

**FY24-FY25 Performance Oversight Pre-Hearing Questions**  
***Department of Energy and Environment***

**General Questions**

*Organization and Staffing*

1. Please provide a complete and current **organizational chart** for the agency and each division and subdivision within the agency, including:
  - a. The names and titles of all senior personnel;
  - b. A description of the roles and responsibilities for each division and subdivision;
  - c. An explanation of any changes to the organizational chart made in FY24 or FY25, to date; and
  - d. Whether any of the positions reflected in the chart are vacant.

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

**Response:** See Attachment Q1.

2. Please provide a complete and current **position listing or Schedule A** that lists each position within the agency, broken down by program and activity code, including:
  - a. Title of position;
  - b. Name of employee (if filled) or statement that the position is vacant, unfunded, or frozen;
  - c. The date the position was filled or became vacant, unfunded, or frozen;
  - d. Salary and fringe benefits (listed separately);
  - e. Whether the position is continuing, term, temporary, or contract; and
  - 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:** See Attachment Q2 and Attachment Q2a. The Department of Energy and Environment (DOEE) considers “regular” employee status, as noted in Attachment Q2, to be the same as “continuing,” as noted in the question above.

3. Did the agency conduct annual **performance evaluations** of its employees in FY24 or FY25, to date? Who conducted the 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.

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 IDP is 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.

4. Please list all **employees detailed** to or from your agency. Please provide the detailee's name, reason for the detail, the detailee's start date, and the detailee's actual or projected date of return.

**Response:**

Names of detailed employees: Amanda Ri'Chard, Gloria Dike, Sean Lamb, Emmanuel Ofoche, Karen Shah, Derrick Smith, Constatine Unaka

Each of these employees is detailed to DC Health from October 6, 2024, to April 6, 2025, to ensure continuity of operations as DC Health launches the Environmental Health Administration (EHA). Their experience within the Lead-Safe and Healthy Housing Division is vital to the success of EHA.

5. For any **contract workers** in your agency, please provide the position name, organizational unit to which they are assigned, hourly rate of pay, and the entity from which they are contracted.

**Response:**

Position name	Assigned organization unit	Hourly Rate	Entity from which contract worker is contracted
Customer Service Representative	Energy Administration	\$26.55	RizeUp Technology Staffing (contract ended 8/30/2024)
Clerk II (UST-LUST Records Scanning)	Environmental Services Administration	\$28.59	TechFlairs Inc.
Administrator Support Senior	Operations Services Administration	\$35.53	Computer Aid Incorporated
Database Administrator	Natural Resources Administration	\$65.00	Computer Aid Incorporated
Database Administrator	Natural Resources Administration	\$67.99	Computer Aid Incorporated
Application Development Master/IT Contractor	Environmental Services Administration	\$82.40	Computer Aid Incorporated
Application Technical Specialist	Natural Resources Administration	\$94.02	Computer Aid Incorporated
Application Technical Specialist	Natural Resources Administration	\$94.89	Computer Aid Incorporated
Application Technical Specialist	Natural Resources Administration	\$97.00	Computer Aid Incorporated
Junior Biologist (Inspector)	Natural Resources Administration	\$125.00	PEER Consultants, P.C.
Master IT Consultant	Utility Affordability Administration	\$139.22	CSZNet

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

<i>Position Type</i>	<i>Total Number</i>	<i>Number of District Residents</i>
Continuing	2	2
Term	44	30
Temporary	34	22
Contract <sup>1</sup>	N/A	N/A

7. Please provide the agency’s FY24 **Performance Accountability Report**.

**Response:** DOEE’s FY24 Performance Accountability Report is available at: <https://oca.dc.gov/sites/default/files/dc/sites/oca/FY24%20PAR%20-%20DOEE.pdf>

8. Please provide the Committee with:

- a. A list of all employees who currently have **cellphones** or other mobile communication devices at agency expense.

**Response:** See Attachment Q8a.

- i. Please provide the total cost for mobile communications and devices at the agency for FY24 and FY25, to date, including equipment and service plans.

**Response:**

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<sup>1</sup> DOEE does not consider contract employees to be new hires.

Service type	Equipment type	FY24 total	FY25 Q1 total
<i>Voice &amp; Data</i>	Cellular	\$ 294,545.82	\$ 63,228.85
<i>Data Only</i>	Air-Card/MiFi/Hotspot	\$ 22,556.87	\$ 3,905.11
	Tablet with wireless service	\$ 17,439.35	\$ 1,932.85
<i>Other</i>	Equipment/Body Camera/Account Level Other Charge & Credit Adjustment	\$ (1.22)	\$ 0.00
<b>Total</b>		<b>\$ 334,540.82</b>	<b>\$ 69,066.81</b>

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

**Response:** See Attachment Q8b.

- c. A list of employee **bonuses** or special award pay granted in FY24 and FY25, to date.

**Response:**

Name	FY24 bonuses
Boomer, Travon	\$ 800.00
Mason, Alexis	\$ 800.00
Pace, Feir	\$ 800.00
Reece, Marquis	\$ 250.00
Tolliver, Paula	\$ 800.00
Wade, David	\$ 800.00
Wilson, Diamond N	\$ 800.00
<b>Total</b>	<b>\$ 5,050.00</b>

No employees received bonuses or special award pay in FY25 Q1.

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

**Response:** See Attachment Q8d.

- e. A list of the total **overtime and worker's compensation** payments paid in FY24 and FY25, to date.

**Response:**

Payment category	FY24	FY25 (through 12/31/24)
Overtime payments	\$82,173.13	\$12,048.18
Worker's compensation payments	\$101.86	\$0.00

9. What is the agency's current **remote work policy**? Please provide a copy of the agency's **Continuing Operations Plan** and any other remote working protocols.

**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.

10. 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 their contact information.
  - c. Please note if the agency is currently in bargaining and its anticipated completion date.

**Response:**

Below are the details for the working conditions agreements that are currently in effect:

AFGE Local 2725: Countee Gilliam, President, [cgilliam@afge2725.com](mailto: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](mailto:bjm1277@aol.com), (202) 236-0500; 87 employees covered; Union agreement effective through September 30, 2013 (remains in effect until superseded)

AFGE Local 2978: Aisha Williams, President, [aisha.williams@dc.gov](mailto:aisha.williams@dc.gov), (202) 352-3433; 8 employees covered; Union agreement effective through September 30, 2017 (remains in effect until superseded)

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

*The Office of Labor Relations and Collective Bargaining (OLRCB) is responsible for handling any renegotiations.*

11. Please describe the agency’s process for investigating allegations of **sexual harassment or misconduct** committed by or against its employees. List and describe any allegations received by the agency in FY24 and FY25, to date, 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 0 sexual harassment complaints in FY24 and Q1 of FY25.

- a. Has the agency identified a primary and alternate sexual harassment officer (“SHO”) as required by Mayor’s Order 2023-131 (“Sexual Harassment Order”)? If not, why not? If yes, please provide the names of the primary and alternate SHOs.

**Response:** Yes, DOEE has identified James Goffe, Human Resources Specialist, as the primary SHO and Lauren Maxwell, Assistant General Counsel, as the alternate SHO.

- b. Has the agency 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.

### *Operations*

12. For any **boards or commissions** associated with your agency, please provide a chart listing the following for each member:
- a. Their names (or an indication the seat is vacant);
  - b. The date of their confirmation;
  - c. The date their term ends;
  - d. Whether the member is a District resident; and
  - e. Attendance at each meeting in FY24 and FY25, to date.

**Response:** See Attachment Q12.

13. For any **task forces or organizations** of which the agency is a member, including those inside the government (e.g., interagency task forces), please provide:
- a. The name of the task force or organization; and
  - b. Any associated membership dues paid.

**Response:** See Attachment Q13.

14. Please list each **new program** implemented by the agency during FY24 and FY25, to date. For each new program please provide:
- a. A description of the program, including when it began and (if applicable) its actual or anticipated end date;
  - b. The funding required to implement the program; and
  - c. An assessment of the program's success.

**Response:**

*A Note about Electrification Programs in Support of Breathe Easy / Healthy Homes*

DOEE is expanding two existing programs (the *Affordable Housing Retrofit Accelerator* and the *Affordable Homes Electrification Program*) to achieve the low-income electrification targets under the Healthy Homes and Residential Electrification Amendment Act of 2024, effective July 19, 2024 (D.C. Law 25-189; D.C. Official Code § 8-1774.17) (also referred to as the *Breathe Easy Act*). In FY24, DOEE also successfully applied for and received federal funding for this work under the Inflation Reduction Act. While DOEE has not implemented a new, formal program related to the act, the existing programs—expanded through the Sustainable Energy Trust Fund (SETF) and federal funding—support the electrification goals under the Breathe Easy Act.

Energy Efficiency Revolving Loan Fund Program

- a. *Description and timeline:* DOEE, in partnership with the DC Green Bank and the DC Department of Housing and Community Development (DHCD), stood up a new revolving loan fund to support energy efficient retrofits in existing affordable multifamily housing that is seeking funding through DHCD. The program launched at the end of FY24 and will be implemented over the next few fiscal years.
- b. *Funding:* A federal formula grant totaling \$4,642,490.00.
- c. *Assessment of success:* DOEE will measure success by whether the funding supports qualified projects and improves the energy efficiency of buildings.

Purple Air Sensor Loan Program

- a. *Description and timeline:* The program allows residents to install a DOEE-owned Purple Air low-cost fine particulate matter (PM<sub>2.5</sub>) sensor on the exterior of their home. This will allow DOEE to better assess neighborhood-level air quality and increase residents' awareness of pollution so they can better protect themselves. It also will provide valuable insights to DOEE to assist with compliance and air quality planning to help to reduce air

pollution. It was officially launched in December 2024 during the Air Quality Division's Clearing the Air webinar. The program is intended to last as long as sensors are available, although in-the-field sensors last two to three years.

- b. *Funding*: The base federal air quality grant provides funding for the sensor costs of about \$10,000 per year, plus approximately .25 FTE for staff implementation.
- c. *Assessment of success*: The program has only been live since mid-December 2024, but DOEE has received 6 applications as of January 14, 2025, to install sensors.

#### Office of District Waterways Management

- a. *Description and timeline*: In 2022, Council established the new Office of District Waterways Management (Office or ODWM) 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 has funded two FTEs to staff the Office, who were hired in early FY24, and a contract for the development of the District Waterways Advisory Plan (Advisory Plan). The Office's two main mandates, in the near term, are to 1) create and staff a new District Waterways Advisory Commission (Commission), comprised of voting members appointed by the Mayor and Council and non-voting (*ex officio*) members from District and federal agencies; and 2) support the Commission in the development of the Advisory Plan, which is required to be developed within two years of the initial appointment of the Commission voting members.
- b. *Funding*: In FY24, DOEE expended approximately \$178,000 in FY24. This was primarily on salary and fringe benefits. In FY25, DOEE expects to expend approximately \$256,117 in salary and fringe benefits and \$250,000 in contracting.
- c. *Assessment of Success*: With the Office fully staffed since January 2024, significant progress was made in calendar year 2024 on the Office's two primary near-term tasks:
  - 1. *Standing up the District Waterways Advisory Commission*:
    - For the voting members to be appointed by the Mayor*: The Office has been working with the Mayor's Office of Talent and Appointments (MOTA) to review applications, conduct interviews, and reach consensus on the most qualified candidates.
    - For the voting members to be appointed by the Council*: The Office shared proposed nominees for Council appointment with Chairman

Mendelson on December 16, 2024. ODWM received 19 applications for the seven available Council-appointed positions. ODWM staff conducted screening interviews with 15 of the qualified candidates. *For the ex officio members:* On request of the Mayor, five federal agencies appointed a representative as an *ex officio* member. Eight District Government officials were identified so far to serve as *ex officio* members. The Office held one-on-one meetings with the appointed *ex officio* members.

2. *Development of a District Waterways Advisory Plan:*

An RFP was published on November 18, 2024, with responses due January 13, 2025, to procure a contractor to aid in facilitating Commission meetings and drafting the Advisory Plan. A pre-proposal public information session was conducted on December 3, 2024. The Office anticipates having a contractor engaged and for Commission meetings to commence in Q3 2025, if not sooner.

### Natural Areas Conservation Program

- a. *Description and timeline:* Starting in FY25, Council provided DOEE funding to hire a staff person and establish a new program to manage invasive plants on District lands, particularly in forests and forest patches. In addition to funding one FTE to staff the program, the agency's FY25 budget for this program funds contracts for invasive plant management, training for community organizations in safe application of herbicides, and supplies and equipment for use in managing invasive plants.
  - b. *Funding:* In FY25, DOEE will expend approximately \$75,000 on salary and fringe benefits for one FTE, \$410,000 in contracting for invasive plant management and training in herbicide application, \$13,500 in supplies and equipment, and \$1,500 on staff training, all in local dollars.
  - c. *Assessment of success:* DOEE is in the process of hiring the FTE for this role. The position has been posted and resumes received, and we anticipate candidates will be interviewed in February. DOEE has identified priority sites on District lands for invasive plant management and contracted for this work; work will begin in spring 2025, once plants begin to grow again. DOEE is working with the National Capital Partnership for Regional Invasive Species Management (PRISM) to develop trainings in herbicide application and invasive plant management for community organizations. Trainings will take place in spring and summer 2025.
15. Please list 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; and

- c. Whether the public can access all or part of each system.

**Response:** See Attachment Q15.

16. What has the agency done to make the activities of the agency more **transparent** to the public in FY24 and FY25, to date?

**Response:** DOEE has promoted its programs and activities through social media (Facebook, Instagram, X, Nextdoor, etc.) via posts and videos as well as through press releases, media stories, and advertising. The agency has attended numerous Advisory Neighborhood Commission (ANC) meetings and external events for constituents. DOEE has also partnered with other District government agencies, non-profits, and stakeholders on their events.

17. How did the agency solicit **feedback** from customers in FY24 and FY25, to date?
- What is the nature of the feedback received?
  - How has the agency changed its practices in response to feedback?

**Response:** DOEE reads and responds to social media replies, content sent through “Ask the Director” on the doee.dc.gov website, and any incoming emails and/or media requests in a timely manner (within 24 hours). Comments from said sources typically are requests for assistance from specific programs or information requests. DOEE replies with clear, concise responses aimed at resolving the issues raised by residents, organizations, and businesses. Additionally, DOEE has implemented equity reviews for its programs to ensure that underrepresented groups in the District have access and knowledge of potential programs and benefits available to them.

18. What has the agency done to reduce agency **energy use** in FY24 and FY25, to date? Did the agency’s energy use increase or decrease in FY24? Please identify how much energy use increased or decreased in terms of kWh and therms, and what percentage increase/decrease that is compared to FY17.

**Response:** The agency has taken several steps to reduce energy consumption. We continue to collaborate with building management to conserve energy by monitoring water usage, installing LED lighting on the third floor at 1200 First Street NE, and reducing lighting usage during periods of extreme temperatures.

DOEE’s consumption of electricity at the 1200 First Street NE Headquarters increased from 813,650 kWh in calendar year 2023 to 845,668 kWh in calendar year 2024. The total change of 32,018 kWh represents a 3.9% increase in electricity consumption from 2023 to 2024. DOEE’s consumption of electricity at the 1200 First St NE Headquarters decreased from 866,172 kWh in calendar year 2017 to 845,668 kWh in calendar year 2024. The total change of 20,504 kWh represents a 2.4% decrease in electricity consumption from 2017 to 2024. There is no natural gas

consumption in the DOEE space at 1200 First Street NE, so therms are not relevant.

### *Budget and Finance*

19. Please provide a chart showing the agency's **approved budget, actual spending, and any variance** between the two, broken down by division and subdivision, for FY24 and FY25, to date. Please provide an explanation for any variance between the approved budget and actual spending.

**Response:** See Attachment Q19.

20. Please list any **reprogrammings** in, out, or within the agency affecting FY24 or FY25 funds. For each reprogramming, please list:
- The reprogramming number;
  - The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
  - The sending or receiving agency name (if applicable);
  - The original purposes for which the funds were dedicated;
  - The reprogrammed use of funds.

**Response:** See Attachment Q20.

21. Please provide a complete accounting for all **intra-District transfers** received by or transferred from the agency during FY24 and FY25, to date, including:
- The Buyer agency and Seller agency;
  - The program and activity codes and names in the sending and receiving agencies' budgets;
  - Funding source (i.e. local, federal, SPR);
  - Description of MOU services;
  - Total MOU amount, including any modifications;
  - The date funds were transferred to the receiving agency.

**Response:** See Attachment Q21.

22. Please provide a list of all **MOUs** in effect during FY24 and FY25, to date, that are not listed in response to the question above.

**Response:** See Attachment Q22.

23. Please identify any **special purpose revenue (“SPR”) funds** maintained by, used by, or available for use by the agency during FY24 and FY25, to date. For each fund, please list the following:
- The revenue source name and code;
  - Legal authority for the fund (e.g., D.C. Code or DCMR citation);
  - A description of the program/activity that generates the associated revenue;

- d. The amount of revenue generated by these activities/programs in FY24 and FY25, to date;
- e. The amount of money expended from the fund, and the purpose of each expenditure, in FY24 and FY25, to date; and
- f. The current fund balance.

**Response:** See Attachment Q23.

24. Please provide a list of all **capital projects** managed by the agency. Please include the following:
- a. A description of each project, including any projects to replace aging infrastructure;
  - b. The amount of capital funds available for each project;
  - c. A status report on each project, including a timeframe for completion; and
  - d. Planned or anticipated spending on the project.

**Response:** See Attachment Q24.

25. Please provide a complete accounting of all **federal grants** received for FY24 and FY25, to date, including the amount, and the purpose for which the funds were granted. For FY24 grants, please describe whether those purposes were achieved and the amount of any unspent funds that did not carry over.

**Response:** See Attachment Q25.

26. Please list any competitive or application-based funding for which the agency is eligible under the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, or any other recently enacted federal legislation. 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 additional funding for which the agency is eligible but does not plan to apply, please explain why.

**Response:**

Public information on DOEE's Infrastructure Investment and Jobs Act (IIJA or BIL) and Inflation Reduction Act (IRA) grants and applications is maintained here:

<https://doee.dc.gov/service/federaldollars>

<https://infrastructure.dc.gov/>

### IRA

DOEE has been awarded the following grants funded under the IRA (amounts are approximate):

- \$62 million in an Environmental Protection Agency (EPA) Greenhouse Gas Reduction Fund grant to expand and enhance the District's low-income Solar for All program

- \$59 million in DOE Home Energy Rebates Program funds to implement low-income residential energy efficiency and electrification programs, the Affordable Housing Retrofit Accelerator and the Affordable Home Electrification Program
- \$3 million in an EPA Climate Pollution Reduction Grant (CPRG) for Planning to develop priority and comprehensive climate action plans
- \$1 million in EPA Clean Air Act grants to enhance air quality monitoring
- \$1 million in a DOE Training for Residential Energy Contractors grant to upskill HVAC installers and other home energy contractors

The following grant funded under IRA was announced but as of January 2025 is yet to be officially awarded:

- \$12 million in DOE Assistance for the Adoption of the Latest and Zero Building Energy Codes to improve the Building Energy Performance Standards program

DOEE applied to the following IRA-funded programs but was not awarded funds, as the opportunities were highly competitive:

- National Oceanic and Atmospheric Administration (NOAA) Climate Resilience Regional Challenge
- FY24 NOAA Transformational Habitat Restoration and Coastal Resilience Grants (this grant program is also funded under IIJA)
- EPA Climate Pollution Reduction Grant (CPRG) for Implementation

DOEE consulted with DDOT, DPW, and other District entities to explore applying to EPA's Clean Heavy-Duty Vehicles grant to fund the replacement of eligible District-owned trucks and buses with electric vehicles. DOEE also passed the notice of funding opportunity along to OSSE. After significant consultation, it was determined that the District did not have or could not identify the minimum number of eligible vehicles (as defined in EPA's notice of funding opportunity) to apply.

As of December 2024, most applicable IRA funding opportunities have closed.

## BIL

The following grant funded under BIL was announced but DOEE has not received the funds yet:

DOEE won a \$15 million Charging and Fueling Infrastructure Grant from US DOT. The funds will support public EV charging stations across the District and Capital Bikeshare electrification.

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

**Response:** Generally, IRA grants do not have matching requirements. The BIL Charging and Fueling Infrastructure Grant has a match requirement of \$6,121,496, which will be met by in-kind programs such as existing statutory tax credits and the real estate value of parking spaces at city-owned buildings where the charging stations are being planned.

- b. Please provide a description of the future availability of these grant funds and how the agency plans to prioritize using these grant funds before they are no longer available (if applicable).

**Response:** Most IRA-funded programs are one-time opportunities that will not be available again unless explicitly re-authorized and funded by Congress. The performance periods for the largest of IRA grants extend 5 years or longer.

IRA funds are largely being used for assistance programs that can be scaled based on the amount of funding available. In some cases, IRA funds are being paired with special purpose revenue (SPR) funds to bridge funding gaps due to federal requirements and/or provide more holistic services to low-income households, at no cost to them. After IRA funds are exhausted, alternative sources of funding may be necessary to continue or scale these low-income programs.

- 27. Please list each contract, procurement, lease, and grant (“**contract**”) awarded, entered into, extended, or for which an option year was exercised, by the agency during FY24 and FY25, 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; and
  - h. Whether the contract is available to the public online.

**Response:** See Attachment Q27.

- 28. For FY24 and FY25, to date, please provide the number of contracts and procurements executed by your agency, broken down by the following values:
  - a. Under \$250,000;
  - b. From \$250,000 up to \$999,999; and
  - c. \$1 million and above.

**Response:**

Contract values	FY24	FY25, to the end of Q1
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Under \$250,000	135	81
\$250,000 - \$999,999	49	0
Over \$1,000,000	5	1
<b>Total</b>	<b>189</b>	<b>82</b>

29. Please provide the typical timeframe from the beginning of the solicitation process to contract execution for:
- Contracts and procurements under \$250,000;
  - Contracts and procurements from \$250,000 up to \$999,999; and
  - \$1 million and above.

**Response:**

The Office of Contracting and Procurement (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.

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

**Response:**

- **Price manipulation:** DOEE has worked with vendors that appear to manipulate the Certified Business Enterprise (CBE) process by providing the lowest bid and altering the price once the contract is awarded, claiming to not have understood the scope of work. This was reported to the DC Office of the Inspector General. It appears the case was closed without resolution.
- **Clean Hands Certificates:** Clean Hands Certificates, when required for completion of a procurement, are often cumbersome to obtain. Many smaller, specialty vendors that the agency attempts to work with do not have the resources to obtain them. Additionally, programmatic staff are expected to help vendors obtain Clean Hands Certificates, despite having limited access to tax or procurement systems. Larger vendors that pay monthly tax bills often lose their Clean Hands Certificates the moment a monthly tax bill is sent rather than at a later point, such as when the payment becomes post due, which further delays procurements and other operations.
- **Council review threshold and timeline:** The \$1,000,000 threshold for Council contract review creates challenges. Many of our stream restoration projects are over \$1,000,000 and non-controversial, but OCP processes associated with Council review add months to the award timeline, often due to OCP intensity and multiple cycles of package review.

- **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 been fully reviewed and approved by OCP.
- **Council review of options years:** Although we understand the need for Council oversight on the award of large contracts, we do not see the benefit of Council review of option years over \$1,000,000. This pro forma review delays the award of option years and can interrupt what should be ongoing work.

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

**Response:**

DOEE does not have a comprehensive set of recommended changes to propose at this time. We continue to work through these issues with OCP.

In the meantime, we note that an analysis of OAG’s processes for review of procurement packages may be an opportunity to determine whether there are redundancies that could be eliminated or time savings that could be achieved.

*Laws, Audits, and Studies*

32. 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) more than 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.

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.

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

**Response:** The Department has no statutory or regulatory impediments to report.

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

**Response:** See Attachment Q34.

35. Please explain the impact on your agency of any **federal legislation or regulations** adopted during FY24 and FY25, to date, that significantly affect agency operations or resources.

**Response:** EPA draft Per- and polyfluoroalkyl substances (PFAS) Human Health Criteria – EPA has published draft Human Health criteria for PFAS compounds in surface water. While these criteria have not been finalized or formally adopted yet, this is a preparatory step for doing so. EPA will consider public comments on the draft criteria before adopting as a “recommended” water quality criteria. At that point, DOEE would be expected to consider and likely propose adopting these criteria during a future review of District water quality standards, which occur every three years.

36. Please provide a list of all studies, research papers, and analyses (“**studies**”) the agency requested, prepared, or contracted for during FY24 or FY25, to date. Please state the status and purpose of each study.

**Response:** See Attachment Q36.

37. 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 FY24 and FY25, to date.

**Response:**

DOEE referred a matter to the Office of Inspector General (OIG) and the Board of Ethics and Government Accountability (BEGA) regarding misconduct, potential fraud, and false reporting by a former employee of DOEE, who was an inspector in the Air Quality Division and resigned from the agency. Investigation by supervisors found that the employee was falsifying inspection reports and making false statements to supervisors regarding his activities while on official duty. The OIG investigation is pending.

In FY24, the agency was audited as part of the District government’s single audit of federal awards.

Additionally, the U.S. Department of the Interior's Office of the Inspector General conducted a Wildlife and Sportfish Restoration Program audit of the agency covering FY22 and FY23, and the U.S. Department of Energy conducted a financial monitoring desktop review of the agency's State Energy Program Awards as well as a grant monitoring assessment of the Weatherization Assistance Program.

The District OIG conducted a Non-Tax Revenue Risk Assessment (OIG #24-1-06AT) and selected the Sustainable Energy Trust Fund for an internal control questionnaire.

38. 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 fiscal years. Please provide an update on what actions have been taken to implement these recommendations. If the recommendation has not been implemented, please explain why.

Overall, the reports of most of the audits conducted in FY24 haven't been finalized yet, so we haven't received the recommendations yet.

### **Recommendations from earlier audits:**

#### **Single Audit of Federal Awards – FY22**

The FY22 Single Audit identified two findings related to the Low-Income Home Energy Assistance Program (LIHEAP). These findings are 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.

### **Single Audit of Federal Awards – FY23**

The FY23 Single Audit of Federal Awards identified two findings related to LIHEAP and two findings related to the Coronavirus State and Local Fiscal Recovery Relief Funds (CSLFRF). These findings are summarized below.

**The first LIHEAP finding related to eligibility.** During the review of 60 eligibility samples, the auditor noted the following exceptions:

- DOEE is not performing review of all individual's application. DOEE's policy is to perform secondary reviews of a minimum of 25% of all applications each fiscal year, however, there is no documentation how these policies and procedures were implemented and how they are covering 25% minimum of the population.
- The total population initially provided did not reconcile to the Schedule of Expenditures of Federal Awards (SEFA).
- For 1 sample selected, DOEE was not able to provide sufficient supports to verify that the address mentioned on the beneficiary letter and the gas bill belongs to the same person.

*DOEE action:* DOEE personnel established a process where initial reviews of individual applications are performed before, during, and after certification. Supervisory level reviews of five applications are performed per processor per month, which is documented in the Operations Manual. On a semi-annual basis, program personnel will conduct an inventory of applications to ensure a 25% threshold of secondary reviews is being met. Additionally, DOEE will conduct and require staff participation in system demonstration and refresher trainings in order to strengthen existing policies and procedures.

**The second LIHEAP finding related to earmarking and documentation.**

This is a recurring finding because the prior year finding was identified during the current audit period. Corrective action was implemented during the current audit fiscal year.

**The first CSLFRF finding related to allowable costs.** During the auditor's tests of the design and implementation of internal controls, they noted that DOEE

employees charge hours worked each pay period on a timesheet to specific cost centers or combo codes as referred by the agency. For 1 out of 60 samples, holiday hours were not allocated between programs proportionally as required by the District's policies, resulting in incorrect hours being charged to the projects.

*DOEE action:* DOEE will send biweekly reminders to employees to keep combo code field blank for various leave time reporting codes. The agency will also request the Office of Pay and Retirement Services produce monthly Time Reporting Codes report for further review by DOEE managers approving time.

**The second CSLFRF finding related to subrecipient monitoring.** During testing, the auditor noted the following issues:

- Examination of the program's subrecipient monitoring requirements includes submission and review of monthly financial and performance reports. For 1 out of 41 samples, the subrecipient failed to submit their monthly financial and performance reports.
- Additionally, for 1 out of 41 samples, the agency had no evidence to support it had performed the mandatory follow up on reported audit findings in the subrecipient's audit report for the Corrective Action taken by the subrecipient to remediate the finding.

*DOEE action:* The agency will add a section regarding a subrecipient's prior year audit report to the risk analysis conducted by program staff. For any prior year audit findings, the agency will request a copy of the subrecipient's corrective action plan.

### **State Review Framework (SRF): Clean Air Act (CAA) and Resource Conservation and Recovery Act (RCRA)**

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's Air Quality Division has satisfied the SRF's penalty calculation findings, and a final SOP is currently under attorney review prior to finalization.

### **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:

- 1) Submit revisions to the District's State Implementation Plan (SIP) for both the Title V and synthetic minor permitting programs.
- 2) Work collaboratively with EPA to identify priority permits to reduce the backlog.
- 3) 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 FY24, DOEE submitted the requested SIP and Title V program updates to EPA for approval, continued to meet with EPA quarterly on progress on priority permits, and merged several databases and datasets to streamline systems. This database streamlining project is ongoing at this time. In addition to completing EPA's recommendations, DOEE continues to recruit a new position for a lead permit specialist to expedite review of complex Title V permits. However, agency personnel has had to adjust the position to be an Environmental Protection Specialist given the difficulties of finding qualified personnel with professional engineering credentials.

### **Technical Systems Audit (TSA) 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 worked with partner agencies regarding safe access to the field sites where the District's air monitoring stations are located. DOEE implemented corrective measures and successfully closed out the TSA.

### **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:**

The 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 and 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.

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

**Response:** See Attachment Q39.

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

**Response:**

Kimberly-Clark Corp. v. District of Columbia et al., Civil Action No. 1:17-01901 (D.D.C.) – Kimberly-Clark sued the District, the Mayor, and Director of the Department of Energy and Environment in their official capacities, seeking an injunction against the enforcement of the Nonwoven Disposable Products Act of 2016. In its complaint, Kimberly-Clark raised several constitutional challenges to the Act, including violations of the Commerce Clause, the First Amendment, and the Fifth Amendment’s Due Process Clause. The Court issued a preliminary injunction against the District and its officials providing that the provisions of the Act could not be enforced against Kimberly-Clark and its products. The preliminary injunction applies only “to wipes that Kimberly-Clark engineered and believes to be flushable.” The Court determined that the law likely violates Kimberly-Clark’s First Amendment rights, since the definition of “flushable” is subject to debate, and the District had not considered less restrictive alternatives and whether they would be sufficient. *Kimberly-Clark Corporation v. District of Columbia*, 286 F.Supp.3d 128 (D.D.C. 2017). The injunction remains in effect, but the Court recognized that the Constitutional violation could be resolved by issuance of regulations. DOEE has published two notices of proposed rulemakings to implement the Act and has drafted a third proposed rule based on comments received, including from Kimberly-Clark.

41. Please list all **settlements** entered into by the agency or by the District on behalf of the agency in FY24 or FY25, 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 Q41.

42. Please list any **administrative complaints or grievances** that the agency received in FY24 and FY25, 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 FY24 or FY25, to date, describe the resolution.

**Response:**

- [Federal Mediation and Conciliation Service \(FMCS\) Case No. 241102-00824](#) – A number of employees in DOEE’s Urban Sustainability Administration were converted from non-union to union positions under AFGE 631. The above-captioned case was filed by the union and went to arbitration, where the

OLRCB represented the agency. AFGE 631 asked the arbitrator to place newly converted employees at the same step they occupied prior to unionization, retroactive to April 2023. (The employees had their step reduced by one when they were converted to union salary schedules.) The union is also seeking retroactive dues payments. The parties have reached a final settlement agreement that will return the employees to the step that they would occupy if they had stayed in the non-union pay scale beginning with the December 1, 2024, pay period but will not include retroactive pay, union dues, or attorneys' fees.

- Public Employee Relations Board (PERB) Case No. 24-U-32 (American Federation of Government Employees Local 2978 v. Richard Jackson, Director and Department of Energy & Environment) – AFGE 2978 filed complaint of unfair labor practices due to the agency's failure to respond to an information request related to incentive awards and quality step increases. The parties have settled the case to provide the union with the information in the requested format without setting any precedent to the format going forward.
- Employee v. DOEE, OEA Matter No. 1601-0010-25 - Employee is appealing separation based on 6-month absent without official leave (AWOL) status and neglect of duties. Relief requested is reinstatement. Agency has submitted its response to the complaint, and case pends.
- Employee v. DOEE, OHR Docket No. 24-177 DC(CN) – Employee alleges discrimination based on sex, race, national origin, and color. Employee's employment was terminated while on probationary status. Mediation was held, but no resolution was reached. Agency has submitted its Position Statement, and case pends.
- EPA Complaint No. 05R-22-R3 – A complaint was filed with the Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC), alleging DOEE's approval of the Environmental Impact Statement Form (EISF) submitted by the Department of General Services for the OSSE Bus Terminal project subjected the residents of the Brentwood community to discrimination on the basis of race in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulation at 40 C.F.R. Part 7. EPA opened an investigation. EPA administratively closed the case because litigation then pending before the D.C. Court of Appeals (*Staley v. District of Columbia*, Case Number 2021 CA 003930 B) concerned similar civil rights issues as those raised in the administrative complaint against DOEE.

- [OIG Complaint Referral 24-00324](#) – In December 2023, a District resident complained to OIG that DOEE has not completed an investigation into a mold issue at his residence. DOEE inspectors had completed a mold inspection at the resident’s apartment in July 2023. A Notice of Violation (NOV) was issued to the property manager on the same day. The NOV cited a bathroom sink leak that caused water damage and mold formation within the cabinet, mandating the removal of mold and replacement of the affected cabinet. DOEE also collaborated with the Department of Buildings (DOB), which deemed the residence uninhabitable. A mold remediation professional performed mold remediation at the home, which included replacement of the bathroom vanity. A DOEE inspector subsequently conducted a confirmation inspection on the home, which confirmed the absence of visible mold at all repaired locations.
- [OHR Docket No: 25-090 DC\(CN\)/ EEOC/ HUD Docket No.: 10C-2025-00098](#) – Complainant DOEE employee filed a complaint alleging a hostile work environment based on race and national origin, and disparate treatment due to failure to promote, failure to provide equal pay, and terms and conditions of employment based on race, national origin, and sex. Per OHR, a mandatory mediation session was held on January 31, 2025, in an attempt to resolve the matter prior to a full investigation, and mediation remains open. The employee also filed a union grievance related to the same allegations. The agency denied the grievance, and the union has indicated it intends to invoke arbitration.

*Equity*

43. How does the agency assess whether programs and services are equitably accessible to all District residents?
- a. What were the findings of any such assessments in FY24 or FY25, to date?
  - b. What changes did the agency make in FY24 and FY25, to date, with respect to how it conducts such assessments?

**Response:**

DOEE piloted the Racial Equity Impact Assessment (REIA) tool to assess the equity of programs and services in FY22. Since then, significant updates have been made to the REIA process, the tools and forms used to conduct the analysis, and the training materials for staff participating in or reviewing a REIA.

44. 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:**

DOEE's Equity Framework is a guiding document that defines equity, environmental justice, and related terms and lays out why the agency works on equity and why that work is centered on race. The Equity Framework was developed in 2022 and DOEE is open to discussing the framework with the Committee.

45. Does the agency have an internal equal employment opportunity statement or policy? Please share that document or policy statement with the Committee.
- a. How was the policy formulated?
  - b. How is the statement or 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:**

DOEE adheres to the DC 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.

46. 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:**

One area where the agency would like to make more intentional progress is meaningful community engagement. DOEE would like to improve communication with the community about the agency's services.

DOEE also wants to enhance online communications through improved, more visual web pages and two-way portals.

A third area relates to the advertising of DOEE's community grants for special projects. Different organizations than those who usually apply would be able to compete for grants more easily if DOEE broadcasted upcoming grant opportunities with more advance notice, provided clear guidance on who can apply, and held easy-to-access trainings on how to apply.

47. In FY24 or FY25, to date, what are two ways that your agency has addressed racial inequities internally or through the services you provide? What additional resources would help your agency reduce traditional burdens felt by Black, Latine, Indigenous, and other communities of color in the remainder of FY25 and beyond?

**Response:**

In FY24, DOEE's LIHEAP program approved direct regular and/or emergency payments of energy bills for 18,243 households, which are predominantly households of color. In preparation for FY25 LIHEAP program restart, UAA mailed utility discount information and application packets to over 17,000 District households. Starting in October 2024, the LIHEAP program successfully restarted processing applications by phone, mail, fax, and in-person appointments to reduce barriers to applying.

In FY24, DOEE partnered with the DC Housing Authority (DCHA) to invest \$9.1 million of American Rescue Plan Act (ARPA) funding in upgrades for two existing public housing properties, *Langston Terrace* and *James Creek*, to provide over 500 low-income households modern, high-performance, all-electric systems. These funds unlocked DCHA's ability to design and install high-performing electric equipment to help meet the District's ambitious climate goals while improving the quality of life of vulnerable residents.

In FY24, DOEE's Watershed Protection Division completed the restoration of over 1,300 feet of degraded urban stream in the Hillcrest neighborhood in Ward 7. The stream restoration project has created a safe, stable, and ecologically enhanced stream corridor to this tributary to the Anacostia River in southeast DC. In addition to restoring 1,300 feet of stream, the project restored four stormwater outfall pipes, enhanced 4,000 square feet of existing wetland, and planted over 500 trees, 600 shrubs, and 1,000 native herbaceous plants. The restored stream will drastically reduce the amount of sediment leaving the project site.

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

**Response:**

In FY24, DOEE began collecting demographic information from RiverSmart Homes applicants on a voluntary basis. The program provides a free audit for yards of

single-family homes to assess eligibility for deeply discounted residential stormwater management improvements, such as rain barrels, rain gardens, landscaping with native plants to increase stormwater retention on site, and more. Early data showed about 60% of applicants provided their demographic information voluntarily. The data indicated higher income, white households with post-graduate education levels were disproportionately applying to the program (and reporting their race and income) more so than lower-income households or Black households.

The RiverSmart team began to promote the program's services more pointedly in Wards 7 and 8 where there is the highest need for stormwater management due to the highest flooding risk in the city. The team also engaged the Anacostia Ambassador program where residents who had used the program were recruited to become program ambassadors. Interested neighbors could see their installations and ask questions about the benefits and the process of participating in RiverSmart Homes.

Furthermore, DOEE produced a door hanger that lists RiverSmart and other DOEE services such as solar energy access, electrification, lead and toxics testing and abatement, Anacostia Explorers, upcoming free events, and other programs. About 40 staff teamed up and distributed the door hangers in lower income neighborhoods in Wards 5, 7, and 8 to promote DOEE's programs among households that could benefit the most.

In FY25, DOEE plans to expand the voluntary demographic data-gathering feature to around six additional public-facing programs to better understand who is applying to the agency's services.

49. How are communities of color engaged or consulted when your agency considers changes to programs or services?

**Response:**

DOEE holds quarterly open Environmental Stakeholder meetings to inform all community members and nonprofit organizations of key initiatives, upcoming projects, and funding opportunities. In these meetings, DOEE gets feedback about new or existing programs and hears from the community about priorities they are concerned about or interested in pursuing. Director Jackson and a substantial number of staff from all DOEE departments are present to hear input and answer questions.

Provide one specific example from the past year.

**Response:**

The DOEE grants team is looking to amend the community funding application process in FY25 by adding community members to the panel that evaluates and scores applications. This could add another important perspective to the process of selecting community applications.

50. 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:**

DOEE has several signature programs intended to increase access to energy and environmental benefits, especially for lower income households and households of color. Programs like Solar for All, Affordable Home Electrification, Mobile Air Monitoring, Brownfield assessments, FloodSmart Homes, Weatherization Assistance, and LIHEAP are some examples of such programs, which collectively amount to millions of dollars spent annually. DOEE is open to discussion with the Committee on different ways to enhance these existing programs that benefit District residents at all levels.

51. 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.

**Agency-Specific Questions**

*Safe and Healthy Housing and Environmental Justice*

52. How many environmental complaints did DOEE receive from the public in FY24? 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. Please identify:
- a. How many complaints in each category resulted in a written warning, notice of violation, or notice of infraction from DOEE.
  - b. The number of complaints pending resolution, if any.

- c. 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 Q52.

53. Please provide the Committee with an update on DOEE’s mold inspection and remediation work in FY24 and FY25, to date.
  - 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 Submission Form](#) or any other means, such as 311, written requests from Council, ANC Commissioners, or sister agencies, the Licensing and Certification Branch Chief in DOEE’s Environmental Services Administration assigns the complaint to a Mold Inspector. The Mold Inspector then contacts the complainant by phone or email to determine if compliance assistance is needed. If so, an onsite and/or virtual inspection will be scheduled. The Mold Inspector also confirms the tenant’s information and enters into the Mold Complaint Tracking Database 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, and work gloves), a flashlight, a moisture meter, FLIR Infrared camera or FLIR camera attachment for iPhone, a hygrometer (for relative humidity and temperature), and measuring tape.

The Mold Inspector performs the mold inspection according to the program’s standard operating procedures (SOPs), 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 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 Reinspections

A Mold Inspector is responsible for conducting reinspections 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 and licensed mold assessor 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 email 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 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 relevant SOPs. 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 FY24 and at the end of FY24, and how many mold inspectors does DOEE currently employ?

**Response:**

Start of FY24: Five  
End of FY24: Three  
Currently: Three

- 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 FY24 and FY25, to date?

**Response:** In FY24, DOEE conducted 459 inspections (436 in person and 23 virtual). In Q1 of FY25, DOEE conducted 57 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 FY24 and FY25, to date?

**Response:** DOEE responds within two days on average after receiving the complaint by contacting the complainant via telephone or email to determine if the complaint requires compliance assistance and if so, 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 FY24 and FY25, to date?

**Response:** In FY24 and FY25, 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, and has drafted a Notice of Second Proposed Rulemaking. What is the status of this proposed rule? Please describe any barriers to finalizing the rulemaking.

**Response:** This Notice of Second Proposed Rulemaking has been reviewed by the Office of the Attorney General for legal sufficiency and is currently under review by the Executive Office of the Mayor.

- 54. 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 were or are employed by DOEE to conduct lead-based paint risk assessments and clearance examinations in rental housing at the following points in time: the beginning of FY24, the end of FY24, and currently?

**Response:** Four, at the beginning and end of FY24 and currently

- b. How many lead-based paint risk assessments did DOEE conduct in FY24 and in FY25, 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:**

The Lead Compliance and Enforcement Branch has an online complaint form posted [on our website](#) for residents to report lead-based paint concerns. All lead-based paint complaints are entered into this database directly by the complainant or designated staff. Elevated blood lead level investigations are referred to the Lead Compliance and Enforcement Branch by the Healthy Housing Branch.

Fiscal year	Elevated blood lead level-based referral	Complaint-based referral
FY24	40	48
FY25, Q1	13	9

- c. How many lead-based paint risk assessments conducted by DOEE in FY24 and FY25, to date, resulted in a lead hazard being identified?

**Response:** Lead-based paint hazards were identified in 60 lead-based paint risk assessments conducted in FY24. In FY25 Q1, lead-based paint hazards were identified in 16 lead-based paint risk assessments.

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

**Response:** Hazards identified during seven of the lead-based paint risk assessments referenced above were addressed. The clearance reports for the assessments were reviewed and accepted and these cases are closed.

- d. How many lead clearance examinations did DOEE employees conduct in rental housing in FY24 and FY25, to date?

**Response:** DOEE rarely conducts lead clearance examinations. After DOEE conducts lead-based paint risk assessments and once a property owner addresses the hazards, the owner pays for a clearance examination by a third party for DOEE's review. DOEE reviewed 137 clearance reports in FY24 and 67 in Q1 of FY25.

- e. 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 Orders 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 U.S. Department of Housing and Urban Development (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 LRP through direct referral, flyers in risk assessment reports, and direct links on the website. We also provide lists of DC construction companies certified to conduct lead-based paint repair or removal and consultant companies who can conduct testing for lead-based paint hazards. Also, DOEE provides a link on our website to companies who are certified in EPA's Renovation, Repair, and Painting Program. DOEE also conducts

outreach events, including monthly webinars, to assist homeowners and contractors who are working on lead-based paint in properties in DC.

55. Please provide an update on the Lead Reduction Program (“LRP”) in FY24 and FY25, including a breakdown of the:
- a. Total number of LRP applications received;
  - b. Total number of LRP applications processed;
  - c. Total number of LRP applications approved; and
  - d. Cumulative value of funds provided by the LRP.

**Response:**

	FY24	FY25, Q1
Total number of LRP applications received	179	53
Total number of LRP applications processed	161	45
Total number of LRP applications approved	66	20 (waitlisted) <sup>2</sup>
Cumulative value of funds provided by the LRP	\$4,812,218.60	\$0

56. Please provide an update on DOEE’s directive that National Engineering Products create an odor control plan pursuant to recently adopted regulations, including DOEE’s response to NEP’s draft plans.

**Response:** Following DOEE’s administrative order requiring an Odor Control Plan (OCP) to be submitted, National Engineering Products, Inc. (NEPI) submitted a revised OCP on February 28, 2024. On November 8, 2024, DOEE published an emergency rulemaking addressing certain sections of the prior August 4, 2023, rule that were preventing DOEE from moving forward with completing the review of OCPs from NEPI and other sources. Following the issuance of that emergency rulemaking, on December 10, 2024, DOEE issued a disapproval of NEPI’s OCP, with a requirement that certain deficiencies be corrected and a revised OCP be submitted by February 10, 2025. The identified deficiencies involved: 1) insufficient discussion of one roof vent and a failure to address leaks through a deteriorating wall, 2) an unacceptable method for determining whether a control device needs maintenance, and 3) deficiencies in the proposed method for NEPI to respond to public complaints directed to them. DOEE received the revised OCP on time and is reviewing it.

- 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

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<sup>2</sup> DOEE is awaiting receipt of federal funding to be able to carry out the work for the applications we approved in Q1 of FY25.

measurements, and any actions that DOEE has taken to remediate emissions from NEP.

**Response:** During the summer of 2022, DOEE engaged a contractor to perform limited sampling, during the production of Copaltite and Nipseal products, to test for a wide range of potential pollutants within the facility, in the building vents, and (during Copaltite mixing only) upwind and downwind community sampling. Only acetonitrile and formaldehyde were detected above residential screening thresholds outside of the facility and downwind of the facility, though neither could definitively be tied to the facility. The full results of this testing can be found here: <https://doee.dc.gov/service/air-quality-testing-results-national-engineering-products>. Since that time, the Environmental Protection Agency (EPA) has been performing periodic community sampling. Their results can be found here: <https://www.epa.gov/dc/ivy-city-air-monitoring-project>. EPA's work is continuing and we expect a report to be issued after sampling has been completed.

DOEE personnel have repeatedly visited the NEPI facility to evaluate the status of the facility and determine the efficacy of facility efforts to mitigate emissions. Although its OCP has not been approved, NEPI has taken several actions to reduce emissions, including sealing the roof vent nearest the neighboring residence, sealing cracks in the wall shared with the residential property, implementing various housekeeping activities, hanging curtains around the processing area within the facility to isolate odorous emissions, and installing activated carbon-based air filtration devices. Installation and operation of those devices was authorized as a result of the November 2024 emergency rulemaking and the subsequent OCP disapproval letter.

57. DOEE has continued to monitor air quality via 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, action, and resources are necessary, please describe plans for that additional data collection and what questions DOEE hopes to answer through the data collection.

**Response:** DOEE has shared hyperlocal mobile monitoring data collected by Aclima with relevant District agencies and other organizations in order to provide evidence for decisions. The most specific example involved presenting the data to Office of Planning staff working on the Ivy City Small Area Plan in order to ensure the impacts of air pollution in that community were understood. DOEE has also shared the data with sources, such as Vulcan Materials, in order to strengthen permitting requirements. DOEE has also used the data collected to inform its approach to funding diesel vehicle electrification efforts, given the strong evidence that diesel vehicle pollution is producing much of the negative impacts. The data so far has supported prior assumptions that mobile vehicles, especially diesel vehicles,

are a major culprit of air pollution affecting our residents. However, DOEE is very limited in what we can do given how many diesel vehicles are registered out of state.

DOEE has expanded the Aclima effort to cover around 30 square miles of the District and ensure monitoring in some portion of all 8 wards. The data was collected during a six-week period from mid-August through September 2024. DOEE recently held stakeholder engagement sessions with Councilmembers, their staff, and ANCs, as well as the general public, on the results of the second set of data collection.

DOEE also plans to use the data collected to inform the placement of low-cost Purple Air and Clarity Node sensors that were procured using District capital funds and EPA grant funds.

DOEE has also seen the benefits of having a mobile monitoring platform and has been awarded starter funds through an IRA grant to bring its own platform online. This platform will be more akin to moveable stationary monitoring than the mobile monitoring capable of collecting block-by-block data.

#### *DC Sustainable Energy Utility*

58. 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 FY24 and FY25, 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 biweekly 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.

#### **Programs Implemented in Coordination with the DCSEU:**

Solar For All (SFA) Program – DOEE works closely to implement the SFA program which provides for the purchase and installation of solar photovoltaic systems on income-qualified single-family homes in the District. The SFA program also provides financial incentives to solar developers to design and build community renewable energy facilities (CREFs) that provide 100 percent of the energy generated to income-qualified households identified by DOEE. The DCSEU hires local contractors, most of whom are certified business enterprises, to install solar

systems at no cost to the homeowner or renter. DOEE staff conducts active recruitment of residents to participate in SFA and receive CREF subscriptions that can help offset up to \$500 of annual energy costs.

Affordable Housing Retrofit Accelerator (AHRA) – In FY24, DOEE collaborated with the DCSEU to redesign AHRA, expand the scope of services offered, and incorporate grant funding provided under Section 50121 of the Inflation Reduction Act (IRA), Home Efficiency Rebate Program. The primary focus of AHRA has shifted to prioritize affordable multi-family buildings that can achieve greater than 20 percent energy savings, which will help building owners unlock lucrative IRA rebates and possibly earn multicycle Building Energy Performance Standards (BEPS) compliance. Under the redesigned AHRA, the DCSEU will continue to focus on recruitment and installation of audit-recommended measures in qualified buildings, and DOEE, through selected sub-grantees, will provide education and energy coaching to participating owners and tenants.

Affordable Home Electrification Program (AHEP) – DOEE also implements AHEP in close coordination with the DCSEU, and in FY24, DOEE and the DCSEU held several working sessions to incorporate the requirements of Section 50122 of the IRA into AHEP and provide additional funding so that the DCSEU could double the amount of households served in a given year. AHEP will cover 100 percent of the total costs for income-qualified households to electrify their homes.

DC Electrification Rebates (DCER) Program – In FY24, DOEE worked with the DCSEU to design and launch the DCER program, which provides enhanced rebates for DC residents, primarily those within the 80% - 150% of area median income, to purchase and install electric equipment and appliances to decarbonize their homes. The DCSEU began offering enhanced rebates for purchases and systems installed on or after October 1, 2024. Households converting from natural gas to high-efficiency electric systems will earn the highest rebates.

- b. Please discuss whether the SEU met its benchmark minimums and maximums in FY24. 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 FY25.

**Response:** The table in Attachment Q58 shows the DCSEU's reported FY24 achievements against established minimum and maximum performance targets.

Pursuant to the DCSEU contract, Benchmarks 1, 2, and 3 are cumulative benchmarks, and the minimum and maximum targets specified for FY24 were established to track DCSEU performance towards the 5-year cumulative targets. However, after the end of the 5-Year option period, DOEE shall assess penalties if the DCSEU fails to achieve the cumulative minimum performance target for each of the cumulative benchmarks. The DCSEU exceeded the minimum targets for two out

of the five benchmarks listed in Attachment Q58 and exceeded the maximum target for the green jobs benchmarks. The DCSEU created 90.96 full time equivalent (FTEs) green jobs, which was 2.96 FTEs above the maximum FY24 target of 88 FTEs. The DCSEU exceeded the minimum performance target for the benchmark related to improving energy efficiency in low-income projects. In FY24, the DCSEU spent \$5,954,177 on energy efficiency projects in low-income communities, which was slightly lower than the maximum target of \$6,240,000.

While the DCSEU made some progress against the Deep Energy Retrofit (DER) benchmark by completing five projects, the DCSEU's overall performance against the DER benchmark has not met expectations. In FY25, the DCSEU hopes to leverage Inflation Reduction Act funding and other tax credits to provide larger financial incentives to building owners with projects that are capable of achieving greater than 20% energy savings.

59. Please outline the results of the Solar for All program in FY24 and FY25, 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):** There is no REDF project funding for either FY24 or FY25 because of revenue shortfalls. All funds were allocated to personnel or minor administrative expenses. Funds were similarly not transferred outside the agency.

In FY24, with SETF funds, 49 single-family projects adding up to 0.41 megawatts (MW) were completed, and 2.57 MW of CREF capacity was completed, serving 665 households. Since the start of the Solar for All program in 2016, a total of over 41.5 MW of new solar generation capacity serving over 9,000 households has been installed in the District.

- c. What community outreach and public education efforts about the program did DOEE or the SEU undertake in FY24 and FY25, to date? Please describe any measured or perceived impact of these efforts.

**Response:** The primary means for bringing subscribers into the Solar for All program continues to be the integrated utility assistance application for DOEE, which takes advantage of the thousands of annual applications for LIHEAP assistance to bring them additional benefits. In addition, the Solar for All program hosted or participated in 9 events between October 1, 2023, and December 31, 2023, and 63 events in calendar year 2024. These events helped ensure the program added over 950 subscribers to the program.

- d. Please describe the impact of delays in interconnection that affected Solar for All projects in FY24 and FY25, to date?

**Response:** Delays in interconnection have continued to impact the program, causing extended timelines and higher costs. As a result, the DC Public Service Commission will be convening a set of technical conferences to address interconnection issues and DOEE plans to participate to identify appropriate reforms. DOEE brought on a technical fellow funded by the US Department of Energy to help support this work and incorporate the most modern technologies to support modern grid management and interconnection. The interconnection issues in the District are well summarized in this post from the Interstate Renewable Energy Council (IREC): <https://irecusa.org/blog/irec-news/persistent-interconnection-challenges-risk-dcs-clean-energy-goals/>

60. Please describe all other expenditures from, and proceeds deposited into, the Renewable Energy Development Fund (“REDF”) in FY24 and FY25, to date. Please describe how actual expenditures differed from planned expenditures, if at all.

**Response:** REDF expenditures for FY24 and FY25 supported personnel costs due to lower-than-projected revenue expectations. In addition to alternative compliance payments, unsubscribed energy payments by Pepco from CREFs were received in FY24 and continue in FY25 to date. As a result of the lower revenue collection, expenditures for the following program activities were significantly reduced: support for solar projects through the contract with DCSEU; technical assistance for and expert testimony in Public Service Commission proceedings affecting climate and clean energy goals; updates to the Clean Energy DC plan; and Solar for All. Alternative matching funds had to be identified in FY24 for the Department of Energy cooperative agreement with the National Association of State Energy Officials (NASEO) subaward supporting the solar plus battery installation at the Fauntroy Community Enrichment Center; and in FY25 for the EPA Greenhouse Gas Reduction Fund grant.

- a. What was the most recent certified balance for the REDF? What is the projected revenue collection for REDF for the remainder of FY 2025?

**Response:** The current reported REDF balance is \$407,753.48 and the total projected revenue collection for FY25 is \$2.1 million.

61. Please describe all expenditures from the Sustainable Energy Trust Fund (“SETF”) in FY24 and FY25, to date. Please describe how actual expenditures differed from planned expenditures, if at all.

**Response:** See Attachment Q61 Part 1 for FY24 expenditures and Attachment Q61 Part 2 for FY25 planned expenditures.

In FY24, the major deviation between planned and actual expenditures was the funding reallocated through the FY24/25 budget process, which led to ~\$17 million of SETF funding being transferred to the Department of General Services (DGS) to support District Government energy costs. This transfer led to reductions in spending and programs through the DCSEU and DC Green Bank relative to the plan at the beginning of FY24. The budget also added additional funding for the DC Green Bank and DCSEU, which partially restore the funding transferred to DGS (~\$7.3 million). As of December 31, 2024, there are no differences between FY25 planned and actual expenditures.

- a. How much revenue was raised in FY23, FY24, and FY25, 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:**

Revenue source	FY23 revenue	FY24 revenue	FY25 Q1 revenue
<b>Pepeco</b>	\$26,317,912.58	\$43,742,936.37	\$15,066,314.49
<b>Washington Gas</b>	\$11,704,455.65	\$19,062,213.06	\$6,395,826.90
<b>Heating Oil</b>	\$79,209.31	\$85,503.44	\$16,812.39
<b>Green Building Fund Transfer</b>	\$900,000.00	\$900,000.00	\$0
<b>PJM and SREC Payments for DCSEU Resources</b>	\$474,810.50	\$348,279.90	\$0
<b>TOTAL</b>	<b>\$39,476,388.04</b>	<b>\$64,138,932.77</b>	<b>\$21,478,953.78</b>

*Green Infrastructure*

62. The Sustainable DC Plan includes a goal of using 75% of the District’s landscape to capture rainwater through the increased use of green roofs and green infrastructure. Please provide a chart indicating the amount of land capturing rainwater in FY23, FY24, and FY25, 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	Added area managed with green infrastructure (sq. ft.)	Cumulative area managed with green infrastructure (sq. ft.)	Total District area (sq. ft.)	Percent managed
FY23	4,838,991	100,626,381	1,707,897,957	5.9%
FY24	6,197,898	106,824,279	1,707,897,957	6.3%
FY25, Q1	2,340,090	109,164,369	1,707,897,957	6.4%

- a. 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 FY24 and FY25, to date, broken down by watershed? How does that compare to FY23?

**Response:** In FY24, 6.4 million square feet of the District was retrofitted with green infrastructure (GI) to retain and treat stormwater runoff, with most of the retrofitted area located in the Anacostia watershed. This represents an increase from the 4.6 million square feet of the new area draining to GI in FY23, with multiple large-scale developments that had been delayed finishing construction.

#### Added Land Area (square feet) Draining to Green Infrastructure

Year	Total area District-wide	Anacostia	Potomac	Rock Creek
FY23	4,623,210	2,059,293	1,871,311	692,607
FY24	6,437,844	4,663,943	816,943	956,958
F25, Q1	2,490,747	1,873,990	325,941	290,816

63. 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 FY24 and FY25, to date?

**Response:** Since the inception of the stormwater retention credit (SRC) trading program in July 2013, DOEE has approved 366 trades, accounting for 2,866,264 credits sold at a value of \$5,155,980.01. In FY24, DOEE approved 69 SRC trades (483,440 credits sold at a value of \$855,468.63), and 26 properties listed credits for sale. To date in FY25, DOEE has approved 26 SRC trades (103,514 credits sold at a value of \$167,401.72), and 26 properties have listed credits for sale.

64. For FY23, FY24, and FY25, to date, please provide the following information related to RiverSmart rebates:
- Total number of applications received;
  - Total number of applications processed;

- c. Total number of home audits completed;
- d. Total number of applications approved; and
- e. Cumulative value of all RiverSmart rebates issued broken down by covered expense (e.g., trees, rain barrels, rain gardens, and permeable surface conversions).

	FY23	FY24	FY25, Q1
<b>Total number of applications received</b>	1,061	1,246	142
<b>Total number of applications processed</b>	1,061	1,246	142
<b>Total number of home audits completed<sup>3</sup></b>	1,248	1,232	228
<b>Total number of applications approved<sup>4</sup></b>	1,058	1,243	142
<b>Cumulative value of all RiverSmart rebates issued, broken down by covered expense</b>	Shade Trees - \$420,111 Permeable Paver - \$76,015 Rain Garden and BayScape - \$1,206,772 Rain Barrel - \$92,384	Shade Trees - \$332,310 Permeable Paver - \$183,998 Rain Garden and BayScape - \$670,941 Rain Barrel - \$71,004	Shade Trees - \$135,778.76 Permeable Paver - \$50,077 Rain Garden and BayScape - \$239,269 Rain Barrel - \$10,329

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

**Response:** DOEE has a myriad of programs working to reduce stormwater pollution to our local waterways. For a more detailed account of District activities to meet our Municipal Separate Storm Sewer System (MS4) permit obligations, please refer to the MS4 Annual Report StoryMap and the more detailed annual report, which can both be found under the “2024” section of DOEE’s MS4 reporting library: <https://doee.dc.gov/publication/ms4-reporting-library>.

Here are some program highlights that have not been asked about in other performance oversight questions:

- **Pollution Prevention (P2):**

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<sup>3</sup> This number may be larger than number of applications received because it includes audits conducted for applicants who applied in the previous fiscal year.

<sup>4</sup> The only applications that are rejected are applicants who do not live in the District or whose address cannot be verified in our system.

- Nine in-person trainings occurred, reaching 111 District employees, with an additional 236 District employees and contractors trained through an online training module.
- 21 site walkthroughs and mock inspections occurred at O&M Plan facilities.
- Outreach materials were developed for public distribution covering seven topics, including the addition of pollution prevention measures in the HSEMA Special Events Planning Guide.
- **Illicit Discharge Detection and Elimination (IDDE):**
  - **Ongoing Investigations:** DOEE receives and responds to reports of water pollution on an ongoing basis. When the source of pollution is unknown, the agency conducts scientific investigations to determine and stop it. In FY24, DOEE did 86 such investigations and received \$110,000 dollars from the EPA to complete the development of an online tool to report water pollution and integrate with existing complaint portals.
  - **Broad Branch Investigation:** In FY24, DOEE began conducting a comprehensive watershed-wide investigation for illicit discharges to Broad Branch; we anticipate completion in December 2025. The District's MS4 Permit requires DOEE to conduct such investigations in the Broad Branch, Fort Chaplin, and Fort Dupont watersheds. These watersheds were selected based on bacteria source-tracking studies.
  - **Sewer Correction Grant:** In FY24, DOEE continued the DC Sewer Correction program, which uses grant funds (\$180,000) to improve water quality in Ward 7. The program uses a community-based organization, MORE Inc, to engage and educate residents, complete investigation work, and correct plumbing misconnections that are causing raw sewage to discharge into waterways. In FY25, two houses will be corrected under the current grant funding and will eliminate 146,000 gallons of raw sewage annually entering District waters.
- **Stream and Wetland Restoration:** Although not traditionally considered stormwater management, stream and wetland restoration efforts are partially funded by the stormwater permit review fund and this work does aid the District in meeting its MS4 permit obligations. In FY24, DOEE completed the restoration of Park Drive, a stream of over 1,300 feet in length in the Hillcrest neighborhood in Ward 7, as well as 30% designs for the restoration of Oxon Run Stream in Ward 8.
- **Stormwater Retrofits:** DOEE completed two Innovative Low Impact Development (LID) stormwater retrofit projects, two RiverSmart Communities projects, and one parkland stormwater retrofit on DPR property. DOEE also completed five schoolyard projects.
- **Environmental Education and Outreach:** DOEE engaged with students, teachers, and District residents through a variety of activities outlined in the table below:

<b>Watershed outreach/education program</b>	<b>Output</b>
Kingman Friends and Family Day Participants	~300 attendees
Community Stormwater Solutions grants	9 grants totaling \$281,606
Teachers trained in watershed education	68 teachers
Students who participated in Meaningful Watershed Educational Experiences <sup>5</sup>	1,818 students
Watershed Stewards trained	24 adult stewards
Anacostia River Explorers boat tour participants	4,459 people
Kingman Island Green Boat program participants	580 people

- **Green Infrastructure Maintenance:** DOEE has established grants and contracts that dispatch crews to handle needed maintenance. In 2024, DOEE provided routine maintenance to over 1,300 best management practices (BMPs) on District property. This included over 1,100 bioretention sites and similar landscape-level facilities, as well as 180 green roofs.
- **Outfall Monitoring:** DOEE awarded a contract for outfall monitoring to a new vendor in FY24. Activities during FY24 focused on developing a Quality Assurance Project Plan (QAPP) for the contractor’s work.
- **Road Salt Alternatives Pilot:** In FY24, DOEE continued collaboration with DPW to design and implement a pilot study on options for reducing application of road salt during winter weather. There were a limited number of qualifying weather events during the FY24 snow season, so DOEE and DPW were not able to run the pilot. However, DOEE also continued deploying conductivity and chloride sensors throughout District streams to collect data on the impact road salt has on local water bodies.

66. How many trees were planted in the District through DOEE programs in FY23, FY24, and FY25, to date? Please break this down by program, by trees planted on private land vs. public land, and by ward.

**Response:** DOEE planted 12,730 trees during the reporting period. Of these, 49% were planted on public land and 51% were planted on private land.

Several DOEE Restoration Projects such as Park Drive, Linnean Park, and Kingman Island Restoration Projects increased the amount planted on public lands since the last reporting period.

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<sup>5</sup> Includes data from three programs: 1) 4th grade Nature Near Schools; 2) 5th grade 2-day overnight experience; 3) middle school program.

DOEE-grants/funds associated with trees planted	FY23	FY24	FY25
RiverSmart Homes, Communities & Schools	1,694	1,488	564
Rebate	431	552	100
DOEE Restoration Projects	0	725	2,548
Large Parcel Properties	1,780	2,156	692
<b>Total / DOEE funded</b>	<b>3,905</b>	<b>4,921</b>	<b>3,904</b>

Ward	Total percentage of trees planted in FY23, FY24, and Q1 of FY25
Ward 1	1.97%
Ward 2	1.51%
Ward 3	9.36%
Ward 4	14.23%
Ward 5	25.30%
Ward 6	2.28%
Ward 7	36.53%
Ward 8	8.82%

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

**Response:** The Office of Urban Agriculture (OUA) employs two FTE's - Grade 13 and Grade 11.

- b. Please describe the Office's major accomplishments in FY24 and FY25, to date.

**Response:**

- 2024
  - In partnership with the Chesapeake Bay Trust, the Small and Accessible Sustainability Program (SAS) awarded eight urban farms a total of \$69,818. Details about the FY24 SAS grant awards can be found here: <https://doee.dc.gov/node/1592081>.
  - OUA engaged 700+ residents at Rooting DC, the District's annual, FREE, day-long urban gardening and food systems conference. More information about the 2024 event can be found here: <https://doee.dc.gov/node/1608541>.
  - The agency successfully transferred the USDA Specialty Crop Block Grant (SCBG) award from being administered by UDC's College of Agriculture, Urban Sustainability, and Environmental Sciences (CAUSES) to OUA. This annual USDA funding averages \$250,000.
  - For the first time, participants in the Urban Farm Tax Abatement program, which provides an incentive for private landowners to implement urban farms on their properties, requested the maximum

amount of available funds. In FY25, DOEE expects the enrolled eligibility to exceed the funds available by at least \$20,000.

- 2025
  - OUA participated in the FY25 DC Food Policy Council Annual Retreat to identify FY25 priorities.
  - OUA presented at the Metropolitan Washington Council of Governments (MWCOG) District farm tour.
- c. How much grant funding did the Office award in FY24 and FY25, to date? Does the Office believe additional funding should be provided for grants in FY26?

**Response:** A total of \$69,818 was awarded to eight entities in FY24. Details about the FY24 SAS Grant awards can be found here: <https://doee.dc.gov/node/1592081>. No funds were allocated for the FY25 SAS grant program; however, DOEE anticipates releasing a new RFA for a program administrator in FY25, contingent on the FY26 budget process. Given that in FY23 and FY24 the Office saw demand for these funds exceeding availability, 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 populations;*

**Response:** The OUA Director is a Co-Chair of the DC Food Policy Council's Urban Agriculture Working Group. This group engages 113 people and meets bimonthly. In 2024, it hosted six site visits of District farms. OUA hosts Rooting DC, an annual urban gardening and food systems conference that attracts over 700 residents in educational workshops, networking, and valuable community-building where local growers and food-systems stakeholders share their knowledge and learn from one another. OUA programs prioritize socially disadvantaged populations in outreach and resource allocation to the extent possible within the law.

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

**Response:** OUA is working with DOEE's Natural Resources Administration and the EPA Agriculture Advisory Committee to recruit members of the public to contribute to the Bay Program's watershed improvement programs.

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

**Response:** As a result of successful outreach and engagement for the Urban Farm Tax Abatement program in FY24, participants requested the maximum amount of available funds in this incentive for private landowners to implement urban farms on their properties. In FY25, DOEE expects the enrolled eligibility to exceed the funds available by a minimum of \$20,000. OUA has actively supported the Urban Farm Land Lease awardee, Apogee Farm, in its effort to complete the District's construction permitting process while concurrently supporting DC Water's needs to access the same site for a sewer rehabilitation project.

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

**Response:** The agency successfully partnered with USDA to transfer the Specialty Crop Block Grant award from administration by UDC CAUSES to OUA. This annual USDA funding varies in amount with an average of \$250,000 being awarded to the District. This funding is typically administered by a state's Department of Agriculture. CAUSES had been the District's administrator of this program since 2012 because there were no other local government entities leading urban agriculture efforts at that time. D.C. Code § 8-151.09a, Office of Urban Agriculture establishment, requires OUA's duties to include "applying for and accepting agriculture grants on behalf of DOEE" and "issuing grants to urban farmers in the District for infrastructure and operating support." Now that OUA has grant management staff and processes in place, the agency is pursuing this opportunity to expand the grant portfolio in support of District urban agriculture and align federal grant responsibilities with the appropriate agency.

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

**Response:** OUA meets regularly with UDC CAUSES, the national Urban Agriculture Directors Network, and the MWCOG Regional Food and Agriculture Committee to ensure that the District's urban agriculture priorities are aligned locally, regionally, and nationally with the partner stakeholders.

- e. Has the Office set new or additional goals for the remainder of FY25, or plan to issue an updated set of goals soon?*

**Response:** Priority projects for FY25 are to successfully launch and administer the USDA Specialty Crop Block Grant, host Rooting DC at Eastern Senior High School, step into our role as appointed member of the Chesapeake Bay Agriculture Advisory Committee, identify an SAS partner in preparation for FY26 grants, and update the Office website for an expanded and more impactful presence.

*Water Quality and Management*

68. Please list and describe all expenditures from, and deposits into, the Stormwater Permit Review Fund in FY23, FY24, and FY25, to date. Please describe how actual expenditures differed from planned expenditures, if at all.

**Response:** The Stormwater Permit Review Fund is used to fulfill the requirements of the District's MS4 Permit. The MS4 Permit is issued by the EPA and includes numerous functions and metrics that must be achieved during the five-year permit term. The District was issued its current permit in November 2023. Examples of the requirements in this 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 \$12.7 million was used 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. The fund was used as matching funds for federal grants to implement stormwater management projects. The FY23 expenditures did not differ from planned expenditures.

In FY24, approximately \$15.3 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 FY24 expenditures did not differ from planned expenditures.

To date in FY25 (as of Q1 of FY25), approximately \$6.6 million has been expended or obligated, and no differences from planned expenditures have occurred.

The revenue deposited into the Fund was \$14,113,526.53 in FY23 and \$13,811,310.05 in FY24. DC Water has not yet provided the first quarter report on Stormwater Fee receipts; as a result, no information regarding revenue collected to date in FY25 is available at this time.

a. What is the current fund balance?

**Response:** Accounting for the FY24 budget, the current fund balance is \$13.5 million. The full fund balance has been utilized in the development of the FY26 budget.

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:** Anacostia River cleanup is scheduled to commence in FY26, likely starting with the Washington Channel, proceeding to Kingman Lake, and finally to the main stem of the Anacostia River located in the District, provided that DOEE can secure a laydown area for processing its dredged sediments. One option for a laydown area is National Park Service’s (NPS's) Kenilworth Park Maintenance Yard, which will require a Special Use Permit issued by NPS for temporary use of the site.

Milestones met:

- Interim Record of Decision (IROD): September 2020
- Pre-design Investigation Report: November 2023
- Basis of Design Report: November 2023
- 60-percent Design Report: June 2024
- 90-percent Design Report: December 2024

Milestones remaining:

- 100-percent Design Report: FY25
- Request for Bids for implementation contractor: FY25
- Implementation contractor selected: FY26
- IROD implementation (i.e., Anacostia River cleanup): FY26 through FY28

70. Does DOEE measure how many or what volume of single-use plastics are removed from the Anacostia River? If so, can it provide the amounts removed in FY24 and FY25, to date?

**Response:** The following data shows the weight of trash removed from the Anacostia River, or before it reaches the river, by DOEE-funded efforts from July 1, 2023- June 30, 2024, which is the 2024 Reporting Year for the MS4 Permit. Most of the trash data collected by DOEE is aggregated. Only one of our programs, the maintenance of trash traps, collects data on single-use plastics. DC Water manages skimmer boats that remove trash and debris from the Anacostia directly.

Program	Single-use plastic data (pounds)	Trash data (pounds)
Clean Teams Program		3,455,435
Skimmer boats		336,000
Cleanup events		127,759
Trash Traps	1,136	5,766
Hickey Run Sediment Trap		2,060
Bag Law <sup>6</sup>		242

DOEE first surveyed the Anacostia watershed in 2008 to determine types, volumes, and sources of trash in the District portion of the Anacostia. The study looked at both trash on land and in the water and provided a baseline for trash in the watershed. The results of the study can be found here: [2008 Anacostia River Trash Study | doee](#). The District and Maryland used the study to help develop the Anacostia River Trash Total Maximum Daily Load (TMDL). Since that time, the District has focused on reducing trash entering the Anacostia.

DOEE tackles trash pollution holistically, combining trash pollution prevention, pollution mitigation, and litter removal. This strategy relies on District policy, programming, environmental monitoring, and research. DOEE programs that promote education, regional collaboration, and community engagement prevent pollution at the source. Policies addressing foam and plastic pollution reduce the amount of pollution entering the environment. Lastly, trash traps and cleanups tackle capture and removal.

In accordance with our MS4 permit (Section 3.7.1.1), DOEE reports on annual trash reductions in the Anacostia River basin by total weight of trash removed (in pounds) for the reporting year of July 1- June 30. At a minimum, count and weight data must be collected on the following categories of material: Plastic Bottles, Glass Bottles, Plastic Grocery Bags, Food Wrappers, Other Plastic, Aluminum Cans, Styrofoam products, (including food and non-food related products made of polystyrene), Plastic Balls, and Tires.

Quarterly trash trap sampling of plastics included the following sub-categories:

- Plastic bottles
- Retail (carry out plastic bags)
- Other plastic bags (ice bags, trash bags, sandwich bags, etc.)
- Food and drink containers made of expanded polystyrene (EPS) foam (plates and cups)
- Other EPS foam (white or black coarse foams)
- Other non-EPS foam (any other foams)

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<sup>6</sup> The Bag Law category refers to the load reduction of single-use carryout bags (which could be plastic or paper) into the MS4 provided by the Anacostia River Clean Up and Protection Act of 2009 as opposed to the programming supported by the Anacostia River Clean Up and Protection Fund.

- Straws, cutlery, and sauce packets
- Other food and drink packaging
- Toiletries, drug containers, wellness products
- Balls
- Other sport equipment and toys
- Personal protective equipment (masks and gloves)
- Other hard plastics
- Auto oil containers

71. Please update the Committee on expenditures from, and deposits into, the CRIAC Assistance Fund in FY23, FY24, and FY25, to date.
- How much funding remained in the CRIAC relief special fund at the end of FY24?

**Response:** At the end of FY24, \$167,192.39 remained unspent in the District budget and \$34,793.30 remained unspent from funds transferred to DC Water. The Fiscal Year 2025 Budget Support Act of 2024 repealed the DC Code language establishing the CRIAC Assistance Fund, therefore no funds were carried over into FY25.

- What is the current fund balance?

**Response:** The CRIAC Assistance Fund no longer exists and there is no fund balance. The current FY25 budget allocation for CRIAC relief assistance is \$1,296,572.67.

- Please describe any additional expenditures planned for the remainder of FY25 and how DOEE anticipates that will impact the fund balance.

**Response:** Expenditures planned in FY25:

- Non-profit relief program: \$691,084.53
- Residential Assistance program: \$10,000
- DOEE personnel: \$321,496.10

DOEE anticipates that all funding will be used in FY25. The CRIAC Relief Fund has been repealed, so any remaining funds will revert to the General Fund.

72. Please provide the Committee with an update on the Lead Pipe Replacement Assistance Program (“LPRAP”) Program, and the agency’s lead water service line replacement work, including the following information:
- The number of households/properties that applied for LPRAP in FY23, FY24, and FY25, to date.

**Response:**

FY23: 627  
 FY24: 1,108  
 FY25, Q1: 365

- b. Please provide a breakdown of lead water service line replacement assistance provided in the number of households/properties approved for LPRAP in FY23, FY24, and FY25, to date, by AMI grouping. If possible, please also provide a breakdown of approved households by ward.

**Response:**

<b>FY23 Applications Approved by Ward and Assistance Level</b>			
<b>Ward</b>	<b>Income-eligible assistance</b>	<b>Standard assistance</b>	<b>Total</b>
Ward 1	11	71	82
Ward 2	0	34	34
Ward 3	2	66	68
Ward 4	14	65	79
Ward 5	15	70	85
Ward 6	6	59	65
Ward 7	4	19	23
Ward 8	10	14	24
<b>Total</b>	<b>62</b>	<b>398</b>	<b>460</b>

<b>FY24 Applications Approved by Ward and Assistance Level</b>			
<b>Ward</b>	<b>Income-eligible assistance</b>	<b>Standard assistance</b>	<b>Total</b>
Ward 1	16	204	220
Ward 2	2	53	55
Ward 3	6	104	110
Ward 4	15	132	147
Ward 5	9	123	132
Ward 6	7	141	148
Ward 7	11	29	40
Ward 8	7	12	19
<b>Total</b>	<b>73</b>	<b>798</b>	<b>871</b>

<b>FY25, Q1 Applications Approved by Ward and Assistance Level</b>			
<b>Ward</b>	<b>Income-eligible assistance</b>	<b>Standard assistance</b>	<b>Total</b>
Ward 1	0	6	6
Ward 2	0	5	5
Ward 3	0	11	11
Ward 4	0	11	11
Ward 5	0	31	31
Ward 6	0	8	8
Ward 7	0	4	4
Ward 8	0	2	2
<b>Total</b>	<b>0</b>	<b>78</b>	<b>78</b>

For these 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 AMI guidelines or applicants who do not submit income documentation.

- c. The number of households/properties that received lead pipe replacement through LPRAP in FY23, FY24, and FY25, to date, and the total amount of relief provided.

**Response:**

<b>Fiscal year</b>	<b>Households/Properties receiving lead pipe replacement</b>	<b>Amount of relief provided</b>
<b>FY23</b>	408	\$964,404
<b>FY24</b>	667	\$1,783,651.47
<b>FY25, Q1</b>	174	\$413,353.25

- d. Did DOEE expend all funding provided for LPRAP during FY24? Was there more demand for LPRAP subsidies than funding available?

**Response:** Yes, all funds were expended for FY24. There was a significant increase in applications received in FY24 compared to past years. Our application volume continued to increase in FY25, and ARPA funds were no longer available. DOEE works closely with DC Water on LPRAP. In January 2025, DC Water identified internal funding to temporarily provide financial support to LPRAP. Additionally, DOEE applied for an EPA grant on December 30, 2024, to support LPRAP. DOEE has not received a final decision as of January 27, 2025.

- 73. Please provide a detailed description of the work carried out by the Lead-Safe and Healthy Housing Division’s Healthy Housing Program in FY23, FY24, and FY25, to date, including the following information:

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

**Response:**

FY23: 5

FY24: 6

FY25, to date: 4

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

**Response:**

<b>Referring entities</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25, Q1</b>
AmeriHealth Caritas DC	0	1	0
Children's Law Center	0	4	6
Children's National Medical Center	14	14	5
DC DOEE <sup>7</sup>	3	2	0
DC Health	0	0	1
East River Family Strengthening Collaborative	0	5	1
Hogan Lovells	0	1	0
Housing Counseling Services	0	1	0
Impact DC	6	0	0
Latino Economic Development Center	0	1	0
Legal Aid DC	33	8	3
Mamatoto Village	0	12	1
MedStar Health	0	1	0
Self	23	19	5
Washington College of Law	1	0	0
Yachad DC	3	0	0
Other	1	6	3
<b>Total</b>	84	75	25

- 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 Housing Program;

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<sup>7</sup> 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.

- e. The number of Technical Assistance Reports issued as part of the Healthy Housing Program;

**Response to c through e:**

Category of data	FY23	FY24	FY25, Q1	Total
Number of Pregnant Referrals	7	10	2	19
Number of Asthma Referrals	42	31	9	82
Number of Elevated Blood Lead Levels ( $\geq 3.5$ $\mu\text{g/dL}$ ) (EBLL) Referrals	4	3	1	8
Number of Other Referrals	35	74	21	130
Number of Initial Home Visits (environmental assessments)	52	55	12	119
Number of Follow-up Visits (environmental assessments)	42	41	1	84
Number of Initial Technical Assistance Reports Issued	44	51	10	105
Number of Follow-up Technical Assistance Reports Issued	40	39	1	80
Number of Healthy Homes Cases	84	75	25	184

Notes:

- All people who are referred to the Healthy Homes program are automatically enrolled into the program.
- “Other” includes environmental health hazards such as pests, chipping/peeling paint, water damage, mold, child without asthma, and non-pregnant person.
- Some cases may be referred for multiple causes, e.g. both pregnancy and chipping/peeling paint, etc.

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

**Response:** Case managers take pictures of the hazards and develop a technical assistance report with 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 (e.g., loss of contact with the tenant, tenant is no longer interested in the program, or the tenant has asked to leave the program). Case managers work with property owners, property managers, and support organizations to obtain successful hazard remediation.

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

**Response:** The Office of District Waterways Management (ODWM) has taken a multi-prong approach in supporting MOTA and the Council in identifying potential voting members. ODWM received 19 applications for the seven available Council-appointed positions. ODWM staff conducted screening interviews with 15 of the qualified candidates and shared proposed nominees for Council appointment with Chairman Mendelson on December 16, 2024. For Mayoral appointments, ODWM has been working with MOTA to review applications, conduct interviews, and reach consensus on the most qualified candidates. MOTA has said that Council can reach out to them with any questions.

*For the ex officio members:* On request of the Mayor, five federal agencies appointed a representative as an *ex officio* member. Eight District Government officials were identified so far to serve as *ex officio* members.

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

**Response:** An RFP was published on November 18, 2024, with responses due January 13, 2025, to procure a contractor to aid in facilitating Commission meetings and drafting the Advisory Plan. A pre-proposal public information session was conducted on December 3, 2024. The Office anticipates having a contractor engaged and for Commission meetings to commence in Q3 2025, if not sooner. In line with the timeline set by law, ODWM anticipates the Advisory Plan will be developed by the Commission within two years of the Commission's initial meeting and adopted soon after that.

75. Please provide an update on the priority pilot project for residential electrification in the Deanwood and River Terrace neighborhoods in Ward 7, including:
- a. The number of residents served;

**Response:** The following tables provide the number of projects completed, equipment installed, and total cost for the Affordable Home Electrification Program (AHEP),

under which the priority pilot project took place. Below those tables is a breakout for the priority pilot neighborhoods.

**AHEP Projects Completed/Income-Qualified Families Served in FY24**

Ward	Project count	Dwelling units served
1	1	4
2	0	0
3	0	0
4	11	11
5	12	13
6	2	2
7	22	38
8	13	13
<b>TOTAL</b>	<b>61</b>	<b>81</b>

**Equipment Type Installed in FY24**

Equipment type	Amount installed
High efficiency electric heat pumps	99
Heat pump hot water heaters	61
Mini split systems (outdoor units)	36
Central heat pump systems (outdoor units)	63
Electric stoves	9
Induction stoves	37

Number of families served in Deanwood in FY24: 5

Number of families served in River Terrace in FY24: 3

- b. The value of the electrification upgrades provided through the pilot project; and

**Response:**

**Total Incentives Invested in FY24 AHEP Projects: \$2,153,000.00**

Ward 7 – Total incentives invested in FY24: \$808,504.00

Ward 8 – Total incentives invested in FY24: \$291,170.00

Total Impact in Deanwood in FY24:

- Families/Units Served: 5
- Total Incentives Invested in AHEP Projects: **\$157,560.00**

Total Impact in River Terrace in FY24:

- Families/Units Served: 3
- Total Incentives Invested in AHEP Projects: **\$76,265.00**

c. An assessment of the program's success.

**Response:** Overall, the reception of the AHEP program across the District has been very positive. The DCSEU has steadily served more customers each year as more budget has been made available working closely with DOEE. As it relates to the Deanwood and River Terrace neighborhoods, the DCSEU engaged with Washington Interfaith Network (WIN) DC to promote the program and educate residents about the benefits. Understandably, these are major upgrades to a family's most valuable asset. This requires significant time investment and relationship building to develop trust with customers about the work being performed and who is performing it in their homes. When equipment is in poor condition or at the end of its useful life, it can be a much easier process, but when replacing systems and equipment that residents have grown accustomed to over many decades, it can take much more convincing and education on the benefits. While the number of projects completed in FY24 in the Deanwood and River Terrace neighborhoods is relatively small, the interest in the program continues to grow as more residents experience the program and its benefits and our reach grows wider. With a goal of 300+ homes in FY25, the DCSEU looks forward to working with their subcontractors, community partners, and stakeholders to expand the impact of the program.

76. Please provide an update on implementation of the Breathe Easy Program as required under the Healthy Homes and Residential Electrification Amendment Act of 2024, effective July 19, 2024 (D.C. Law 25-189; 71 DCR 9562), including:
- a. The number of residential electrification retrofits completed in FY25, broken down by low- and moderate-income households;

**Response:** To date, no residential electrification retrofits have been completed in FY25. However, the Affordable Home Electrification Program has more than 65 active projects that are at various stages of completion, and a pipeline of more than 125 homes that the program team is currently engaging to complete applications and income verification. In addition, the DCSEU is close to executing work orders with their subcontractors to complete electrification measures across 10 multifamily projects, totaling more than 1,000 units. Given the scope and timelines involved, DOEE anticipates that most of these projects will be completed in Q4 of FY25.

- b. If the Program published a sliding scale to be used when subsidizing the cost of providing residential electrification retrofits to moderate-income households, a copy or description of that sliding scale; and

**Response:** The program has not yet developed nor published (and does not use) a “sliding scale” to be applied to subsidizing the cost of providing residential electrification rebates to moderate-income households. In FY25, the program did use SETF funding to expand offerings under DCSEU’s Residential Electrification Rebates, which will be available to households at any income level, including moderate income households. The program will collect data on the rate at which households’ take advantage of these rebates during FY25 to inform future iterations of the Residential Electrification Rebates program, which could include a specific set of program rules and rebate amounts for moderate income households.

- c. The total value of electrification retrofits completed in FY25.

**Response:** To date, no residential electrification retrofits have been completed in FY25. However, the projected value of active projects is \$9,336,117. The projected value of single-family projects in the pipeline is approximately \$7,424,000.

#### *Waste Diversion*

- 77. 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 Natural Resources Administration does not have funding for a dedicated FTE to monitor compliance with the Utensils by Request requirements or to administer the Ditch the Disposables grant program, nor does it have funding for the grant program itself. NRA’s Compliance Assistance and Policy Team supports businesses in coming into compliance with the Utensils by Request provisions, 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 and what is the status of the citation regulations?

**Response:** DOEE has a team of inspectors who conduct approximately 300 inspections annually to ensure compliance with various food service ware laws, including the "Utensils by Request" (UBR) provision. UBR requires that:

- All District restaurants and food-serving entities are prohibited from automatically including small disposable food service items in customer orders. These entities must either keep small disposable items behind the counter to provide only upon customer request or place them in a self-service area for customers to take as needed.
- Third-party food ordering platforms and delivery apps (such as Uber Eats, Grub Hub, etc.) must update their platforms to allow customers to affirmatively request disposable items for their orders.

Monitoring compliance with UBR presents unique challenges because it requires an inspector to observe a brief encounter between a restaurant/carryout and their customer. DOEE inspectors monitor this law primarily by reviewing their personal takeout experiences throughout the year.

Additionally, to assist in compliance with the second part of the UBR law, DOEE inspectors occasionally review third-party food ordering platforms to ensure they include an "opt-in" option, allowing customers to select utensils, condiment packages, and other disposable accessory food service ware items.

Upon finding a violation, inspectors issue a Notice of Violation (NOV) to the regulated entity. DOEE's Notice of Proposed Rulemaking that would establish civil infractions for violations of the agency's regulations on Utensils by Request and allow for the inspectors to fine non-compliant businesses is currently under review by the Executive Office of the Mayor.

Please describe any changes to DOEE's compliance monitoring in FY24 and FY25, to date.

**Response:** There have been no notable changes to DOEE's compliance monitoring in FY24 and FY25.

- c. 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:** DOEE approved Call2Recycle's revised Battery Stewardship Plan in August 2023. Call2Recycle began implementing the approved plan in November 2023. DOEE worked closely with Call2Recycle to develop marketing and outreach materials in the first year of the program. Call2Recycle has promoted the program through targeted mailings and advertisements on local podcasts. The data included in Call2Recycle's most recent report confirms 14 public collection sites were set up

by the end of 2023. As of February 4, 2025, there are 19 public collection sites listed on Call2Recycle’s drop-off locator. The collection network also features 45 private collections sites that are supported by the program. In 2025, DOEE plans to develop additional public educational and marketing materials to supplement the BSO’s outreach materials. While DOEE has already started to provide compliance assistance in the form of letters to unregistered battery manufacturers in 2024, further enforcement of program requirements is set to occur in 2025.

78. Please provide an update on the Donation and Reuse Award Program in FY24 and FY25, to date, including:

a. The total number of applications for grants received;

**Response:**

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

FY25: 0 (\$0 in funding requested; in FY25 the Donation and Reuse Award Program was suspended, but DOEE has developed a new RFA for a program administrator in FY25 to administer funds to subgrantees in FY26 to prepare for restored funding in FY26.)

b. The total number of applications for grants processed;

**Response:**

FY24: 15

FY25: 0

c. The total number of applications for grants approved;

**Response:**

FY24: 7

FY25: 0

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

**Response:**

FY24: \$62,530

FY25: \$0

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

**Response:** The Donation and Reuse Grant Program is an ongoing effort to promote waste reduction in District communities, creating opportunities for diverse projects that relate to donation, reuse, repair, and food recovery. In FY24, the grantees raised awareness and shared knowledge about donation and reuse efforts, with one organization holding 11 workshops with 212 attendees on waste prevention with topics including pickling, herb drying, soda making, mending, and upcycling. Several food rescue projects focused on diverting material, with a total of 16,104 pounds of edible food recovered and redistributed at events totaling 2,745 attendees. A District university collected 41,250 lbs. of reusable items to redistribute to incoming students and donate to local non-profit organizations.

79. Please provide an update on the Ditch the Disposables Program, in FY24 and FY25, to date, including:

**Response:** The Ditch the Disposables Program was not funded in FY24 or FY25, so DOEE discontinued this as a stand-alone program. In FY24, DOEE added Ditch the Disposables as a new Project Area to the Community Stormwater Solutions (CSS) Grant Request for Applications (RFA), but did not receive any applications. The Project Area is included again in the FY25 CSS RFA, which is currently open for applications.

- a. The total number of applications for grants received;
- b. The total number of applications for grants processed;
- c. The total number of applications for grants approved;

**Response to a, b, and c:** 0 (in FY24 and through Q1 of FY25)

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

**Response:** \$359,720 in FY22 and FY23.

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

**Response:** There has been no formal assessment of the impact given the limited time the program was active. Some past grantees had shared initial results anecdotally. but the results are now outdated.

- 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:** As of FY22, and FY23, some projects required a variance, which incurred an application fee, from the Department of Health. A variance fee only

applied if the grantee was implementing a program for reusable takeout containers (either in-house or third party) for food (not beverages). When the program was active in FY22 and FY23, we mitigated this fee by allowing grantees to write it into their budget so grant funds could cover it.

80. 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. What metrics does DOEE use to measure success? How is the District performing under those metrics?

**Response:** To measure the program’s success, DOEE annually tracks the District’s food-related GHG emissions. Food-related emissions are calculated by the World Resources Institute based on the weight or volume of food items purchased by District agencies and are based on regional emission factors from a 2018 global life cycle meta-analysis. The District tracks both absolute emissions—total emissions from covered food and beverage purchases—and relative emissions—emissions per calorie or “per plate,” supporting the legislative intent to allow for growth in number of meals served while reducing the emissions associated with each meal provided. In FY21, the District’s absolute food-related emissions were 29,622.92 tons of carbon dioxide equivalent (CO<sub>2</sub>e), and its relative emissions were 8.84 kg CO<sub>2</sub>e per 1,000 kcal. In FY22, absolute food-related emissions were 55,678.04 tons CO<sub>2</sub>e, and relative emissions were 7.98 kg CO<sub>2</sub>e per 1,000 kcal. Thus, although absolute emissions increased from FY21 to FY22, largely due to post-COVID recovery and more complete data collection, relative emissions decreased, showing that the District is making progress towards reducing food-related emissions. The first annual Green Food Report will be published in July 2025 and will report on FY23 data.

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

**Response:** The program has identified a number of barriers to implementation from agency partners. Specifically, shifting to more plant-based food procurement may require additional training for food service staff members who lack the requisite knowledge and skills to prepare plant-based meals that appeal to residents and meet nutritional requirements. In addition, agencies with existing food service contracts may be unable to amend awards to shift purchasing if those changes increase overall costs, given limited agency budgets. DOEE is working with agencies and outside partners to identify foods and menu items that comply with Green Food guidelines and nutrition requirements without increasing food costs. For example, DOEE partnered with consultants at Greener by Default to audit the Department of Youth Rehabilitation Services’ menu and recommend specific plant-based recipes that can be incorporated into the meal program.

Additionally, the Green Food Purchasing Act does not provide any mechanism of enforcement for including best practices in food service contracts, nor for ensuring that menus actually comply with those practices. DOEE plans to conduct regular reviews of all food service contracts to determine whether the Green Food guidelines have been incorporated. Upon collection of food procurement data the Green Food team can determine whether food service menus are in compliance with the guidelines. In cases of noncompliance, DOEE can work with agency staff and vendors to provide additional support.

Another barrier is that public charter schools have independent procurement authority separate from District Government. The lack of central authority and tracking has been a barrier to obtaining food purchasing data from charter schools, which account for half of all K-12 schools in the District. Emissions from public charter schools' procurements are therefore not currently included in the District's baseline assessment or subsequent tracking. DOEE has discussed this gap in procurement data with OCP and with the Public Charter School Board and we are working to find solutions that will result in full and accurate data for the District's food purchasing. Additionally, full clarity regarding charter schools' coverage under the Green Food Purchasing Amendment Act will be beneficial.

- c. 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 enables DOEE and OCP to determine agencies whose food procurements are covered by the Green Food mandate, identify relevant contracts, and establish contacts to provide food purchasing data. DOEE and OCP are working with agencies to insert the Green Food guidelines into contracts as they are renewed or recompeted, and to support data collection and reporting.

- 81. How much revenue did the District collect pursuant to the Bag Law in FY23, FY24, and FY25, to date?

**Response:**

FY23: \$1,907,867.86

FY24: \$1,786,056.21

FY25 Q1: \$506,229.96

- a. In last year's performance oversight hearing responses, DOEE indicated it was planning to conduct an updated study on the law's effect on single-use carryout bags. Did DOEE conduct such a study?

**Response:** DOEE has initiated this project. In FY24, the team began scoping and designing the project. In FY25, DOEE expects to issue a Request for Applications to select a grantee to conduct the study, which we anticipate will combine surveys, focus groups, and a review of best practices in other jurisdictions. DOEE anticipates awarding the grant by Q4 of FY25 and completing the project in FY26, pending availability of funds.

- b. Please detail DOEE’s enforcement of the Bag Law in FY23, FY24, and FY25, to date. How many total businesses did DOEE inspect? How many fines did it issue for non-compliance?

**Response:** In FY23, DOEE conducted 553 inspections, issuing 56 Notices of Violation (NOV) and 35 Notices of Infraction (NOI).

In FY24, DOEE conducted 567 inspections, issuing 44 NOVs and 65 NOIs.

Thus far in FY25, DOEE has conducted 127 inspections, issuing 5 NOVs and 13 NOIs.

On the topic of compliance, businesses have expressed challenges with understanding the evolving landscape of Bag Laws in the region. Prince Georges County has banned plastic bags and applies a 10-cent fee on all paper bags.

- c. Did DOEE monitor compliance with the Bag Law at self-checkouts? At smaller retailers? Does DOEE have an estimated rate of compliance for FY24 or FY25, to date?

**Response:** Yes, DOEE actively monitors compliance with the Bag Law at self-checkout stations and smaller retailers. Inspectors assess self-checkouts by making purchases directly from the machines, documenting their findings, and issuing violation notices when necessary. Small retailers are inspected using the same procedures as larger retailers. For first-time offenses at retail stores with fewer than three locations, DOEE issues a Notice of Violation (warning letter) before issuing an NOI, which would include fines.

The rate of compliance in FY24 was 79%, which is comparable to our FY23 compliance rate of 81%. The rate of compliance for FY25 will be calculated at the end of FY25.

82. 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 in FY24 and FY25, to date.

**Response:** DOEE has made significant progress in implementing the EPPS program and meeting the District's EPPS mandate. Major actions in FY24 and FY25 to date include:

**EPPS Pilot Programs:** The EPPS team at DOEE launched two pilot programs to improve the District's sustainable spend performance. The first pilot was launched at DOEE in March 2024, where 77 DOEE staff members attended a training on the EPPS program to learn about sustainable purchasing and the District's EPPS mandate. DOEE's EPPS team is also meeting with program teams to better understand their procurements and recommend Statement of Work language to improve DOEE's sustainable spend performance. The second pilot was launched at DPW in May 2024. The EPPS Team met with DPW's Chief Administrative Officer to discuss the EPPS program and opportunities to increase DPW's sustainable spend. DPW included EPPS materials in a procurement training for staff, and the EPPS team has already seen improvements. DPW's recorded EPPS spend rose from \$0 in FY23 to \$4 million in FY24, making DPW the highest performing agency for recorded EPPS spend totals in FY24. This does not include unrecorded EPPS spend, which the EPPS team is still reviewing.

**FY25 OCP Acquisition Planning Tool (OAPT) Review:** DOEE and OCP worked together to include EPPS information in the FY25 OAPT process, which DOEE reviewed in its entirety for the first time ever. This allowed DOEE to estimate the EPPS spend for FY25, identify EPPS procurements that were incorrectly recorded, and send reminders to agency staff about recording EPPS procurements before procurement order dates.

**EPPS Certification Process Development:** DOEE, OCP and OCTO collaborated to map out the EPPS Certification process and determine the technical and training requirements needed for successful implementation. The EPPS certification system will be built into PASS and include a questionnaire-app to help agency users determine if their procurement requires a waiver or certification along with a submission portal for agency users to upload procurement materials (e.g., an SOW) for review. The certification system will be complete by the end of FY25.

**EPPS Website Improvements:** DOEE and OCP worked together to organize their respective EPPS websites and link them together so that District staff can easily find all the EPPS information they need. Going forward, OCP's website will publish all sustainable purchasing reports along with guidance documents, and the DOEE site will host the EPPS Specifications. Several new specifications were also published in FY24.

**Sustainable Spend Tracking:** DOEE's EPPS team has been conducting a spend analysis of the District's Procurement data to identify sustainable spend opportunities and to better track the District's sustainable procurements. In FY23, the District recorded \$7 million of sustainable spend according to Purchase Order

data from PASS, but an additional \$100 million of unrecorded EPPS spend was identified. DOEE created a dashboard to track the District's spending, which includes sections tracking the District's spend by EPPS specification. The EPPS team is also using this analysis to define the scope of the EPPS program and which procurements should be excluded. Exclusions have included contracts for temporary labor, license renewals, and software packages that do not have an environmental alternative.

- a. 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, in coordination with OCP and OCTO, developed the requirements for an EPPS certification system to be built into PASS. The built-in certification system will guide agency users in determining if their procurement requires a certification or waiver and in submitting their procurement materials (e.g., an SOW) for review by the EPPS team. We developed a document mapping the certification system, its technical requirements, and training needs, which will provide the basis of an MOU between DOEE and OCTO. Once created, the EPPS certification process will enter a pilot period where the EPPS certification application system will be made available in PASS to select agencies to troubleshoot issues and ensure the procurement process does not engender significant delays for District agencies.

- b. When does DOEE anticipate fully meeting the mandate?

**Response:** DOEE is committed to meeting the EPPS certification mandate. In coordination with OCP and OCTO, the certification system is being developed in FY25. Once the system is developed, DOEE and OCTO will begin to train procurement staff at agencies through a planned phased rollout, adding 2-7 agencies each quarter in FY26 and FY27, with all 87 agencies that made procurements in FY24 being brought under the certification system by FY28, at the latest.

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

**Response:** Yes, DOEE is experiencing and anticipating some barriers to implementation. The primary barriers to implementation are the projected workload of a manual certification review process and lack of an FTE at OCP fully devoted to the EPPS program.

Certification System Workload: According to PASS Purchase Order data from FY24, the District processed at least 2,500 contracts over \$100,000. This equates to over 10 full contract reviews per business day on average, posing a workload that is not

realistic for two analysts that have other responsibilities in addition to the EPPS program and could cause delays in the procurement process. To meet the EPPS certification mandate, DOEE will explore opportunities for automating waivers, developing databases for data and documentation collection, and track vendor reporting to ensure compliance through the lifespan of the contract. The pilot phase of the EPPS Certification System will help to gauge the true workload that the EPPS Certification Process will demand.

OCP EPPS FTE: The Procurement Practices Reform Act of 2010 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 has 1 FTE and is actively hiring a second to complete the DOEE team, OCP currently has approximately .5 FTE assigned to this work, whose availability varies based on competing deadlines. Having at least 1 FTE fully devoted to the EPPS program at OCP is critical to implementing the EPPS program District-wide, as OCP's support is critical in managing the required trainings, SOW and contract reviews, and data collection necessary to fully implement EPPS, especially as the certification system begins implementation.

- d. 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 levels. At the program level, the EPPS teams at DOEE and OCP regularly meet to discuss the EPPS programs. These meetings focus on developing the EPPS Certification System, modifications to the PASS system, tracking the District's Sustainable Spend Performance, and EPPS trainings for District employees. In addition to these program-level meetings, the Directors for both agencies met in March and July of 2024 to discuss the future of the program and strategic goals. This partnership has been instrumental in publishing the Sustainable Purchasing Report and developing the certification system. While collaboration between DOEE and OCP continues to expand, the OCP team working with DOEE has multiple high-level obligations that can impede collaboration and the agencies' progress in meeting their EPPS mandates. To further improve the collaboration between DOEE and OCP on the agencies' respective mandates, OCP would benefit from an FTE that can be fully devoted to helping OCP meet its EPPS mandate.

83. Please quantify the annual costs to taxpayers from DOEE's budget for cleaning up litter in the District from CY2021-2025.
  - a. How much did DOEE spend annually to meet compliance obligations under Municipal Separate Storm Sewer System (MS4) permits in the CY2021-2025 MS4 reporting periods?

**Response:** DOEE manages a stormwater enterprise fund that was established specifically to allow the District to comply with the federally issued MS4 permit. This fund is titled the Storm Water Permit Review Fund. Operating expenditures from this fund in the preceding four years are below:

- FY21 - \$11,329,357
- FY22 - \$12,596,616
- FY23 - \$12,853,847
- FY24 - \$15,324,625

In addition, DOEE committed on average approximately \$1.7 million per year over the past five years in capital dollars from this fund to match approximately \$10.3 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 site 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 CY2021-2025?

**Response:** DOEE spent approximately \$1,643,000 for the maintenance of trash traps from 2021-2024. In FY25, DOEE projects to spend \$490,000.

- c. How much did DOEE spend for trash cleanup contracts annually from CY2021-2025, 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:** Between 2021 and 2025, DOEE has spent approximately \$2,997,441 on trash cleanup grants and contracts, as well as \$4,300,000 on salaries for staff who work directly on trash cleanup programs and on inspections and compliance assistance. This figure includes funding for trash trap maintenance, Trash Free Communities and Trash Free Shorelines Grants, park maintenance grants, trash monitoring, grants to businesses to switch from disposable food service ware to reusable food service ware, supplies for cleanup events, Green Boat Program, and supplies for trash-related activities (illegal dumping cameras, signage, bags).

*Climate Resilience*

84. 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 (CRDC) Plan, which DOEE will update in FY25 to CRDC 2.0. DOEE has partnered with the Homeland Security and Emergency Management Agency (HSEMA) to lead this plan update with the intent that DOEE’s CRDC 2.0 will also serve as an update to the climate chapter in HSEMA’s Resilient DC plan. After publication, HSEMA intends to track and report on resilience-related metrics, while DOEE intends to shepherd implementation as it has done with CRDC 1.0. 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.

A dedicated, cross-agency staffer or office to lead on resilience coordination would be useful. DOEE has a staff position that is dedicated to implementing and updating CRDC. Historically, this person worked in close partnership with the Chief Resilience Officer at HSEMA, which was vacated in FY24 and remains unfilled at present.

- 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:** Several of the initiatives proposed in Resilient DC and the forthcoming CRDC 2.0 would be much stronger if supported by the Committee. For example, Action 2.2.2 in Resilient DC calls for the establishment of District-wide climate change adaptation policy, guidance and procedures. This initiative, currently reflected in draft language for CRDC 2.0, 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 lowering 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.

85. Please provide an update on DOEE’s work with HSEMA and other District agencies to establish resiliency hubs in the District.
- a. Where are these hubs being sited? How is the Executive selecting ideal sites?

**Response:** DOEE has followed the Urban Sustainability Directors’ Network (USDN) model of resilience hubs, and approaches resilience hubs on two tracks: community-led resilience hubs, and Government-owned resilience hubs that are largely operated by community partners. DOEE has piloted the first model with the first resilience hub, which was launched through a community-led process with which DOEE has participated since 2017. That site—the FH Fauntery Community Enrichment Center—is in Ward 7 adjacent to Watts Branch, a stream which poses flood risk to various neighborhoods. DOEE has engaged with other organizations that are interested in establishing resilience hubs in Wards 5 and 6.

DOEE applied for Federal funding to establish additional resilience hubs in FY24, but the funding was not awarded. In FY25, DOEE’s Urban Sustainability Administration intends to convene organizations that are interested in performing a resilience hub role through a quarterly series of Community of Practice meetings, through which the agency will share best practices and advertise potential non-District funding opportunities.

DOEE will prioritize future 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 the Department of Parks and Recreation (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:** 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, which suggest various design strategies based on the potential hazards identified by the design team, using the District’s existing climate risk analysis tools.

Resilience hubs should not only be designed to withstand climate events like flooding or power outages caused by storms, but also to serve as a post-event response and recovery. The pilot resilience hub in Ward 7 was awarded over \$2 million in Federal funding to improve space to be able to provide showers, a computer lab, a commercial kitchen, gathering rooms, and refrigeration. DOEE awarded funding to this facility to install solar and battery storage to ensure that the facility can remain online during a power outage. However, these features are not prerequisites to serving as a resilience hub.

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 501(c)(3) 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 FH Faunerooy Center with technical assistance, and the FH Faunerooy Center has received funding from a variety of federal sources. DOEE collaborates closely with the RHCC, which is now conducting outreach to other potential resilience hubs in Wards 6, 7, and 8.

86. Please provide the Committee with an update on DOEE's efforts to achieve goals laid out in the Climate Ready DC Plan during FY24 and FY25, 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 2025 progress report is currently underway and will likely include, among others, the following District-wide highlights:

- DDOT was awarded \$724,000 through the Bipartisan Infrastructure Law through the Building Resilient Infrastructure and Communities (BRIC) program to build shaded bus stops in areas of high heat exposure.
- DOEE updated the District of Columbia's Climate Change Projections and Scenario document, which lays the groundwork for the Climate Ready DC 2.0 update.
- As part of the development of Climate Ready DC 2.0, DOEE published three interactive online storymaps that explore how District residents are experiencing extreme weather and what the District is doing to prepare for climate impacts.
- DOEE engaged more than 600 residents in conversations about climate change through open houses, focus groups, interviews and open houses, all of which will inform the development of Climate Ready DC 2.0
- DOEE's Flood Team and Urban Sustainability Administration launched the Ivy City Climate Resilience Strategy, the District's first neighborhood-based

climate resilience planning effort that will address the risk posed by both flooding and extreme heat.

- The Office of Planning completed Small Area Plans for both Ivy City and the Nannie Helen Burroughs corridor, both of which prioritized climate resilience and proposed actions to reduce the risk posed by flooding and extreme heat.

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. During FY24 and FY25 to date, DOEE and HSEMA have hosted four interagency workshops and four climate resilience interagency advisory group meetings. Participants have identified multiple barriers to implementing CRDC. 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).

DOEE has crafted draft actions for the CRDC 2.0 update to address some of the barriers, within our agency’s existing authority and considering the immediate and current impacts of climate change experienced by District residents. Some of these drafted actions include:

- Develop a climate risk screening tool and a climate resilience cost benefit analysis tool to be used before project costs are estimated and put into the Capital Improvement Plan.
- Develop language related to climate resilience and incorporate it into capital improvement scopes of work (SOWs) and requests for proposals (RFPs) for District of Columbia funded projects.
- Launch a technical assistance program to support sister agencies completing a climate vulnerability assessment for their projects and programs.
- Incorporate climate risk reduction into each agencies’ internal facing planning documents.

- Establish a Climate Champion in each agency and establish a broader Climate Cohort that staff in any agency may join.

87. 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](#). 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](#) 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:** 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). In 2024, DOEE substantially completed the model but continued to refine the flood model by making small adjustments (e.g. correcting location of sewer inlets to account for

small differences between digital sewer data and reality). DOEE continues to review these maps internally for quality control and expects to be able to share them in calendar year 2025. Once complete, 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. Results of the IFM will help focus the priority neighborhoods and specific locations within neighborhoods that need resilient designs. The IFM will also help test policies and plans for efficacy in a range of future climate scenarios.

88. 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 and HSEMA are members of the Cool Cities Network, part of C40, the global network of mayors of the world's leading cities that are united in action to confront the climate crisis. We have partnered with C40 and four other North American cities to conduct a study to identify policy pathways to implement indoor thermal safety regulations for existing rental housing stock. The main purpose of the project is to articulate specific recommendations to guide the design of a suite of maximum indoor temperature policies and programs that could be implemented in the next five years. There are three additional cities participating in the study alongside the District: Austin, New York City, and Toronto. Recommendations will be tailored to each of the participating cities based on technical analysis of each city’s rental building stock and review of each city’s legal and policy context. There will be opportunities for stakeholders from District government to engage with this consultant team to ensure that they have fully characterized the nature of our rental building stock and understand the challenges and opportunities for achieving thermal safety in the District. The project should be complete this spring.

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

**Response:** DOEE has no additional recommendations at this time.

89. Please provide an update on DOEE’s benchmarking and third-party verification efforts in FY24 and FY25, to date, including:
- a. How many private building owners submitted benchmark or Energy Star® statements, broken down by square footage threshold;

**Response:** DOEE received reports for 2,732 private buildings in 2024, which represents 93% of covered buildings. Buildings over 50,000 square feet accounted for 1,954 reports while buildings between 25,000-49,999 square feet accounted for 778 reports.

- b. How many private building owners submitted third party verification, broken down by square footage threshold;

**Response:** Third-party verification was submitted by 2,277 private building owners (over 80% of reports submitted). Buildings over 50,000 square feet accounted for 1,683 verifications, while buildings between 25,000-49,999 square feet accounted for 594 verifications.

- c. An interim assessment of the usefulness of third-party verification; and

**Response:** DOEE will provide a fuller analysis of the impact of third-party verification in the Council report that is due April 1, 2025. In terms of metrics, over 80% of reports submitted to DOEE included a third-party verification, which indicates a high level of engagement from building owners on this requirement. Additionally, our data shows that 35% of buildings requested a correction to their benchmarking data as a result of third-party verification (including approximately 25% of buildings that are currently in the BEPS cycle), which shows that many building owners did need a more thorough review of their benchmarking data.

DOEE is aware that third-party verification is a new requirement and that new requirements can often cause some confusion or challenges for the regulated community. From the time that DOEE began developing these requirements, we have worked to strike a balance of fairness and regulatory rigor. For example, based on stakeholder feedback, we opted to follow the ENERGY STAR Portfolio Manager verification process, but do not require a site visit (such as one required by the ENERGY STAR program). Over the course of FY24, we were actively involved in conversations with the BEPS Task Force regarding challenges building owners were facing on the ground. DOEE has continued to take in that feedback, and we have made adjustments on how we communicate the requirements, as well as published numerous guidance documents to clarify the requirements.

The biggest benefits that DOEE has seen from the third-party verification process are as follows:

- **Upholding consistent standards** – Third-party verification does not create new standards for reporting data to DOEE, but rather highlights and emphasizes the current standards. It is clear that many building owners and their service providers were not fully aware of the standards necessary to benchmark properly in Portfolio Manager. Through the process of creating more robust guidance, hosting numerous trainings, and holding many one-on-one discussions, DOEE has been able to better educate the industry on these

standards and ensure a level playing field. In one such discussion, DOEE received feedback from a building owner that they appreciated the third-party verification requirement because it meant that building owners who had been “doing things right” were no longer being penalized or compared to other buildings that were not benchmarking correctly.

- **Building owners have become more aware and engaged** – A combination of the BEPS requirements and third-party verification requirements have led to a higher level of awareness and engagement among building owners. DOEE does not have quantitative data to support this, but anecdotally, many more of our conversations over the last year have involved the building owner or manager, rather than just their consultant, service provider, or legal representative. We have noticed that many more building owners/managers want to really understand the data and their energy performance.
- **Third-party verification and data corrections led to BEPS pathway changes** – In the course of verifying and updating data, we noticed a slight uptick in the number of BEPS pathway change applications. This indicates to us that the process of reviewing and correcting energy performance data also opened up discussions to determine which BEPS pathway is the most suitable. This will benefit these building owners, as they will now be working towards energy savings goals that are more achievable and/or appropriate for their situation.

In general, DOEE has found that a higher level of accuracy in data allows for more informed decision-making on the building owners’ part. To give a specific example - DOEE is aware of a building that was noted as a poor performer and on track to not meet the median level of energy performance. In 2020, this building engaged with a service provider who performed an energy audit and third-party verification in the property, at which point it was discovered that the building was misreporting its gross floor area by nearly 200,000 square feet. By making this update, the building’s energy use intensity was recalibrated and the building not only met the 2021 BEPS, but also achieved ENERGY STAR certification. This building was then able to use the ENERGY STAR certification in lieu of an additional third-party verification to submit to DOEE. Thus, not only was the building able to accurately avoid being placed in the 2021 BEPS compliance cycle, but they also were not required to perform an additional third-party verification for DOEE, as our rules allow for building owners to use a current ENERGY STAR certification in lieu of third-party verification.

Another building owner, during the course of completing third-party verification and updating their benchmarking data, discovered that one of their buildings was not performing at the level that was previously reported to DOEE. This prompted the building owner to realize that intervention was needed in this building, when previously they thought that it was performing at a suitable level.

- d. A summary of enforcement actions taken in response to noncompliance.

**Response:** This response will focus on the enforcement actions taken related to the calendar year 2023 benchmarking and third-party verification data that was originally due April 1, 2024 (pushed to July 1, 2024 under emergency legislation). DOEE typically sends multiple rounds of warnings/notifications to building owners before enforcement action is taken. Typically these emails are sent in April/May, but due to the shifted deadline this year, DOEE did not begin any warnings or enforcement action until later in the year. Over the course of July through September 2024, DOEE sent several email notifications to building owners that were out of compliance with the benchmarking and third-party verification requirements. The emails contained specific information as to what was missing from the report and provided instructions on how to resolve the issues. DOEE also hosted weekly office hours throughout the year to help address any specific questions that building owners had with resolve these issues.

DOEE then sent Notices of Violation (NOVs) in September 2024. Three types of NOVs were issued: 1) the building owner did not submit any benchmarking data to DOEE, 2) the building owner submitted benchmarking data, but the data was not complete, and 3) the building owner submitted a report that was missing a valid third-party verification. The NOVs provided building owners with thirty (30) days to bring their property into compliance, after which they may face fines of up to \$100/day of non-compliance.

In January 2025, DOEE issued the first round of Enforcement Notices, which include a \$1,000 fine. These Enforcement Notices focused on any buildings over 50,000 square feet that have yet to submit the third-party verification, due to the importance of focusing on ensuring data accuracy for the buildings that are currently in BEPS cycle 1. Over the course of FY25, we will focus our efforts on issuing Enforcement Notices to other buildings that are still missing complete and accurate data and/or third-party verification.

90. Please provide an update on DOEE’s administration of the Building Energy Performance Standards (“BEPS”) Program in FY24 and FY25, to date, including:
  - a. For the first BEPS cycle:
  - b. How many buildings met performance standards and did not need to enter a compliance cycle;

**Response:** 993 buildings met performance standards and did not need to enter a compliance cycle, which is 53% of all buildings subject to BEPS in the first cycle.

- i. How many buildings did not meet performance standards and entered a compliance cycle; and

**Response:** 867 buildings did not meet performance standards and entered a compliance cycle, which is 47% of all buildings subject to BEPS in the first cycle.

- ii. For the buildings that were required to enter a compliance cycle, which compliance pathways have been selected;

**Response:** Metrics for pathway selection are as follows:<sup>8</sup>

- Performance Pathway<sup>9</sup> – 48% of buildings in the compliance cycle
- Standard Target Pathway<sup>10</sup> – 46% of buildings in the compliance cycle
- Alternative Compliance Pathway<sup>11</sup> – 6% of buildings in the compliance cycle

There are over 170 buildings that have selected a pathway that have not been approved by DOEE.

There are also two (2) buildings in the compliance cycle that have been granted a Delay of Compliance that extended their pathway selection deadline and six (6) buildings that failed to select a pathway.

- c. How does DOEE alert building owners to the requirements related to benchmarking, third-party verification, and the BEPS Program.

**Response:** When it comes to the benchmarking requirements, DOEE has been administering and enforcing that program for over 10 years. We have a typical cycle of notification that we follow annually:

- **Outreach/education prior to the deadline:**
  - Publish the Covered Building List and make any necessary updates to the Building Performance Helpdesk site
  - Send reminder letters via U.S. Postal Service to every covered building; letters are sent to building owner address, registered agent, and premise address
  - Coordinate with partners, such as the Building Innovation Hub, to send out correspondence to their members about the benchmarking deadline
  - Publish/issue (at least) two e-newsletters to a large stakeholder listserv, which includes reminder about the benchmarking deadline and information on any updates

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<sup>8</sup> Please note this data only includes buildings with an approved compliance pathway. That is, the building owner has selected the pathway and DOEE has approved that selection.

<sup>9</sup> Reduce site energy usage intensity 20%

<sup>10</sup> For high performing property types with a standard above the national median, reach the standard

<sup>11</sup> Allows an owner to apply to follow a pathway option if they meet specific criteria. It helps recognize special or unique circumstances that building owners might be facing.

- Host a webinar to inform regulated community of new requirements (if necessary) and how to get assistance with benchmarking
- Send email notification, reminding building owners to ensure their data is entered into Portfolio Manager by April 1
- **Outreach/education after the deadline:**
  - Send multiple notification emails to anyone that has submitted a report, either informing them that the report has been accepted or that they are missing information (and how to rectify the outstanding issues)
  - Send a warning email to building owners, stating that if they do not correct errors within a certain time period, DOEE will move forward with enforcement action
  - Notices of Violation/warnings are sent typically within 30-60 days after the deadline, which provide building owners 30 days to comply before fines are issued
- **Specific support/notification provided regarding third-party verification:**
  - Updated benchmarking rules were published in late 2020: held a Q&A session regarding these rules (including rules on new third-party verification requirements)
  - Final benchmarking rules were published in the DC Register in October 2021
  - In late 2023/early 2024, published a new article on the Building Performance Helpdesk, with specific information about third-party verification
  - Reminder letters sent out in early 2024 included specific information about third-party verification
  - In April 2024, hosted three webinars with specific information about third-party verification; all trainings were posted on the Building Performance Helpdesk [here](#).
- **Ongoing support throughout the year:**
  - Respond to thousands of Helpdesk inquiries: in 2024, we responded to over 10,000 inquiries
  - Host weekly office hours to provide one-on-one support to building owners or their representatives
  - Send e-newsletters approximately every four (4) months or so to inform stakeholders of programmatic updates
  - Provide trainings/presentations upon request
  - Partner with industry groups, such as AOBA and DCBIA to provide specific trainings to their members
  - Discuss challenges with the regulated community throughout the year; hold one-on-one discussions upon request

As it relates to BEPS, here is a summary of the outreach/engagement that we have performed over the last several years, as well as some that we have planned in the coming year:

- **Prior to final rulemaking (2019-2020):**
  - Hosted 37 public discussions about BEPS through the BEPS Task Force
  - Provided technical and financial support to stand up and operate the Building Innovation Hub
  - Hosted numerous trainings on request
  - Hosted specific roundtable discussions with the college/university and hospital campuses, as well as stakeholders from the affordable housing sector
  - Drafted Task Force recommendations report that was published on October 20, 2020
- **During rulemaking and public comment period (2020-2021):**
  - Published proposed rulemakings in the DC Register in December 2020
  - Published BEPS/standards in the DC Register on January 1, 2021
  - Sent notification letters to building owners of whether they met the BEPS in April 2021
  - Launched the Building Performance Helpdesk/BEPS Online Portal
  - Collected and responded to public comments, published final rulemaking in DC Register in November 2021
  - Published the BEPS Compliance and Enforcement Guidebook for public comment in June 2021; collected comments/feedback and published version 1 in March 2022
  - Presented to the DC Housing Cooperative Coalition in November 2021
- **Since publishing final rules (2021-2024):**
  - Launched the Affordable Housing Retrofit Accelerator in December 2021; have provided ongoing financial and technical support to qualifying affordable housing buildings
  - Hosted BEPS 101 webinar in May 2022; posted on DOEE website [here](#)
  - Reached out to every BID to set up meetings and offered to host trainings with their members
  - Partnered with AOBA and DCBIA to host various webinars, but specifically hosted a webinar regarding BEPS Pathway Selection in January 2023
  - Sent out reminder letters via U.S. Postal Service regarding BEPS pathway selection in late 2022 and early 2023
  - Sent numerous reminders via email regarding BEPS pathway selection in early 2023
  - Sent out e-newsletters with information regarding BEPS pathway selection throughout 2022 and 2023

- Reached out to every Councilmember in early 2023 to inform them of BEPS, provide them a list of buildings in their Ward that are on a compliance cycle, and hosted several briefings with various Councilmembers to answer any questions
- Continue to respond to inquiries submitted through the Building Performance Helpdesk
- Continue to provide trainings/host meetings with various stakeholders, upon request

For FY25, DOEE is preparing to send out “compliance snapshots,” which will provide building owners with information on their progress towards meeting their energy performance requirements in BEPS Cycle 1. These are currently in development and we plan to send them out by late March/early April.

d. An interim assessment of the program’s success; and

**Response:** The BEPS program has achieved success in many different ways. Anecdotally, the program has shifted the thinking of the commercial real estate market, landlords, building operators, service providers, and many other stakeholders within the building industry. The program has seen a high level of engagement from these stakeholders, as evidenced by the high compliance rate achieved during our first regulatory deadline in April 2023. Additionally, the District has been able to launch various efforts aimed at supporting the industry, including the Building Innovation Hub and the Affordable Housing Retrofit Accelerator. Through the Accelerator, DOEE provided over 60 free energy audits to qualifying affordable housing and has (to date) completed over 20 energy efficiency projects in these buildings, which will improve not just the efficiency of these buildings, but also the indoor air quality and overall comfort for the residents.

DOEE continues to solicit feedback and provide support where needed to help building owners and other stakeholders find success with the BEPS program. For example, over the last two years or so, DOEE has been engaging more deeply with the residential condominium and cooperative sector. After participating in several one-on-one conversations with condo/coop owners regarding their unique challenges, DOEE coordinated internally and externally with some of our partners at the DC Green Bank, the Building Innovation Hub, and the DCSEU to a) participate in several panel and roundtable discussions with a group of condo/coop owners to provide clear and specific information on BEPS and how it applies to their buildings, b) develop [resources](#) aimed specifically at condos/coops and assisting them with navigating their unique challenges, and c) host one-on-one meetings upon request with condo/coop representatives to help them navigate the requirements of the BEPS program. These discussions have not only led to a policy change on DOEE’s end to open up an existing alternative compliance pathway option to all condos/co-ops, but have also led to several individual condo/co-ops

working with DOEE to identify other custom alternative compliance pathway options that are more appropriate for their situations (e.g. the Watergate complex).

In terms of quantitative impact of the program, DOEE performed an initial analysis on energy reduction across three major property types of buildings (office, multifamily, hotel) that are in the BEPS compliance cycle using a comparison of calendar year 2023 data to calendar year 2019 data. Our analysis shows that a majority of these buildings are on track to meet their energy performance requirements by the end of 2026. Additionally, we are seeing an average reduction of 9% in site energy use intensity (Site EUI) across these buildings, which is generally where DOEE would expect their performance to be at the halfway point in the compliance cycle. In comparison, we looked at buildings that are not currently in the BEPS compliance cycle 1, and although these buildings' Site EUI is lower across the board (since they met the BEPS in 2021), they are actually performing about 3% worse than they were in 2019. This indicates that the program is having an impact on how building owners, managers, and operators are prioritizing building performance, as the buildings that are currently required to make upgrades are making energy efficiency gains while their counterparts are not.

- e. A summary of enforcement actions taken in response to noncompliance.

**Response:** Please note that there were no regulatory requirements related to the BEPS program in FY24. The only regulatory requirement that we have had thus far in this BEPS cycle is for the pathway selection requirement, which was due April 1, 2023. In FY23, DOEE sent several electronic warnings to all building owners that failed to select a pathway. Over the course of FY23 and FY24, we proceeded to issue Enforcement Notices that included a \$1,000 fine. For any building owners that did not respond to those Enforcement Notices and/or select a compliance pathway, DOEE began issuing Notices of Infraction (NOIs) that include a \$1,000 fine in FY24.

#### *Utility Affordability Programs*

91. Please provide an update on the Utility Affordability Administration's operation of the Emergency Mechanical Systems Replacement ("EMS") and Weatherization Assistance Programs ("Wx") in FY24 and FY25, to date, including the following information:
  - a. The number of applications received, broken down by type of assistance sought (EMS and/or Wx), 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).
  - b. The number of applications approved broken down by type of assistance approved (EMS and/or Wx), 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 to a and b:

		Applications received		Applications approved	
		FY24	FY25, Q1	FY24	FY25, Q1
<b>Total applications</b>		<b>429</b>	<b>161</b>	<b>241</b>	<b>116</b>
<b>Type of assistance*</b>	EMS	247	93	169	71
	Wx	370	152	209	96
<b>Renter/ Owner</b>	Renter	20	1	8	1
	Owner	409	160	233	115
<b>Ward</b>	1	24	3	14	2
	2	2	2	1	1
	3	6	4	3	3
	4	56	21	34	15
	5	79	31	44	22
	6	11	7	6	4
	7	172	56	93	43
	8	79	37	46	26
<b>Presence of a child under 5</b>		26	6	14	9
<b>Primary Household Language</b>	Amharic	5	0	3	0
	English	422	158	237	113
	Spanish	2	2	1	2
	Chinese	0	1	0	1
<b>Race**</b>	Unknown/ Prefer not to answer	18	3	4	1
	American Indian/ Alaska Native	9	1	4	1
	Asian	1	3	0	2
	African American	392	150	228	109
	Hispanic	3	2	2	1
	White	8	3	4	2
	Other	4	2	2	2

\*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

\*\*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.

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

Response:

Weatherization Program: 53 days in FY24; 3 days in FY25 Q1.  
 EMS Program: 51 days in FY24; 6 days in FY25 Q1

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

**Response:**

WAP Program:

- Applications are reviewed on first come, first served basis.
- Once applications are approved and processed, they are prioritized for assistance using the USDOE demographic ranking algorithm. Households receive cumulative priority points based on need—high energy use (5), energy burden (4), elderly (3), disabled (2), and children (1)—with scores reaching up to 15 points. Based on total score and available funding, applications are scheduled for service, ensuring that those with the highest need receive assistance first.

EMS Program:

- Applications are reviewed on first come, first served basis.
- Once approved for assistance and contingent on available funds, priority is given to clients with inoperable mechanical systems that present emergency situations to ensure critical issues are addressed promptly.

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

**Response:**

	EMS FY24	WAP FY24	EMS FY25 Q1	WAP FY25 Q1
Households that Received Assistance	71	100	0	0
Timeline from Approval to Completion of Assistance	85 Days	163 Days	0	0
Average Cost of Assistance Per Household	\$19,993.48	\$14,301.78	0	0

- 92. Please provide an update on the Low-Income Home Energy Assistance Program (“LIHEAP”) in FY23, FY24, and FY25, to date, including the:

- a. Total number of LIHEAP applications received;
- b. Total number of LIHEAP applications processed;
- c. Total number of LIHEAP applications approved; and
- d. Cumulative value of energy bill assistance provided by LIHEAP.

**Response:**

	<b>FY23</b>	<b>FY24</b>	<b>FY25, Q1</b>
<b>Applications received</b>	22,682	23,555	9,107
<b>Applications processed</b>	19,740	19,268	8,517
<b>Applications approved</b>	18,617	18,243	8,215
<b>Cumulative value of energy bill assistance</b>	\$17,214,020	\$22,091,004	\$7,110,711