska Native: 3

Black/African American: 294

Latinx: 7

Multi-race (two or more): 1

Other: 32

Pacific Islander: 2

White: 6

FY24, as of 1/31/24: 84 (applications broken down by type of assistance sought may not sum to this total, since an applicant may apply for multiple types of assistance in a single application)

Type of assistance

EMS: 53
Wx: 74
Lead Reduction: 42

Renter/Owner:

Rent: 3
Own: 81

Ward

1: 8
2: 0
3: 0
4: 13
5: 14
6: 1
7: 36
8: 12

Presence of a child under 5 years old in the household

Closest data available: 12 applications included children under the age of 6.

Primary household language

Applicant did not specify: 0
Amharic: 0
English: 84
Other: 0
Spanish: 0

Any other demographic data collected by DOEE (such as race)

Note: Applicants are not required to provide their race. An applicant can select more than one race if there is more than one person in the household.

Applicant did not specify: 0
American Indian/ Alaska Native: 2
Black/African American: 81
Latinx: 0
Multi-race two or more: 0
Other: 0
Pacific Islander: 0

White: 1

- c. The average amount of time between receiving an EERP application and notifying applicants of a decision.

Response:

This measure was not tracked in FY23.

For FY24:

- HVAC/EMS processing average is 52.26 days (for 65 applicants whose status is “eligible,” “waitlisted,” or “denied”).
- Wx processing average is 50.59 days (for 88 clients whose status is “eligible,” “waitlisted,” or “denied”).
- LRP processing average is 34.06 days (for 31 clients whose status is “eligible,” “waitlisted,” or “denied”).

- d. How DOEE orders EERP applications for review and, once approved, for assistance, including any factors considered for prioritization.

Response:

All program applications undergo a comprehensive review process to ensure the information is accurate and that necessary supporting documentation has been submitted.

DOEE operates on a first come, first served basis. If applications are placed on a waiting list, DOEE gives preference to households with any one of the following:

- Member(s) over 60 years of age,
- Member(s) with a disability,
- Child(ren) under age 18,
- High residential energy usage, and high energy burden.

When one of the above criteria is met, clients are prioritized by application submission date.

For EMS applications, priority is also given to clients experiencing a lack of heat or emergency conditions.

- e. The number of households that received assistance through EERP, average amount of time between when DOEE approved an EERP application and completed the approved assistance (i.e., lead-based paint hazard remediation), and average cost of the assistance provided per household.

Response:

FY23:

- Households receiving assistance: 277
- Average amount of time between when an application was approved and assistance was completed: DOEE does not have data on this for FY23
- Average cost of assistance provided per household: \$45,539.64

FY24:

- Households receiving assistance: 13 (EMS only; 0 for Wx and Lead)
- Average amount of time between when an application was approved and assistance was completed: 1 EMS application approved as of 1/23/24; work completed on 1/31/24 (8 days). No work assigned in Wx or LRP.
- Average cost of assistance provided per household: \$12,364.00 (for one EMS client)

88. Please provide an update on the Low-Income Home Energy Assistance Program (“LIHEAP”) in FY23 and FY24, including the:

- a. Total number of LIHEAP applications received;

Response:

FY23: 22,682

FY24: 12,433

- b. Total number of LIHEAP applications processed;

Response:

FY23: 19,740

FY24: 12,433

- c. Total number of LIHEAP applications approved; and

Response:

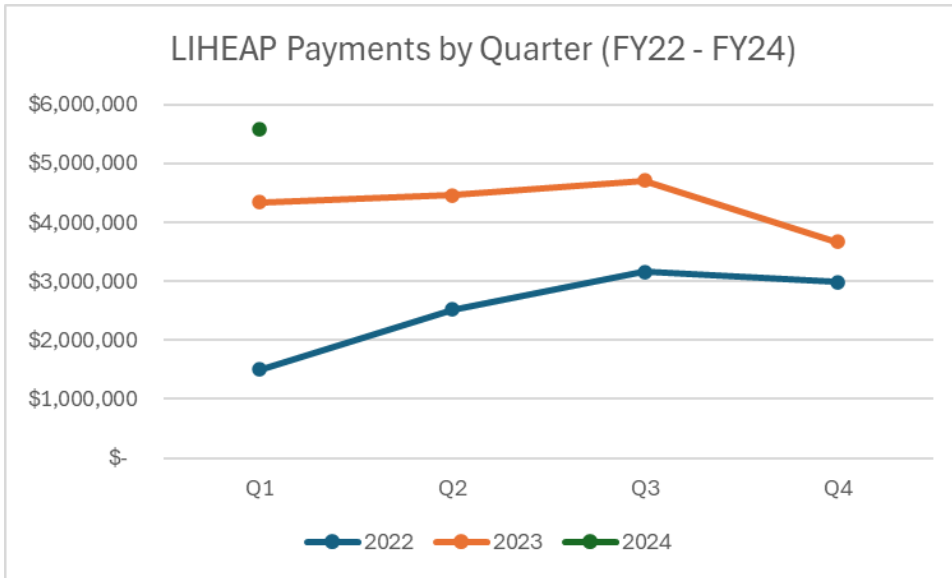
FY23: 18,617

FY24: 9,518

- d. Cumulative value of energy bill assistance provided by LIHEAP.

Response:

FY23: \$17,214,020
FY24, to 12/31: \$5,571,903
Total: \$22,785,923



LIHEAP payments at the end of the first quarter in FY24 were 28% higher compared to the first quarter of FY23 and 270% higher compared to the first quarter of FY22. Moreover, total payments in FY23 were 68% higher than in FY22.