

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Energy and Environment

BEPS Task Force Meeting – October 26, 2021

Task Force Member Attendees: Jen Croft, Anica Landreneau, Reshma Holla, Matt Praske, Katie Bergfeld, Patti Boyd, Adrian Gross, Dave Good, Cliff Majersik, Joe Reilly, Jessica Jones, Marshall Duer-Balkind, Todd Nedwick, Jay Wilson, Maxwell Greninger

Public Attendees: Aykut Yilmaz, Joseph Knackstedt, Andrew Held, JoAnna Saunders, Meghan McAvoy, Beth Mullin, Andrew Zimdahl, Paul Borissow, Mansi Talwar, Nathan Jeffay, Michele Good, Excretal Caldwell, Kate Johnson, Kehan DeSousa, Chris Pendley, Gabrielle Sosa

Meeting Notes:

Jessica started meeting at 2:34pm and gave an overview of WebEx functions.

Andrew performed a roll call: Marshall, Dave Good, Adrian Gross, Anica, Cliff, Todd Netwick, Matt P., Joe Reilly, -- quorum established. Later joiners: Katie, Reshma, Jessica.

Jessica reviewed role of task force, then meeting agenda.

Katie updated on BEPS program timeline

- BEPS rules at EOM
- Benchmarking regs. are final. – includes dropping threshold and data verification, as well as other alignments with BEPS program
- CBA Part 2 analysis done – putting together then will go through approval channels
- Establishment regs published April and BEPS Disclosure/variance on website.

Public comments on Guidebook

- Handling of new, vacant, and demolished buildings
 - o New constructions
 - Katie explained OAG determination and missing data.
 - Rationale of the STP or ACP option for buildings
 - Anica said concern is that “building does not meet the BEPS” language may create financial or legal difficulties for building owners
 - Cliff supported positive language on how to categorize these buildings other than “not meeting the BEPS”
 - Marshall suggested clarity about EUI being optional path to meet Standard Target Pathway
 - Anica said there is some benefit (compelling RCx, ensuring performance) to evaluating those buildings in this cycle
 - Matt – expressed concern conceptually that buildings not in dataset (not benchmarked in 2019) are being evaluated against BEPS. Also, buildings fully occupied by CY2026 have less time to comply.

- Marshall – maybe compliance based on another year before evaluation year.
- Vacant properties
 - Katie explained OAG determination
 - Matt - same concern about a building with requirements hanging over their head for 5 years.
 - Marshall - suggested an early determination of compliance
 - Sale of a building could be impeded by the BEPS status.
- Demolition
 - Katie reviewed that “completely” has been removed and want to know what a functional demolished is and how it can be demonstrated.
 - Joe – typical to leave slab but knock down rest of the skin and mechanical. Remove HVAC, façade, and skin so it is unoccupiable.
 - Couldn’t get CofO
 - Enough has been demolished so it is no longer legally inhabitable.
 - Could be part of the DER – so maybe we need to consider it the same building.
 - Cliff – maybe some percentages on skin and HVAC removal
 - DCRA could help define.
 - CofO never goes away/revoked, really, so how could that be demonstrated? Prove with photos of demo.
 - Anica – DOEE may have some permits on hand (stormwater) demonstrating some level of demolition activity.
 - Marshall – don’t over focus on skin if enough other systems are being removed.
 - Joe - “No one could live there, no one could office there”
 - Maybe can include a list of requisites and helpful examples of what could be considered evidence of demolition.
 - Cliff – would suggest striking “intended for” from the building definition. Be careful not to incentivize demolition especially because of the embodied carbon
 - Anica – another strike against linking to certain percentages of removals
 - Additionally, Cannot be done giving regulatory definition of a building
 - Suggestion from Anica: “must include demolition permit(s), may include: documentation of erosion and sedimentation control (stormwater drain protection, dust control, etc), photos of demolition/deconstruction or salvage activities and reconstruction activities”
- Appeals process
 - Katie reviewed the appeals process, including OAH review, and lack of authority to delegate a review authority. Went through options for internal and external appeal.

- Marshal - Concerned about some delays that may come in from waiting for a deadline to pass around certain decision points. E.g. Custom ACP option, delay of compliance, plus pathway denial.
- Matt – what does communication from DOEE look like at these decision points?
 - Appealable decisions will have instructions on how to appeal
 - Will base decisions about appeals on publicly available guidance
- GBAC as a model – maybe “appeal” is the wrong way to think about it, and maybe an advisory body serving in a limited capacity is more accurate than comes in at the beginning of the process. Katie said we are open to that. Anica also thinks it would be better for a building owner to hear it from a peer group instead of from DOEE.

Future of the Task Force

- Katie reviewed the options presented at the last meeting
- Option 2 thoughts
 - Anica – GBAC isn’t a broadly representative group like the BEPS TF. Expressed it’s very important to have this broad representation.
 - GBAC legislation could be updated to authorize a TAG that includes more diverse membership (to include BEPS TF members) and which wouldn’t need mayoral appointments.
 - Cliff – do not want attrition, especially with too large a group. Also want to minimize extra work for DOEE through administering a new task group, or extra commitments on time from membership
 - Jay Wilson – TAGs don’t have as much sway with public decision makers, whereas GBAC-level input has been more useful. Others said there is value to just reforming GBAC.
 - Katie and Kate to get a proposal fleshed out with Nicole. Marshall said he’d like to be able to take a vote on it, vote planned for next meeting.

Announcements

- IMT celebrated 1 year anniversary. Cliff thanked everyone who showed up.
- Affordable retrofit accelerator – no official kickoff yet
- Hub event on October 21 went well, Cliff thanked DOEE for participating on it. Still some debrief needed.
- Katie said some retrofit accelerator announcements coming in next month or two

Jessica ended the meeting at 4:31pm.