

BEPSDC Task Force

March 3, 2020



@DOEE_DC
#BEPSDC

*** DEPARTMENT
OF ENERGY &
ENVIRONMENT
GOVERNMENT OF THE DISTRICT OF COLUMBIA

WE ARE
WASHINGTON
DC GOVERNMENT OF THE
DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR

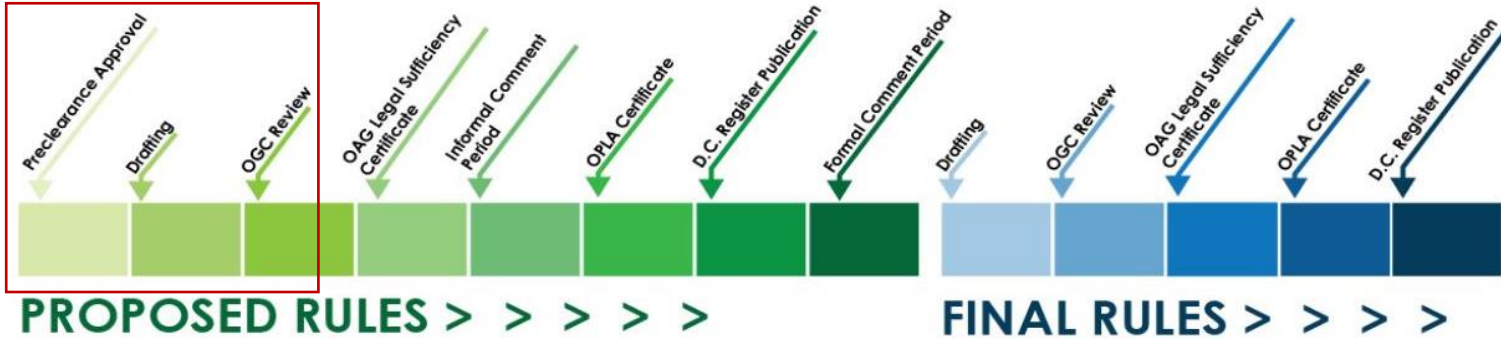
AGENDA

- Administrative Items
- BEPS Timeline and Bike Rack Review
- Vacancy sub-committee report-out
- Public Building Sub-committee report-out
- Prescriptive Pathway compliance process
- Announcements

ROLE OF TASK FORCE

- Advise DOEE on creation of an implementation plan for the Building Energy Performance Program;
 - Recommend amendments to proposed regulations issued by DOEE; and
 - Recommend complementary programs or policies.
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- Rule of Thumb: Focus on 95% for initial meetings, 5% issues moved to Bike Rack
 - If topic needs in-depth technical discussion, anyone can make the suggestion to move it to a sub-committee
 - This is an open meeting - everyone is allowed to participate

RULEMAKING PROCESS



Stage	Description
Proposed Rules - Pre-clearance Approval	The Legislative Director requests approval to begin drafting a rulemaking from the Office of Policy and Legislative Affairs (OPLA) and the Deputy Mayor's Economic Development Office (DMPED). No formal memo is required, only a redline of changes to the existing regulations or a draft of new regulations
Proposed Rules - Drafting	The Program researches and drafts the rulemaking with guidance from the Legislative Director and the Office of the General Counsel (OGC).
Proposed Rules - OGC Review	OGC reviews the rulemaking for legal concurrence and recommends revisions to the rulemaking.
Proposed Rules - OAG Legal Sufficiency Certificate	The Legislative Director requests a Legal Sufficiency Certificate from the Office of the Attorney General, Legal Counsel Division (LCD). The Legislative Director and OGC work to resolve any questions or issues LCD has with the rulemaking.
Proposed Rules - Informal Comment Period	The Department receives and considers comments from stakeholders prior to publication in the D.C. Register and formal notice and comment. Depending on the rulemaking, this step may be omitted.
Proposed Rules - OPLA Certificate	The Legislative Director requests the OPLA Certificate from the Executive Office of the Mayor, which requires approval from DMPED, Office of the City Administrator, the Mayor's General Counsel, the Mayor's Chief of Staff, and the OPLA Director.
Proposed Rules - D.C. Register Publication	The Legislative Director submits the rulemaking to the Office of Documents and Administrative Issuances for publication in the D.C. Register
Proposed Rules - Formal Comment Period	The Department receives and considers comments from stakeholders.

Stage	Description
Final Rules - Drafting	The Program makes any revisions to the rulemaking and summarizes comments and responses in the preamble of the final rulemaking with guidance from the Legislative Director and OGC.
Final Rules - OGC Review	OGC reviews the rulemaking for legal concurrence and recommends revisions to the rulemaking. OGC determines whether revisions qualify as substantive changes that require additional notice and comment or whether the rulemaking may be published as final.
Final Rules - OAG Legal Sufficiency Certificate	The Legislative Director requests the OPLA Certificate from the Executive Office of the Mayor, which requires approval from DMPED, Office of the City Administrator, the Mayor's General Counsel, and the OPLA Director.
Final Rules - D.C. Register Publication	The Legislative Director submits the final rulemaking to the Office of Documents and Administrative Issuances for publication in the D.C. Register.



BEPS TIMELINE

- 2018 Scorecards sent out in Fall 2019
- BEPS Task Force – meeting started in December
- Draft rules to OGC in April
- Draft Rules ready for public comment mid-2020
- A minimum of 1 round of public comment open for 30 days
- Final rules published in late 2020
- 2019 Scorecards sent out – September 2020
- BEP Standard announced around December 2020
- First compliance period starts January 1, 2021

BIKE RACK REVIEW FOR RULE-AFFECTING ITEMS

Item	Status
Equivalent Metric	Sub-committee
Smaller property type groups < 10 bldgs	Sub-committee
Occupancy/Vacant Threshold	Sub-committee
Property groups with one owner	Sub-committee
Enterprise Green Communities as an ACP	Sub-committee
Setting standard above national median	Follow-up discussion/research
Standard (median) Target Pathway	Follow-up discussion/research
Extended ACP for deep (above and beyond) retrofits	Initial Discussion
Tradable Allowances within a Portfolio	Initial Discussion

BIKE RACK REVIEW (OTHER)

Item

Certification programs as documentation

Prescriptive Path types – rent-controlled, historic, existing system types

Mixed Use properties and measurements

District Energy systems and estimated bills

Age of buildings in affordable housing sector

MEETING SCHEDULE

- January 7 – Property Types, Equivalent Metric
- January 21 – Performance Path, Other Pathways
- February 4 – Penalties and Enforcement, Exemption Criteria/Process
- February 18 – Prescriptive Pathway and Penalty Structure
- **March 3 - Sub-committees, Prescriptive Pathway process, Bike Rack items for Rules**
- March 17 – Sub-committees, Bike Rack Items for Rules, Higher Ed/Hospital Carve-out
- March 31 – Wrap-up rule-affecting items? Start program support items?

VACANCY/OCCUPANCY SUB-COMMITTEE

Two main questions:

- How to treat unoccupied properties at beginning of compliance cycle for a) determining the standard, and b) determining if BEPS is applicable?
- How to treat properties that become unoccupied during the compliance cycle?

Running analysis to determine what level of occupancy affects the standard

PUBLIC BUILDING SUB-COMMITTEE

- Discussed property types in DGS portfolio and the difference between ENERGY STAR score and equivalent metric
- Discussed differences between Source EUI and Site EUI
 - Creating scenarios of buildings using Source vs. Site to discuss at next meeting
- Discussed property type groups 100% owned by District and smaller one-off building (ex: laboratory, jail)
 - Creating scenarios for alternative standard based on group level goal to discuss at next meeting (ex: all fire stations improve performance 10% over 5 years, or 20% goal is applied at portfolio level)

PRESCRIPTIVE PATH GOALS/BENEFITS

- Cost and compliance certainty
- Clarity
- Helps inexperienced building owners
- No energy modeling needed
- Buying time for future performance improvements
- Lower risk
- Might be a better option depending on property type
- Lower soft costs
- Guidance can be provided by DOEE

WORKING GROUP TOPICS

Energy Efficiency Strategies

Energy efficiency strategies and listing them in the prescriptive pathway. This is the “WHAT” question!

Prescriptive Compliance Process

How DOEE can encourage/enforce the prescriptive pathway throughout the compliance period. This is the “HOW” question!

COMPLIANCE DETAILS FEEDBACK

Do we count projects done 2019-2020 towards the prescriptive path?

- YES!

Does the 2nd compliance period look different?

- DOEE examine prescriptive path for technology innovations for 2nd cycle
- If owner did prescriptive path 1st cycle, probably have to do performance for 2nd, or choose different items from menu

ENCOURAGING COMPLIANCE FEEDBACK

What can DOEE do to help out-of-compliance buildings stay on track and reach their goals?

- Optional 5-year plan submission to DOEE in year 1. Owner could receive feedback from coaches/partners.
- Outlining things on the list that would require permitting
- Use mid-term progress reports or annual scorecards

ENCOURAGING COMPLIANCE FEEDBACK

What can DOEE do to encourage early compliance (first 2-3 years) within a certain compliance cycle?

- In this first compliance cycle, solicit regular feedback from owners for program improvement.
- Strengthen incentives if performed in first half of cycle
- Allow early savings to count towards future compliance period or other buildings in your portfolio
- Provide bonus points in the weighting process for early completion

ENCOURAGING COMPLIANCE FEEDBACK

What can DOEE do to encourage going beyond the minimum requirements (planning beyond 5 yrs. or higher % reduction) for a certain compliance cycle?

- Accept delayed compliance for deep energy retrofits planning and execution
- Provide coaches
- Financial incentives?
- Share savings across portfolio

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NEXT TASK FORCE MEETING

March 17

- Topics:
 - Report-out from vacancy sub-committee
 - Report-out from public sub-committee
 - Equivalent Metric
 - Property groups with one owner – smaller property groups
 - Higher Education/Hospital carve-out
 - Rule-affecting items
- What kind of research do we need to prepare for March 17?
 - xxx



ANNOUNCEMENTS