

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment

BEPS Task Force Meeting – August 3, 2021

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

Public Attendees: Andrew Held, Aykut Yilmaz, Brendan Hall, JoAnna Saunders, Excetral Caldwell, Coral Pais, Joseph Knackstedt, Michael Feldman-Wiencek, Richard Quaofio, Chris Pendley, Sean Fish, Kevin Carey, Gabrielle Sosa, Scott Emery, Nathan Jeffay, Donald Walker, Michele Good, Mansi Talwar, Meghan Mcavoy, Emily Paciolla, James Ball, Lara Levison, Amanda Clevinger, Ben Adams, Corrie Poland, Amanda Cunningham, Lindsey Falasca

The text below is a transcript of the presentation and Q&A recording, with time stamps as reference.

SLIDE 1

1

00:00:05.038 --> 00:00:11.788

This is the building energy performance standard task force meeting August 3rd, 2021 starting at 2:30 P.M.

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00:00:11.788 --> 00:00:15.179

My name is Andrew Held, and I work for the Department of Energy Environment.

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00:00:15.179 --> 00:00:20.070

This meeting is being recorded and the slides and recording will be posted on our website after the event.

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00:00:20.070 --> 00:00:29.489

Today's meeting will be run a little bit differently because this is going to serve as the public Q and A session for the 2nd proposal rulemaking for the BEPS program.

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00:00:29.489 --> 00:00:41.640

Everyone's been used on a on entry and will stay muted throughout the session. If you have any questions during the webinar please enter them in the chat box and please make sure you send them to everyone. So that we can see them.

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00:00:41.640 --> 00:00:49.320

We do normally take attendance through our task force, so please go ahead in the chat box now and take your name and your organization.

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00:00:49.320 --> 00:00:53.399

And if you'd like to be added to our contact list, make sure to add your email address.

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00:00:53.399 --> 00:00:59.640

For task force members, your attendance will be recorded in the chat box instead of through verbal roll call.

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00:00:59.640 --> 00:01:08.939

I did a quick scan of our list. I think we have a quorum, but I will confirm later.

SLIDE 2

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00:01:12.930 --> 00:01:21.204

Next slide once again, you know, this meeting is being recorded, everything will be posted to our website.

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00:01:21.234 --> 00:01:28.674

All questions - please during the presentation, we will address them at the end, but please enter them through the chat box and we will respond.

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00:01:29.010 --> 00:01:32.370

Either in the chat box or by Katie will respond to them in person.

SLIDE 3

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00:01:32.370 --> 00:01:42.420

And then quickly since we switch from bluejeans to Webex the chat box is now in the bottom right. Please make sure it says everyone.

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00:01:42.420 --> 00:01:52.319

If you have any trouble hearing us, please let us know. We might be soft or please adjust your settings for your audio and video.

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00:01:52.319 --> 00:02:00.689

And I'm going to turn it over to Katie Bergfeld now who's going to run us through our agenda

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00:02:00.689 --> 00:02:06.719

and through the rest of the presentation, but I think we're through with the administrative items. Katie over to you.

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00:02:06.719 --> 00:02:15.930

Sure thanks, Andrew. Good afternoon. Everybody I'm going to turn my camera off because you're going to look at the slides. Not me, but I just wanted to make sure you knew it was me.

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00:02:15.930 --> 00:02:22.615

So, the way that today's meeting is going to work is essentially

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00:02:23.335 --> 00:02:31.555

We're going to go through essentially 2 presentations. 1 will be on the 2nd proposed rulemaking for the building energy performance standards program.

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00:02:32.155 --> 00:02:46.405

And then the next presentation will be on the compliance and enforcement guidebook, and we will have a Q and a, at the end of each of those presentations. To introduce myself, my name is Katie Bergfeld. I'm the branch chief for building performance and enforcement here

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00:02:46.435 --> 00:02:57.564

in the energy administration at the Department of energy and environment. As Andrew mentioned, all questions will be taken through the chat. So everybody's muted, except for me right now.

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00:02:57.960 --> 00:03:09.539

And we're going to go through the 1st presentation, which is on the 2nd proposal rulemaking. Then we'll stop and take some questions. Where DOEE will be able to answer some of your questions.

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00:03:09.539 --> 00:03:16.379

And then we will go through the complaints and enforcement guidebook presentation, and then take questions after that.

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00:03:16.379 --> 00:03:30.539

A note that due to time constraints will not be going through the entire compliance guidebook. We'll just start the presentation today and get as far as we can. And then we'll continue the presentation at our August 17th meeting. So feel free to join us in 2 weeks to hear the rest of that presentation.

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00:03:30.539 --> 00:03:45.414

And as we've stated, if you have questions, please enter them into the chat while I am talking. Before we get started I again want to reiterate sort of what we did back in December. I want to thank everyone for being here and showing interest in our programs.

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00:03:45.719 --> 00:03:55.740

What am about to present is a culmination of hard work from a lot of different people starting all the way back 2 years ago when we had our working group meetings in the summer 2019.

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00:03:55.740 --> 00:04:01.979

And now we're having our regular task force meetings, and we really enjoyed engaging with all of you collecting your feedback.

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00:04:01.979 --> 00:04:10.860

Incorporating that feedback into our regulations, the associated guidance documents, and all the support programs that are we are working to stand up.

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00:04:10.860 --> 00:04:16.019

And I want to give a special shout out to the folks on our task force.

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00:04:16.019 --> 00:04:17.274

Who have been working really,

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00:04:17.274 --> 00:04:21.444

really hard to provide a lot of guidance and advise DOEE,

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00:04:21.475 --> 00:04:21.894

On these issues as well as some of our industry organizations here in the districts,

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00:04:21.925 --> 00:04:25.795

Such as AOBA, DCBIA

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00:04:25.795 --> 00:04:33.504

the consortium in universities. The folks we've been working with really closely with on issues surrounding affordable housing,

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00:04:33.774 --> 00:04:34.134

such as NHTHAND, DHCD

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00:04:36.358 --> 00:04:48.444

You all have been great partners to us. And then, lastly, but definitely not least my very dedicated and talented staff that have been working really, really hard to make sure that this program is successful.

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00:04:49.223 --> 00:04:58.704

The guidebook especially has been a labor of love for us, and we are excited that it's now in the hands of the public so that we can get your feedback and start making our program even stronger.

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00:04:58.949 --> 00:05:13.553

I want to reiterate a few things before I start getting to the meat of the presentation. Today will not be an exhaustive review of the BEPS compliance regulations, or the BEPS compliance guidebook. For the regulations we will simply go over the changes to the regulations.

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00:05:13.553 --> 00:05:25.613

That occurred from the 1st, public comment period. And then with a guidebook, we have essentially pulled out the information that we feel is most important for our stakeholders to know. We encourage you to read both documents in full on your own time.

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00:05:26.184 --> 00:05:40.704

Additionally, we will not be taking any verbal public comment during this meeting. All public comments will need to be submitted using the instructions found on the notices within the register, and also noted on the following slides

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00:05:41.038 --> 00:05:44.999

With that I will go ahead and get started

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00:05:44.999 --> 00:05:51.689

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00:05:51.689 --> 00:05:55.348

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00:05:55.348 --> 00:05:58.588

SLIDE 4

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00:05:58.588 --> 00:06:13.134

So, we're going to talk through the history of this rulemaking. The 1st proposal rulemaking was posted in the DC register on December 4th, 2020.

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00:06:13.134 --> 00:06:14.723

it went through a 90-day public comment period.

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00:06:16.733 --> 00:06:28.824

Where we collected feedback and DOEE has made some substantial changes to that proposal rulemaking. It has now gone out for a 2nd proposal rulemaking that was posted in the DC register on July 23rd, 2021.

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00:06:28.824 --> 00:06:32.213

We have provided links on the slide for you to find both of those if you wish.

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00:06:33.959 --> 00:06:38.459

It is now out for a 30-day public comment period.

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00:06:38.459 --> 00:06:52.584

For the 2nd proposed, all comments are due by August 23rd, 2021, and then you can see the DC register posting for instructions and how to submit comments through USPS mail or you can email us at info.BEPS@dc.gov.

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00:06:54.389 --> 00:07:02.788

Additionally just to note for everybody, all citations reference in the presentation in relation to these proposed regulations are subject to change.

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00:07:02.788 --> 00:07:06.329

Until the regulations are finalized so that's just an FYI

SLIDE 5

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00:07:07.374 --> 00:07:20.754

This is sort of the structure of the rulemaking. Nothing really changed here. This is sort of just how we have we have sort of structured the flow of the regulations.

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00:07:21.264 --> 00:07:25.074

The 1st section sort of talks about the applicability of the BEPS.

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00:07:25.288 --> 00:07:36.059

Then the 2nd section talks about the compliance pathways section 3519 the 3rd section talks about reporting and verification.

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00:07:36.059 --> 00:07:41.939

Section 3520 talks about exemptions and compliance delays.

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00:07:41.939 --> 00:07:46.829

and then 3521 talks about alternative compliance penalties, violations, fines and enforcement.

SLIDE 6

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00:07:49.408 --> 00:08:03.418

Before I dig in, we did this last time. We kind of threw in the slide to help set the stage and create this common language around the BEPS program. There were no changes to any of this.

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00:08:03.744 --> 00:08:11.093

These are some of the definitions that we pulled out of the definition section, so that everyone is sort of understanding what we're talking about when we say certain terms.

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00:08:11.334 --> 00:08:23.093

So when we say BEPS within the regulations, that means the actual standards. That is the level of energy efficiency set forth by DOE, as an ENERGY STAR Score or normalized source eui value for each property type.

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00:08:23.788 --> 00:08:30.598

When we talk about the BEPS standards, period, the best period or the.

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00:08:30.598 --> 00:08:41.874

When we talk about the building energy performance standards period we are talking about the period, and which specific BEPS are in effect.

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00:08:41.874 --> 00:08:55.043

So for this period, the BEPS became effective January 1st, 2021 that was the beginning of the 1st BEPS period and that runs until the day DOEE establishes a new BEPS, which will be in 6 years from that date, A compliance cycle is a period of 5 years from the date of establish BEPS.

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00:08:56.399 --> 00:09:05.548

Which, in the absence of a delay of compliance granted by DOEE, a building must meet the a performance requirements set forth.

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00:09:05.548 --> 00:09:09.958

So the Compliance Cycles are for buildings identified to be below, not meeting the BEPS.

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00:09:09.958 --> 00:09:24.119

And then they have some energy performance requirements that they have to meet. Property type is the primary function of the building as determined through portfolio manager. So these again are just key definitions to set the stage when we're talking through these regulations.

SLIDE 7

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00:09:24.119 --> 00:09:29.759

In section 3517 again, this is talking about the applicability of BEPS

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00:09:29.759 --> 00:09:36.599

For our buildings in the district. There weren't many changes in this section. You'll note here and 3517.2.

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00:09:37.553 --> 00:09:47.244

We added some language that states a building owner shall determine whether the building has met the 2021 BEPS, as described in 20 DCMR 3530, which is the actual 2021 BEPS.

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00:09:47.813 --> 00:09:55.644

If you go, look up 20 DCMR 3530, you will see a list of all the building energy performance standards that were established for all property types in the district.

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00:10:02.548 --> 00:10:10.769

So, because we added that section, the next section got bumped up to 3517.3. there weren't many substantive changes there.

SLIDE 8

72

00:10:14.783 --> 00:10:27.624

Moving on to the next slide. There weren't any changes in talking about the actual applicability and how this will apply to buildings and how to determine the size of the building. So, in sections 3517.4 and 5, there were no changes.

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00:10:30.778 --> 00:10:44.729

Moving on to section 3518.1 and so again, section 3018 talks about the compliance pathways. We added a little bit more detail on the prescriptive pathway.

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00:10:44.729 --> 00:10:57.509

To talk about what the prescriptive pathway is. There wasn't many changes in terms of the way that the prescriptive pathway is going to be established DOEE but we just sort of added some more detail here.

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00:10:57.509 --> 00:11:07.828

So you can see, we added meeting the prescriptive pathway means meeting reporting milestones across 4 phases and completing DOEE approve energy efficiency measures set forth in a final action plan approved by DOEE and designed to achieve energy savings

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00:11:07.828 --> 00:11:15.958

comparable to the performance pathway.

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00:11:15.958 --> 00:11:20.489

So that was just a little section that we edited.

SLIDE 9

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00:11:20.489 --> 00:11:25.798

Again, in section 3518, talking about other complaints pathways.

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00:11:25.798 --> 00:11:30.479

In section 3518.11(d) we added some language to talk about alternative compliance pathways

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00:11:30.479 --> 00:11:35.158

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00:11:35.158 --> 00:11:43.139

And so these actually are pathways that'll be proposed by the building and have to be approved by DOEE. So the language just changed slightly there.

SLIDE 10

82

00:11:44.698 --> 00:11:49.438
Moving on to section 3518.2 through 3.

83
00:11:49.438 --> 00:11:59.219
So we added a section here to talk about the exclusion of gross floor area. We were attempting to align with what is in the benchmarking regulations.

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00:11:59.219 --> 00:12:03.053
And ensure there is alignment across the compliance period for building owners.

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00:12:03.504 --> 00:12:14.394
So on 3518.2, we added language that states throughout a compliance cycle, a building owner shall consistently exclude gross floor area and energy consumption of spaces, in accordance with the criteria and portfolio manager.

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00:12:17.639 --> 00:12:26.158
Gross flow area and energy consumption was included in the district benchmark results and compliance report used to determine whether the building met the BEPS.

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00:12:26.158 --> 00:12:34.349
So, that section essentially says that a building owner shall consistently exclude gross fuller area unless that space.

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00:12:34.349 --> 00:12:40.798
For some reason was already included in the report that that we used to determine whether that billing met the BEPS

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00:12:40.798 --> 00:12:45.658

90
00:12:45.658 --> 00:12:52.109
Section 3518.3 we add a few words here, this is talking about the health and safety of the building.

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00:12:52.109 --> 00:12:58.979
So, we stated here that are building owner shall, not in the process of complying with this chapter.

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00:12:58.979 --> 00:13:06.899

Implement a measure that poses a threat to the health and safety of a building occupant or user, including by reducing indoor environmental quality.

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00:13:06.899 --> 00:13:12.418

Um, so we added the, the section the words that talk about indoor environmental quality there.

SLIDE 11

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00:13:14.788 --> 00:13:26.009

Section 3519 where we talk about reporting and verification. We make quite a few changes here.

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00:13:26.543 --> 00:13:39.024

You can see here and the 1st bullets where it states that for building owners that have received a delay under section 3520.7

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00:13:41.729 --> 00:13:49.019

Essentially states that buildings will have their deadlines set forth in this section, and they will be extended by a year.

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00:13:49.019 --> 00:13:56.278

Um, for all pathways, the building under select a compliance pathway for DOEE review and approval no later than April. 1st 1 year from the start of the compliance cycle

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00:13:56.278 --> 00:14:02.668

That previously said February and now says April.

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00:14:02.668 --> 00:14:08.519

You'll see here also we added some provisions that are related to the prescriptive pathway.

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00:14:08.519 --> 00:14:16.589

And that DOEE will not approve selection of the prescriptive pathway until the energy audit, which is noted under 3519.6 is submitted.

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00:14:16.589 --> 00:14:21.328

So that means that the energy audit has to be submitted at the same time that a prescriptive pathway is chosen by the building owner.

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00:14:21.328 --> 00:14:35.038

Then we also added in a section here to sort of clarify if a building owner receives the, the delay due to the public health emergency the COVID-19 delay.

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00:14:35.038 --> 00:14:47.849

That they will have to select 1 of the adjusted pathways that are listed in 3518.1, and essentially those pathways just establish a different baseline for the performance pathway.

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00:14:47.849 --> 00:14:51.479

As well, as some of the other stipulations for the other pathways.

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00:14:51.479 --> 00:14:57.778

And so that section states that a building that receives a 1-year delay under 3520.7(g).

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00:14:57.778 --> 00:15:02.999

Shall select 1 of the pathways and 3518.1(c) through (e).

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00:15:02.999 --> 00:15:08.999

So, if and we can talk about this a little bit, when we go through the guidebook.

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00:15:08.999 --> 00:15:13.408

But essentially, if a building owner receives the delay, they will have to select 1 of the adjusted pathways.

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00:15:13.408 --> 00:15:17.759

SLIDE 12

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00:15:19.739 --> 00:15:26.698

Moving on, we added a bits of clarification under 3519 again.

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00:15:26.698 --> 00:15:38.188

So, in terms of changing a pathway, a building owner may change a pathway during a compliance cycle for good cause shown by submitting a pathway change application and receiving approval from DOEE.

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00:15:38.188 --> 00:15:43.889

So, building owner will have to get approval from DOEE to change a pathway within a compliance cycle.

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00:15:43.889 --> 00:15:49.374

Under the completed actions reporting we changed that date to April 1st.

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00:15:49.374 --> 00:16:01.673

So you'll see here now, it says for a building following either a performance or standard target pathway a building owner shall, submit a report of completed actions to DOEE through the online portal.

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00:16:01.979 --> 00:16:09.509

No, later than April 1st, 5 years from start with the compliance cycle. Um, so there wasn't a change in the requirement. There was a change in the date that it's due.

SLIDE 13

116

00:16:10.948 --> 00:16:24.058

Talking through the prescriptive pathway and 3519.6 we updated all of the dates for all the different phases to be due by April rather than February. Again that was based on public comment that we received.

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00:16:24.058 --> 00:16:27.538

So the energy audit action plan, implementation report

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00:16:27.538 --> 00:16:31.739

Evaluation monitoring a verification report will I'll be due by April 1st.

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00:16:31.739 --> 00:16:36.149

Of the year dated in the rules, and which is also noted on this slide

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00:16:38.729 --> 00:16:42.719

Again, talking about the prescriptive pathway in section 3519.

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00:16:42.719 --> 00:16:47.129

Uh, we sort of put out some requirements for

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00:16:47.129 --> 00:16:51.178
the credentials that in energy auditor must have.

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00:16:51.178 --> 00:16:51.568

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00:16:51.563 --> 00:16:58.344
so anybody who's performing an energy part of the prescriptive pathway must have 1 of the credentials listed in that section,

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00:16:58.464 --> 00:17:00.563
which include a certified energy auditor,

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00:17:00.594 --> 00:17:02.004
certified energy manager,

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00:17:02.063 --> 00:17:08.453
or as noted other licenses or credentials posted and are approved and posted on the DOEE portal.

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00:17:08.903 --> 00:17:11.034
And you can see that in section 3519.6(a)(2).

129
00:17:11.338 --> 00:17:18.058
Then we also put some stipulations around retro-commissioning.

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00:17:18.058 --> 00:17:22.259
And so you'll see there in section 3519.7.

131
00:17:22.259 --> 00:17:30.628
We stated that any retro-commissioning activities must be performed by a person that meets DCRA's minimum qualifications for commissioning agent.

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00:17:30.628 --> 00:17:34.558
Or other licenses or credentials posted on the DOEE portal.

SLIDE 14

133
00:17:38.308 --> 00:17:52.828

All right moving through section 3519 again. There were other reporting of verification requirements listed in section 3519 that we have added.

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00:17:52.828 --> 00:17:59.098

You'll see for an alternate compliance pathway.

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00:17:59.098 --> 00:18:05.699

What it states is that a building under shall sign an agreement and complete and submit all documentation in a timeframe specified in the approved

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00:18:05.699 --> 00:18:10.378

agreement that's noted in section 3519.8.

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00:18:10.378 --> 00:18:14.969

We also stated in section 3519.9 that a building may

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00:18:14.969 --> 00:18:21.118

Use a complete and accurate district benchmark results and compliance report to demonstrate the building has met its target.

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00:18:21.118 --> 00:18:21.689

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00:18:21.683 --> 00:18:23.993

Section 3519.10 a building owner shall,

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00:18:23.993 --> 00:18:36.324

provide any supporting documentation as requested by DOEE to determine compliance and then section 3519.11 - a report, plan, or documentation required for compliance must be complete and accurate all that was already in the rulemaking.

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00:18:36.324 --> 00:18:38.604

I believe there may be some small changes.

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00:18:40.229 --> 00:18:44.608

But there are not necessarily new requirements being proposed.

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00:18:44.608 --> 00:18:51.419

You can look at the redline version that we've posted on our website to see what language was changed.

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SLIDE 15

00:18:51.419 --> 00:18:54.719

Talking through section 3519.12.

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00:18:54.719 --> 00:18:57.808

Pathway denial, revocation, or designation.

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00:18:57.808 --> 00:19:03.058

Essentially, we stated that may deny or revoke approval of a pathway.

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00:19:03.058 --> 00:19:09.239

A different pathway specified in such a 3518.1. If a building owner

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00:19:09.239 --> 00:19:14.278

Fails to submit a complete inaccurate report, plan, or documentation that is required

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00:19:14.278 --> 00:19:18.479

to implement a requirement of a DOEE approved compliance pathway.

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00:19:18.479 --> 00:19:27.358

Or fails to demonstrate energy savings required by the DOEE approved pathway for the previous compliance cycle.

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00:19:27.358 --> 00:19:35.429

Those are some of the higher-level requirements for pathway denial, revocation, or designation.

SLIDE 16

153

00:19:37.229 --> 00:19:46.709

In section 3519, when we talk about change of ownership the only thing that really changed there is we added a section, which is 3519.14.

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00:19:46.709 --> 00:19:52.108

That states that if ownership of a building is transferred during a complying cycle.

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00:19:52.108 --> 00:19:59.098

The buyer shall notify DOEE the of the transfer or sale within 60 days after the completion of closing.

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00:19:59.098 --> 00:20:08.429

So, essentially we are requiring that the buyer let DOEE know that the building changed hands.

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00:20:08.429 --> 00:20:12.898

So that we can then make sure that the new owner has all the information they need to comply.

SLIDE 17

158

00:20:14.548 --> 00:20:19.259

Moving on to the next section is 3520, which talks about delays of compliance.

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00:20:19.259 --> 00:20:29.759

Just a reminder this is sort of what was in the section. that a building owner may apply for an exemption from, or delay in compliance with the performance and procedural requirement.

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00:20:29.759 --> 00:20:37.169

A building owner seeking an exemption or delay shall submit a request describing the exemption or delays sought.

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00:20:37.169 --> 00:20:44.848

And the reason the exemption or delay is being requested, the requests shall include documentation that substantiates the basis for the request.

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00:20:47.489 --> 00:20:51.358

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00:20:51.358 --> 00:20:56.759

164

00:20:56.759 --> 00:21:07.979

And then 3520.2 DOEE you shall grant a delay in compliance for up to 3 years upon trying of good cause. So, again, the applicant has to show good cause and meet 1 of the circumstances described and 3520.7.

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00:21:08.933 --> 00:21:16.193

For any qualifying affordable housing buildings, DOEE may granted a delay in compliance of more than 3 years. And that's in section 3520.4-6.

166

00:21:16.193 --> 00:21:25.134

And we'll talk a bit about how we sort of changed the definition for qualifying affordable housing in a minute.

SLIDE 18

167

00:21:26.128 --> 00:21:30.088

Under section 3520.3

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00:21:30.088 --> 00:21:36.929

When talking about exemptions, we did try to clarify some of the language around completely demolished buildings.

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00:21:36.929 --> 00:21:42.088

So, we stated that shall grants and exemption from the performance and procedural requirements

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00:21:42.088 --> 00:21:48.058

for a building that is completely demolished prior to the beginning of the applicable compliance cycle, or during the compliance cycle.

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00:21:48.058 --> 00:21:57.388

And that's in session 3520.3. Then moving on to 3520.7 where we did make quite a few changes.

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00:21:57.388 --> 00:22:04.409

Um, in the section, you'll see that it, it states that for a building owner to demonstrate good cause for granting a delay of compliance.

173

00:22:04.409 --> 00:22:10.288

The building owner must provide substantial evidence that 1 or more of the following circumstances exist.

174

00:22:10.288 --> 00:22:16.078

And that the circumstances make meeting the energy performance requirements by the end of the cycle, practically and feasible.

175

00:22:16.078 --> 00:22:30.989

So, again, there has to be those 2 conditions that they meet the criteria, and that they show that the criteria makes it practically in feasible to meet the energy performance requirements. We added in 2 more criteria as you'll see.

176

00:22:30.989 --> 00:22:36.148

We added in that the building is on the DC inventory of historic sites.

177

00:22:36.148 --> 00:22:41.669

Maintained by the office of planning, or as designated as contributing to a historic district.

178

00:22:41.669 --> 00:22:51.598

And then the 2nd, 1 that we added in is that the building is implementing an innovative approach to energy efficiency. So those, those were added in as criteria that are billing under could meet.

SLIDE 19

179

00:22:53.159 --> 00:22:59.578

Talking about the delay, so moving through session 3520.

180

00:22:59.578 --> 00:23:07.648

This section previously talked about the COVID delay. We wanted to provide a little bit more clarity within the regulations.

181

00:23:08.394 --> 00:23:23.064

So now it states that for the BEPS period, beginning in 2021, an owner of a building subject to compliance under 3517.4(a), in keeping with section 3520.7(g) shall received a 1 year delay of compliance upon DOEE receipt of the building's 2020 District benchmark results and complaints report

182

00:23:26.848 --> 00:23:32.038

unless the building on our requests not to receive the delay.

183

00:23:32.038 --> 00:23:37.858

184

00:23:37.858 --> 00:23:41.009

185

00:23:41.009 --> 00:23:46.828

Building will automatically get the COVID-19 public health emergency delay.

186

00:23:46.828 --> 00:23:51.388

Unless the building owner tells DOEE that they do not want this 1 year delay.

187

00:23:51.388 --> 00:23:56.429

Just a reminder as we stated before if a building owner gets this delay.

188

00:23:56.429 --> 00:24:01.169

It will also have to follow the adjusted timelines for the performance pathway

189

00:24:01.169 --> 00:24:07.919

and then the other pathways in 3518.1(c) – (e).

190

00:24:07.919 --> 00:24:22.374

So just a reminder, this kind of ties it all together building will automatically receive that delay if they get that delay, then they will be on sort of the adjusted pathways that are described in section 3518

191

00:24:22.374 --> 00:24:23.064

192

00:24:25.229 --> 00:24:31.709

Unless they informed us that they do not want the delay.

193

00:24:31.709 --> 00:24:37.199

Moving through section 3520 still, talking about other delay of compliance items.

194

00:24:37.199 --> 00:24:45.959

So, essentially, the section states that DOEE may attach additional conditions to a delay of compliance, including adjustments to the building's compliance pathway.

195

00:24:45.959 --> 00:25:00.804

Or additional reporting verification requirements to move the building toward compliance. And then also a delay approved during 1 compliant cycle does not extend the requirement for a

building to meet the BEPS established for the next steps period, or the requirements and the next compliance cycle.

196

00:25:01.044 --> 00:25:02.423

So that state, and then 3520.9 and 10.

SLIDE 20

197

00:25:06.209 --> 00:25:14.788

Talking about alternative compliance penalties. There were some big changes made to this section. So talking through section 3521.

198

00:25:14.788 --> 00:25:19.499

We took into account a lot of public comment in the section.

199

00:25:19.499 --> 00:25:29.278

And essentially, now it states that a building owner that fails to demonstrate complete and implementation of a compliance pathway as required by section 3518.1

200

00:25:29.278 --> 00:25:43.048

at the end of the complaint cycle shall be assessed an alternative appliance penalty. So that did not change. However, we changed the structure of the fines, which also sort of changed the amount of the fines for most building owners.

201

00:25:43.048 --> 00:25:53.999

And what it states now is that the maximum penalty for a building shall be 10 dollars per each square foot of gross floor area of the building calculated by ENERGY STAR portfolio manager.

202

00:25:53.999 --> 00:26:02.159

For the district benchmark results and compliance reported submitted by the building owner at the end of the compliant cycle, or at the end of a delay granted.

203

00:26:02.159 --> 00:26:06.328

Pursuant to section 3521.5 or 3521.6, whichever is later

204

00:26:06.328 --> 00:26:09.929

205

00:26:09.929 --> 00:26:24.144

The maximum penalty 7,500,000 dollars. So, what this essentially states is at the end of the compliant cycle. DOEE will look at the district benchmark results and compliance report and assess a penalty of 10 dollars per square foot.

206

00:26:25.648 --> 00:26:39.058

To a building under that did not meet their energy performance requirements for the pathway they weren't on. Additionally, we changed the fine structure for colleges and university or hospital campuses.

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00:26:39.058 --> 00:26:46.919

And now states that they shall pay a maximum penalty no greater than 7,500,000 dollars. So, it is just sort of a flat fee.

208

00:26:46.919 --> 00:26:53.189

For those buildings, but I'll talk a bit them out in a minute about how those finds will be adjusted.

209

00:26:53.189 --> 00:26:58.199

210

00:26:58.199 --> 00:27:05.818

The last thing to note in this section is that it now States at the maximum penalties set in section 3520.1.1(a) and (b)

211

00:27:05.818 --> 00:27:09.659

Shall be reduce proportionally to

212

00:27:09.659 --> 00:27:16.888

A building's or campus's performance relative to its pathway target as described and 3521.2.

213

00:27:17.243 --> 00:27:26.993

This talks right here about how we will adjust that fine. So there will be a 10 dollar per square foot fine. That will be sort of applied across the board for most buildings.

214

00:27:27.023 --> 00:27:35.243

Or, if you are a university or college campus, or hospital campus, it'll be just a 7,500,000 flat fee that will then be adjusted proportionally

215

00:27:35.519 --> 00:27:40.288

to how well the building performed in terms of meeting its requirements.

SLIDE 21

216

00:27:43.409 --> 00:27:57.568

talking about penalty adjustments this mostly stayed the same. We added a bit to describe the adjustments. We also added an adjustment for the standard target pathway, which I'll talk about in a minute.

217

00:27:57.568 --> 00:28:04.919

But with a performance pathway, the penalty be adjusted by calculating the percentage of site EUI reduced by dividing by 20%

218

00:28:04.919 --> 00:28:08.969

With a prescriptive pathway, the penalty shall be adjusted by calculating the number of prescriptive pathway points earned divided by the total needed.

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00:28:08.969 --> 00:28:22.078

There's examples on the side.

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00:28:23.159 --> 00:28:30.479

There are examples that sort of lay out. And then with alternate compliance pathways, the penalties shall be adjusted using the factors described in the alternative compliance pathway approval

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00:28:30.479 --> 00:28:41.098

and we added a provision that states that shall be no less stringent than penalties for other pathways.

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00:28:41.098 --> 00:28:46.259

As described under 3519.8.

SLIDE 22

223

00:28:46.259 --> 00:28:53.729

Talking about the standard target pathway. This is another public comment we received that stakeholders wanted there to be a pre-adjustment factor for folks on the standard target pathway

224

00:28:53.729 --> 00:29:02.878

to recognize that the building was already a good performer.

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00:29:02.878 --> 00:29:07.019

226

00:29:07.019 --> 00:29:10.108

The standard target pathway is only available to property types

227

00:29:10.108 --> 00:29:14.182

who performing more efficiently than the national median.

228

00:29:14.182 --> 00:29:26.034

So it's only available to building types in the district whereby the BEOS is higher than an ENERGY STAR score of 50 or whereby the source eui that that was set in the BEPS is better than the national median

229

00:29:26.638 --> 00:29:32.729

so now for buildings on the target pathway there'll be adjusted at 2 points.

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00:29:32.729 --> 00:29:46.314

The 1st point is that a building approved for the standard target pathway will require less than a 20% reduction in source to meet the BEPS.

231

00:29:46.314 --> 00:29:55.013

And we'll receive an adjustment to its penalty for its initial performance relative to the BEPS again that is described in the examples. I'm not going to go over it right now.

232

00:29:55.618 --> 00:29:59.818

But if you all can read the examples, you will hopefully understand what we're saying.

233

00:29:59.818 --> 00:30:02.939

Um, and then so that happens sort of at the beginning of the compliance cycle

234

00:30:02.939 --> 00:30:14.219

And then towards, at the end of the cycle, we will then evaluate to see where that building was supposed to get to, in terms of the standard target pathway.

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00:30:14.219 --> 00:30:20.094

And then they will have that sort of divided by the savings that they that was required to meet the bets.

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00:30:20.094 --> 00:30:29.334

So, again, this is sort of an adjustment based on performance and how the building did throughout the cycle. Again, read the example hopefully, that clarifies how this works.

237

00:30:29.519 --> 00:30:33.028

238

00:30:35.638 --> 00:30:38.999

Section 3521.3 also talks about enforcement.

239

00:30:40.223 --> 00:30:51.834

In 3521.3, we essentially state that are building on our maybe assess the maximum alternative complaints penalty in accordance with 3521.1, regardless of the buildings performance, relative to its pathway target.

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00:30:54.778 --> 00:30:58.078

241

00:31:01.138 --> 00:31:04.798

If the building owner withholds information or submits inaccurate information to DOEE or

242

00:31:04.798 --> 00:31:11.308

fails to submit a complete and accurate district benchmark results and compliance report at the end of the compliant cycle.

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00:31:11.308 --> 00:31:17.219

Or at the end of a delay granted by doing pursuant to 3520.5-6.

244

00:31:17.483 --> 00:31:29.003

Or implements a measure that poses a threat to the health and safety, including the reduction of indoor environmental quality of the building, occupant, or user pursuant to 3518.3.

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00:31:29.003 --> 00:31:38.213

Essentially, if a building owner does any of those 3 things DOEE the authority to find the building the max penalty.

246

00:31:40.374 --> 00:31:52.013

Section 3521.4 states that are building owner violating a provision and in section 3517 through 3520 shall be fine according to the schedule set forth in title 16 of the DC, municipal regulations.

SLIDE 23

247

00:31:58.108 --> 00:32:07.439

And then finally getting to the definitions, we added a few definitions. I'm not going to read all of them for you, but you should read them on your own time.

248

00:32:07.439 --> 00:32:15.808

So, just to highlight the ones we added, we added a definition for energy audit. We added a definition for high performing property type.

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00:32:15.808 --> 00:32:25.138

So, make it better describe the standard target pathway we added a definition for limited equity cooperative. We added a definition for operations and maintenance program.

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00:32:25.138 --> 00:32:33.058

And we also added a definition for qualifying affordable housing. So if you all want to read those definitions, you'll get a sense of using there terms in the regulations.

251

00:32:33.058 --> 00:32:37.199

252

00:32:37.199 --> 00:32:44.278

We removed the definition affordable housing because we now have the definition of qualifying qualifying affordable housing.

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00:32:44.278 --> 00:32:48.509

We removed the definition of national median because we now

254

00:32:48.509 --> 00:32:58.979

refer to high performing property types. We also removed the definition of property type because that is already included in 3530.

255

00:32:58.979 --> 00:33:03.808

And then we remove the definition of source eui because it's already included in 3530

256

00:33:03.808 --> 00:33:07.348

257

00:33:07.348 --> 00:33:19.469

We removed weather-normalized source eui because it's also included another section in this chapter and then we edited the definition for a building owner.

Q&A

258

00:33:22.229 --> 00:33:28.288

And that's it. I'll see if we had any questions.

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00:33:51.628 --> 00:33:57.898

260

00:33:59.159 --> 00:34:05.249

When will the draft compliance rulemaking be finalized

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00:34:05.249 --> 00:34:15.659

And essentially, the answer to that is that we are going to get. So, right now we're in the public comment period, which means that folks can submit public comments.

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00:34:15.659 --> 00:34:25.168

On the regulations as proposed. so what happens after this is we collect all those public comments and then we incorporate any necessary changes.

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00:34:25.168 --> 00:34:30.989

If any of the changes that we make are significant, then the rules will have to go out for another public comments.

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00:34:30.989 --> 00:34:36.659

Otherwise the current version will go out as final, inclusive any if there's any minor changes.

265

00:34:40.378 --> 00:34:47.969

I see another question from is the list of circumstances justifying a delay exclusive.

266

00:34:47.969 --> 00:34:52.498

Could a building seek and be granted a delay for something that's not on the list.

267

00:34:52.498 --> 00:35:01.139

So DOEE has to establish all delay criteria per regulation that's stated in the CEDC act.

268

00:35:01.139 --> 00:35:10.318

So, we right now the list that's in the regulations is what people can submit for a delay of compliance for.

269

00:35:10.318 --> 00:35:16.559

270

00:35:18.958 --> 00:35:23.878

271

00:35:25.528 --> 00:35:37.708

The question is: Would you explain this? A building owner will determine whether the building has met the 2021.

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00:35:39.148 --> 00:35:43.949

I think we're talking about section 3518.

273

00:35:45.239 --> 00:35:48.268

Sorry, let me go back. So you all can see it.

274

00:35:48.268 --> 00:35:57.568

Here, I think you're talking about this section right here. So this I think you're talking about section 3517.

275

00:35:57.568 --> 00:36:06.478

So a building owner shall determine whether the building has the BEPS by just reading the regulations is essentially what that states.

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00:36:06.478 --> 00:36:17.938

This is just clarifying this isn't adding any new requirement. This isn't adding anything for a building owner to do other than stating that a building owner will essentially it.

277

00:36:17.938 --> 00:36:22.768

278

00:36:22.768 --> 00:36:32.878

Published so, it just essentially says that a building owner will determine whether the building has met the BEPS as described by 20 DCMR 3530, which is where the BEPS are.

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00:36:38.458 --> 00:36:44.849

I hope that helps answer your question. There was another question.

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00:36:44.849 --> 00:36:50.849

It states under revocation or denial of a pathway.

281

00:36:50.849 --> 00:36:55.318

Is that only at the end of a cycle? Or can that happen during a cycle?

282

00:36:56.429 --> 00:37:07.679

Um, so revocation of pathway can happen during a cycle if the building owner continues to miss deadlines. So, for example, there are a lot of deadlines required along the prescriptive pathway.

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00:37:07.679 --> 00:37:16.679

If the building owner is not meeting those deadlines, DOEE has the authority to go in and saying you are no longer on the prescriptive pathways. Um, because if you're not meeting the deadlines.

284

00:37:16.679 --> 00:37:22.228

Um, and you continue to not meet the deadlines. We do have the authority to do that.

285

00:37:25.349 --> 00:37:28.559

I think we still have some questions coming in.

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00:37:35.759 --> 00:37:38.759

287

00:37:38.759 --> 00:37:42.809

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00:37:42.809 --> 00:37:45.869

So, Matt asked a question.

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00:37:45.869 --> 00:37:51.929

On the restriction of buildings on 3518.1.

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00:37:51.929 --> 00:37:56.548

Can you confirm that restriction to these options is only to align timelines. All complaints pathway types are still available.

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00:37:56.548 --> 00:38:04.018

Yes. It's designed to align deadlines not to remove options for building owners.

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00:38:04.018 --> 00:38:10.409

Buildings can always opt-out of the delay if they don't want the adjusted pathway.

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00:38:10.409 --> 00:38:13.889

However, you cannot take the delay and then also take the adjusted pathway

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00:38:14.514 --> 00:38:27.894

because the timing won't work in terms of the baseline years and the evaluation year.

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00:38:27.894 --> 00:38:30.114

296

00:38:31.079 --> 00:38:38.579

I'm following and taking the delay will have to take sort of the adjusted timelines. It's just to align the deadlines that the building is on.

297

00:38:38.579 --> 00:38:47.250

If they don't want the delay, then they can take any of the other pathways that are described.
Andrew do you want to clarify anything that I said on that?

298

00:38:47.250 --> 00:38:55.619

No, I think you said it well, again, it's not to remove options from the table for building owners.
It's purely just to align timeles

299

00:38:55.619 --> 00:39:00.630

300

00:39:00.630 --> 00:39:12.329

301

00:39:13.710 --> 00:39:18.090

302

00:39:41.460 --> 00:39:45.960

303

00:39:45.960 --> 00:39:58.800

I think the question from Marshall, you can answer given that it's from the rules, but I'm happy to read the actual language and the rules. If that's helpful. I don't see the question.

304

00:39:58.800 --> 00:40:11.070

305

00:40:12.869 --> 00:40:21.869

So the question is in terms of the penalties, if a building takes an alternative compliance pathway would DOE ensure that the adjusted factors would not result in a penalty that is more stringent than the default performance pathway

306

00:40:21.869 --> 00:40:31.079

So this is actually in the rules under the table for adjustments.

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00:40:32.099 --> 00:40:37.440

And I think was actually it changed from last time that we just did not highlight.

308

00:40:37.440 --> 00:40:44.369

In the last part of in the box there at the bottom.

309

00:40:49.349 --> 00:40:53.519

I think Marshall, I did point that, I think Marshall saying we won't adjust it anymore to make it less stringent.

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00:40:53.519 --> 00:41:05.550

I think he's asking on that 1 point of whether we'll adjust it to be lower than what's on the performance pathway.

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00:41:05.550 --> 00:41:08.940

Correct Marshall. I think that's what you're asking.

312

00:41:08.940 --> 00:41:20.429

The answer is yes, we're going to, you know, right now, our plan is that we want to make sure that the what's happening on the alternative compliance pathway is not any less stringent than what is happening on the other pathways

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00:41:20.429 --> 00:41:24.900

314

00:41:24.900 --> 00:41:28.050

315

00:41:51.420 --> 00:41:54.989

I see Matt just asked another question.

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00:41:54.989 --> 00:41:58.500

About delays.

317

00:41:58.500 --> 00:42:02.429

He is essentially asking us to clarify this.

318

00:42:02.429 --> 00:42:12.445

Part is building is implementing an innovative approach to energy efficiency. Again, as noted in the regulations the building mentor will have to show that the circumstance exists.

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00:42:12.684 --> 00:42:20.005

So the building owner will have to show us that they were trying to implement an innovative approach energy efficiency, and that's somehow caused there to be a delay.

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00:42:20.844 --> 00:42:32.184

So the building, the burden of proof will have to be on the building owner to provide that to me to say. Hey, we're trying to do this innovative thing in our building that is going to help our energy efficiency.

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00:42:32.335 --> 00:42:37.405

But it's going to cause us to not be able to meet the energy efficiency requirements. We're not able to meet it in time.

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00:42:37.739 --> 00:42:44.550

Um, and so it would like a delay and I think this is also addressed a bit in the guidebook.

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00:42:44.550 --> 00:42:52.199

Um, so when we get to that part of the guidebook, Matt, that might provide a little bit more detail. So, hopefully that that will help as well.

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00:43:05.670 --> 00:43:11.820

325

00:43:12.989 --> 00:43:25.050

Can somebody read the question from chat? It's maybe for next presentation, but does reliance in the guidebook, provide a building an action or is it simply a guide?

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00:43:27.090 --> 00:43:30.090

327

00:43:30.090 --> 00:43:44.400

Nothing in the guidebook, supersedes anything that is within the regulations or within the legislation. So it's simply meant to be sort of an explanation of the regulations and to provide a little bit more detail but does not supersede.

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00:43:44.400 --> 00:43:49.409

Anything that is listed in the regulations, or in the overarching legislation.

329

00:44:31.650 --> 00:44:46.260

Okay, I'm just reading the chats. Sorry Marshall unfortunately, we missed that part of your question. So your question was actually could an ACP penalty be more stringent than the default? I guess potentially that could happen.

330

00:44:46.260 --> 00:44:59.039

A building owner can switch to the performance pathway at any time. So, if a building owner chooses, I mean, what we're planning to do is make the penalty is sort of in line with the other pathways.

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00:44:59.039 --> 00:45:05.670

But if a building owner can switch at any time, because they're not going to meet their pathway, they can always switch to the performance pathway.

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00:45:44.849 --> 00:45:50.820

Give it 1 more minute and then I think we should move on because the next section is going to be quite a bit.

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00:45:50.820 --> 00:46:02.940

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00:46:04.139 --> 00:46:07.199

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00:46:07.199 --> 00:46:11.639

Should we switch over to the guidebook? I apologize for any choppy audio.

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00:46:11.639 --> 00:46:15.809

337
00:46:17.070 --> 00:46:20.610

338
00:46:22.199 --> 00:46:29.699

339
00:46:29.699 --> 00:46:33.360

340
00:46:33.360 --> 00:46:41.550
All right, I'm going to take control of the presentation and start pulling up the guidebook presentation

341
00:46:43.019 --> 00:46:55.409

342
00:47:01.440 --> 00:47:07.320

343
00:47:17.340 --> 00:47:20.969

344
00:47:20.969 --> 00:47:28.920

345
00:47:47.130 --> 00:47:51.420

346
00:47:51.420 --> 00:47:59.039

347
00:47:59.039 --> 00:48:02.429

GUIDEBOOK SLIDE 1

348

00:48:03.719 --> 00:48:14.820

Now we're going to talk about the BEPS compliance and enforcement guidebook.

349

00:48:14.820 --> 00:48:21.599

It was published on July 23rd, it is noticed in the register.

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00:48:21.599 --> 00:48:25.170

It is out for also a 30 day public comment period.

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00:48:25.170 --> 00:48:28.769

Uh, so all public comment should be submitted to DOEE by August 23, 2021

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00:48:28.769 --> 00:48:39.539

So it's the same timeline as the regulations. And the instructions for submitting public comment are also the same.

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00:48:39.539 --> 00:48:50.159

We're going to try to get through chapters 1 and 2. I want to point out this is not an exhaustive review of the guidebook and is a very long document. I don't think you want me to sit here and read it to you.

354

00:48:50.159 --> 00:49:01.199

We will be pulling out some of the information and summarizing it a bit here but if you want to provide public comment, I encourage you to read the documents to provide your comments.

GUIDEBOOK SLIDE 2

355

00:49:01.199 --> 00:49:08.820

So, chapter 1 is just sort of an overview and introduction.

GUIDEBOOK SLIDE 3

356

00:49:09.835 --> 00:49:18.954

The 1st, section of chapter 1 talks about the clean energy omnibus amendment act of 2018. This is what was covered in title 3 of that bill.

357

00:49:18.954 --> 00:49:24.894

It lowered the minimum building square footage required to benchmark over time.

358

00:49:26.550 --> 00:49:32.639

It also created a data verification requirements.

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00:49:32.639 --> 00:49:43.650

And then also, it created the establishment of the BEPS program to drive energy performance and existing buildings to help me the energy and climate goals of the sustainable DC plans.

GUIDEBOOK SLIDE 4

360

00:49:43.650 --> 00:49:56.400

Talking about building energy performance overview the introduction of the guidebook talks about sort of how we've gotten from our benchmarking process to our BEPS program.

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00:49:56.400 --> 00:50:10.974

So benchmarking was established in the clean and affordable energy act amendment after 2008, you could find the benchmarking regulations in 20 DCMR 3513-16 and then we have some benchmarking guidance posted on our website.

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00:50:14.969 --> 00:50:27.690

That's all included in the introduction to the guidebook. We then talk about the standards so we talk about the energy performance standards. These were established under the clean energy amendment act.

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00:50:27.690 --> 00:50:32.849

You can find the 2021 bets in 20 DCMR 3530.

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00:50:32.849 --> 00:50:36.269

You can also find a guide to the 2021.

365

00:50:36.269 --> 00:50:42.000

And the building energy performance disclosure, so there's links in the introduction to the guidebook to those things.

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00:50:42.000 --> 00:50:46.650

And then talking about compliance with BEPS and building energy performance.

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00:50:46.650 --> 00:50:50.190

Again, this is established through the clean energy DC act of 2018.

368

00:50:50.190 --> 00:50:59.099

The BEPS compliance regulations can be found in 20DCMR 3517 through 3521, which we just went over.

369

00:50:59.394 --> 00:51:14.184

There's also a BEPS schedule of fines that should be coming out soon. I don't think it's been released yet. Um, but that will be in 16 DCMR 4018, but we talked about that in section 3520. it refers to title 16.

370

00:51:16.050 --> 00:51:21.900

And then also, we have our BEPS compliance and enforcement guidebook, which is what we're going over right now.

GUIDEBOOK SLIDE 5

371

00:51:21.900 --> 00:51:29.280

There's also disclaimer

372

00:51:29.280 --> 00:51:42.300

So this is in chapter 1, it talks about how nothing in the guidebook, or this presentation shall supersede any DC law or regulation. Including the following, the clean energy dc omnibus act

373

00:51:42.300 --> 00:51:49.380

And then it also includes the BEPS regulations that can be found in title 20 chapter 35 of the DCMR

374

00:51:49.380 --> 00:52:01.679

and then also the 2021 BEPS establishment regulations that are found in 20 DCMR 3530.

GUIDEBOOK SLIDE 6

375

00:52:04.860 --> 00:52:19.440

And then in the introduction, we also talk about sort of the assumptions that are made as you're reading the guidebook. So the guidebook assumes that you are already if you're reading the guidebook, you're already familiar with your benchmarking data.

376

00:52:19.440 --> 00:52:32.880

So, the audience of this guidebook it's really people who have to comply with the BEPS requirements. And so the guidebook assumes that you're familiar with your benchmarking data. It assumes that the owner has already determined that the building did not meet the BEPS.

377

00:52:32.880 --> 00:52:36.059

So, this guidebook is sort of like you've been benchmarking you determined that you didn't meet the BEPS.

378

00:52:36.059 --> 00:52:42.960

And so now you want to know what you have to do. So, the framework of the guidebook is also spelled out in chapter 1.

379

00:52:42.960 --> 00:52:52.829

Where there's an introduction chapter 2 compliance process change of ownership requirements, chapter 3, principal compliance pathways, chapter 4, alternative compliance pathway options.

380

00:52:52.829 --> 00:52:57.690

Chapter 5 talks about delay of compliance process and chapter 6 talks about the enforcement process.

GUIDEBOOK SLIDE 7

381

00:52:59.039 --> 00:53:02.219

Also mentioned in chapter 1 the online BEPS portal

382

00:53:02.219 --> 00:53:06.269

which is mentioned in our regulations as well.

383

00:53:06.269 --> 00:53:13.590

Um, sort of what will live on the portal is a bit of a help center. So that's where people will go to sort of access DOEE. Where they can ask us questions

384

00:53:14.005 --> 00:53:28.974

Like what kind of have with our benchmarking help center now and we also have what's called a knowledge base. So, the knowledge base essentially is going to be where a lot of this guidance is going to, live.

385

00:53:29.280 --> 00:53:37.945

It's going to provide a sort of central location. We're building owners can go to get all the information they need to comply with both our benchmarking requirements as well as our BEPS requirements.

386

00:53:38.215 --> 00:53:46.045

Um, and then all submissions, including choosing your compliance pathway and all your requirements along the pathway will be made through the online portal.

GUIDEBOOK SLIDE 8

387

00:53:47.460 --> 00:53:55.769

And that's about it for chapter 1 moving on a chapter 2. we start talking about the compliance cycle process.

388

00:53:55.769 --> 00:54:02.429

So this just explains a bit how complaints works. Again, this assumes that the building owner knows that they did not meet the BEPS.

389

00:54:02.429 --> 00:54:11.250

Um, so the way that this works building doesn't meet the BEPS. It enters a compliance cycle. They have to then move into pathway selection.

390

00:54:12.719 --> 00:54:17.130

And then there are some pathway, specific performance and reporting requirements.

391

00:54:17.130 --> 00:54:25.920

At the end of the cycle, there's also some reporting that has to happen and then after that, we will be doing evaluation and enforcement.

392

00:54:25.920 --> 00:54:29.400

Of whether the building owner met those requirements.

393

00:54:30.869 --> 00:54:39.900

The guidebook just sort of explains this process a bit.

GUIDEBOOK SLIDE 9

394

00:54:39.900 --> 00:54:47.550

Um, talking about the COVID delay. Chapter 2 also tries to describe this the, the delay that pretty much every building is going to get for this 1st cycle.

395

00:54:48.744 --> 00:54:49.494

396

00:54:49.525 --> 00:54:51.295

397

00:54:51.684 --> 00:54:52.494

398

00:54:52.494 --> 00:54:52.704

399

00:54:52.704 --> 00:55:02.514

Stated here in the clean energy dc omnibus act buildings have 5 years to meet the energy performance energy efficiency requirements,

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00:55:02.545 --> 00:55:05.724

set forth by DOE on one of the compliance pathways.

401

00:55:06.090 --> 00:55:17.940

Um, so you all know that essentially the, the 1st cycle started on January 1st 2021 and so that, that means that originally all buildings would have had to show compliance by December 31st of 2025.

402

00:55:17.940 --> 00:55:22.860

But due to the COVID-19 public health emergency.

403

00:55:22.860 --> 00:55:27.900

Buildings that don't meet the standard for a period. We'll default to 6 year compliance cycle.

404

00:55:27.900 --> 00:55:32.039

Are the evaluation years and reporting and verification deadline have been adjusted.

405

00:55:32.039 --> 00:55:36.719

And are described in each compliance pathway. So, again, and we talked about this a bit.

406

00:55:36.719 --> 00:55:41.969

In the regulations this is also described in the guidebook with a little bit more detail.

GUIDEBOOK SLIDE 9

407

00:55:43.710 --> 00:55:51.539

Talking about the different types of compliance requirements. So when we say energy performance requirements.

408

00:55:51.539 --> 00:55:55.019

We're talking about either performance-based pathways.

409

00:55:55.019 --> 00:56:02.519

Pathway measures that create improvement in energy performance, or we're talking about action-based pathways.

410

00:56:02.519 --> 00:56:12.269

That use the completion of specific actions as their evaluation. So there's a difference between a performance pathway and a prescriptive pathway and that's described of it in this chapter.

411

00:56:12.744 --> 00:56:15.025

Talking about reporting and verification requirements

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00:56:46.764 --> 00:56:49.614

I'll continue while Katie is getting back online.

413

00:56:50.574 --> 00:56:55.014

So, chapter 2 dives into requirements, which Katie just mentioned.

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00:56:55.320 --> 00:57:04.260

As well, as the reporting and verification requirements, which can be submitting a document, completing a form or just to a building's annual benchmarking submission

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00:57:04.260 --> 00:57:10.590

Then it also lays out the types of postponements that will be granted.

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00:57:10.590 --> 00:57:18.719

there are simple extensions for reporting requirements up to a 6 month extension for have to

417

00:57:18.719 --> 00:57:21.750

418

00:57:21.750 --> 00:57:33.030

Submit a certain document or complete a certain form. It also allows for eligible circumstances where it's practically feasible to meet the performance requirements.

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00:57:33.030 --> 00:57:46.260

Which we are all familiar as of a delay of compliance. But there is a chapter later on.

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00:57:47.789 --> 00:57:50.849

GUIDEBOOK SLIDE 10

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00:57:52.050 --> 00:57:55.349

The chapter also lays out

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00:57:55.349 --> 00:58:00.630

DOEE's thinking around environmental health and safety as it pertains to the rules

423

00:58:00.630 --> 00:58:04.710

that's not acceptable for building owner to implement.

424

00:58:04.710 --> 00:58:10.050

Efficiency measures that pose a threat to the health and safety of building occupants.

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00:58:10.050 --> 00:58:19.800

Building owners that will be subject to all applicable new construction or, uh, property maintenance codes enforced by DCRA

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00:58:19.800 --> 00:58:26.760

Any owners found in violation of these codes will be liable for fines, penalties or other enforcement actions taken by DCRA

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00:58:26.760 --> 00:58:30.000

So, if becomes aware that a building owner

428

00:58:30.000 --> 00:58:35.579

has carried on a measure that is harmed health safety or indoor quality for its occupants.

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00:58:35.579 --> 00:58:42.840

The case will be referred to DCRA the building owner may be subject to the max alternative compliance penalty under BEPS

GUIDEBOOK SLIDE 11

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00:58:46.079 --> 00:58:51.780

Chapter 2 also lays out.

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00:58:51.780 --> 00:58:59.755

the adjustments made for the COVID delay, as it pertains to evaluation periods.

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00:59:00.355 --> 00:59:13.344

So, under the original, which is the bottom timeline based years were 2019, 2020, the evaluation years or 2024-2025. but going back to what Matt asked earlier in the meeting

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00:59:13.344 --> 00:59:20.034

The public health emergency delay shifted the baseline to align with proper baseline periods.

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00:59:20.034 --> 00:59:31.164

And evaluation periods, so building owners that are on delay pathways will typically have baseline years that are 2018 in 2019 and evaluation years that are 2026

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00:59:36.000 --> 00:59:45.900

again, this isn't to take building owners options out the tables. They can always opt into the original timeline without the delay.

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00:59:45.900 --> 00:59:51.119

GUIDEBOOK SLIDE 12

437

00:59:51.925 --> 01:00:03.804

So, then we go through in this chapter of pathway selection and changes.

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01:00:04.675 --> 01:00:07.554

So the 1st, requirement of all buildings is pathway selection.

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01:00:07.554 --> 01:00:14.275

DOEE then approve selection and the pathway requirements become the enforceable compliance method,

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01:00:14.275 --> 01:00:18.474

Other forms and submissions might be due with pathway selection and depending on the pathway requirements,

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01:00:18.835 --> 01:00:25.224

and the forms and submissions are described generally in the regulations and then a little bit more detail within the guidebook.

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01:00:26.699 --> 01:00:37.795

I have stated in the regulations owner could apply for a change of pathway during a cycle, or do we could change the pathway if requirements are not being met we talked about that a little bit earlier as well.

443

01:00:38.844 --> 01:00:47.664

So, with the COVID delays - originally, the cycle deadline for submitting, the pathway was April 1st, 2022 it is now April. 1st 2023.

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01:00:49.380 --> 01:00:52.710

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01:00:52.710 --> 01:01:00.539

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01:01:00.539 --> 01:01:04.289

GUIDEBOOK SLIDE 13

447

01:01:04.289 --> 01:01:11.275

This section also, this chapter also talks about demolished buildings

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01:01:12.085 --> 01:01:23.695

1 exemption from the BEPS requirements is if the building is demolished immediately before or during the compliance cycle. So that is the only exemption and building owners can get from the compliance requirements.

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01:01:24.204 --> 01:01:36.775

And in order to show that the building must submit a demolition exemption requested with evidence that the building was demolished again this is all described in the regulations. But the guidebook also talks about this.

GUIDEBOOK SLIDE 14

450

01:01:38.454 --> 01:01:52.224

Talking about newly constructed buildings. So, new buildings receiving that is your certificate of occupancy. Before the beginning of the period are assumed to not meet the BEPS and enter a compliance cycle alternative compliance pathway.

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01:01:52.525 --> 01:02:05.215

There's an alternative compliance pathway option for these buildings, new buildings on colleges or university or hospital campuses. If the campus met the standard for BEPS 1, the building will not be evaluated until BEPS 2.

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01:02:05.574 --> 01:02:17.844

But if the campus did not meet the standards for BEPS 1, and the new building is not separately metered the building will need to be included in BEPS 1, but may request a baseline adjustment. So that's for all of our campus folks out there.

453

01:02:19.045 --> 01:02:33.025

And then the last sort of part of this section talks about new buildings, receiving a certificate of occupancy during BEPS period 1 will be evaluated for the 1st time in BEPS period 2. So there's just sort of a bit of a difference for a building.

454

01:02:33.025 --> 01:02:34.945

If it received a certificate of occupancy.

455

01:02:35.489 --> 01:02:44.369

Occupancy before the compliant cycle started and then buildings that received their certificate during the compliant cycle, or during the BEPS period.

GUIDEBOOK SLIDE 15

456

01:02:46.644 --> 01:02:58.014

Talking about historic buildings there's a little bit about this in this section. For the vast majority of cases are building historic status does not interfere with its ability to meet the energy performance requirements of BEPS.

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01:02:58.795 --> 01:03:11.425

And so the district office of planning has this guide called the sustainability guide for existing and historic properties that talks a bit about how most historic buildings can comply with energy performance requirements,

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01:03:12.355 --> 01:03:15.264

and can actually realize substantial energy savings.

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01:03:16.135 --> 01:03:16.434

460

01:03:16.949 --> 01:03:30.085

We also talk about in the section, how DOEE may approve what's called a baseline adjustment, or delay for these buildings for any challenges or limitations whereby they can't actually meet the energy performance requirements in the timeline specified.

461

01:03:30.744 --> 01:03:39.295

So, this section does not provide an exemption for historic buildings, but rather shows how DOEE will provide some flexibility for historic buildings.

GUIDEBOOK SLIDE 16

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01:03:41.514 --> 01:03:54.534

Change of ownership this is also described in chapter 2 so when a building is sold at anytime during the cycle, the seller must provide the buyer with the information related to the building's BEPS compliant status prior to the transfer or sale.

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01:03:55.675 --> 01:03:57.324

The seller must give the buyer.

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01:03:57.324 --> 01:03:58.704

The following information,

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01:03:58.795 --> 01:04:12.804

any information plans or reports submitted to DOEE as required by the buildings approved pathway the most recent complete and accurate district benchmark results and compliance report for the building and information describing any progress toward meeting the energy performance requirements.

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01:04:13.735 --> 01:04:20.844

The buyer and the seller shall sign a change of ownership disclosure acknowledgment letter, and provide DOEE a signed copy within 30 days of closing.

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01:04:21.175 --> 01:04:31.974

Again, this has mentioned in the regulations we talked about earlier that DOEE must be informed that the building changed hands within 60 days of closing.

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01:04:33.385 --> 01:04:47.304

There'll be a public registry available with basic information.

469

01:04:47.304 --> 01:05:00.355

The buyer will be able to already know potentially where the building is in terms of, meeting their requirements. And then the buyer must request a sale of property disclosure report from DOEE

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01:05:00.355 --> 01:05:13.074

To get more information if they want more than what's already publicly available. And that would be good for building on the prescriptive alternative compliance pathway because a lot of that information may not be publicly available.

GUIDEBOOK SLIDE 17

471

01:05:13.440 --> 01:05:24.989

All right, moving on to chapter 3, this 1 gets a little weedy. We talk about the principal pathways here and we'll describe what we mean by principal pathways in a minute.

GUIDEBOOK SLIDE 18

472

01:05:25.644 --> 01:05:38.425

So, the principal compliance pathways are the performance pathway the prescriptive pathway and the standard target pathway. We've presented this slide before, but essentially, for the performance pathway, it's available to all property types.

473

01:05:38.784 --> 01:05:43.764

It's performance based and the goal is to reduce site energy use intensity by 20%.

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01:05:44.425 --> 01:05:54.985

The prescriptive pathway is available for all building types, it's action based and it requires a completion of energy efficiency measures and reporting requirements.

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01:05:56.010 --> 01:06:10.914

With savings comparable to the performance pathway. With the standard target pathway, again this is only available for property types with the standard that is better than the national median. It is performance based and requires that the building reached the standard for their property type.

476

01:06:10.974 --> 01:06:16.914

All of this is described in section 3518 of the regulations. But the guidebook also talks about it about it.

GUIDEBOOK SLIDE 19

477

01:06:20.635 --> 01:06:32.394

The other thing that the guidebook talks about is an opportunity for buildings that are targeting 36% or more site eui reduction so buildings that are planning deep energy retrofits targeting site savings higher than 36% within cycle 1

478

01:06:32.394 --> 01:06:33.804

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01:06:33.804 --> 01:06:36.594

480

01:06:36.775 --> 01:06:45.474

have an opportunity secure savings recognition for future compliant cycles. This opportunity applies to any building following 1 of the principal pathways.

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01:06:45.474 --> 01:06:49.494

So if any building following 1 of those 3 pathways achieves a 36% reduction in site eui

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01:06:52.434 --> 01:07:03.594

We're calling the state accelerated savings recognition option, which is a type of alternative compliance pathway, and it's described in section 4.2.1.

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01:07:03.594 --> 01:07:13.494

so, the actual pathways described in chapter 4, but we mentioned it here in chapter 3, and it talks about how building owners that meet higher energy performance targets by the end of cycle 1 can get guaranteed compliance recognition and future cycles.

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01:07:13.494 --> 01:07:24.804

So we're trying to incentivize building on going deeper than the 20% required.

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01:07:24.804 --> 01:07:29.184

And this section talks about that a little bit but there's more information in chapter 4.

GUIDEBOOK SLIDE 20

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01:07:33.385 --> 01:07:45.744

We also talk about the performance pathway changes due to the COVID 19 public health emergency delay. All property types are eligible. The performance pathway is performance-based goals.

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01:07:45.744 --> 01:07:51.355

The goal is to reduce site eui by 20%. And the methods used to reduce energy are left up to the building owner.

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01:07:51.355 --> 01:08:05.125

So this is all talked about, in that section. What's required on this pathway are 1 to submit a pathway selection form by April 1st 2023, submit a completed actions report by April 1st, 2027, and submit the calendar year 2026 benchmarking report by April 1st, 2027.

489

01:08:05.125 --> 01:08:19.015

so, this section just kind of lays out exactly what building owner will have to do along the way to make it very simple, because sometimes regulation hard to read. So, what we attempted to do in this chapter, just lay out, these are the requirements.

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01:08:19.015 --> 01:08:22.045

This is what you're going to have to do on what deadline.

GUIDEBOOK SLIDE 21

491

01:08:28.739 --> 01:08:32.279

Talking about the standard target pathway eligibility for cycle 1.

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01:08:32.545 --> 01:08:41.814

he section starts talking about which of the high performing property types are eligible to take this pathway. You can see here in this table.

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01:08:41.814 --> 01:08:53.335

It's a lot of buildings that are eligible to take this pathway, and most of our larger property types, like office, multifamily, hotel are all eligible to take this pathway.

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01:08:53.335 --> 01:09:02.574

So that actually represents a majority of the buildings in the district that are subject to BEPS. So those buildings can take this pathway.

GUIDEBOOK SLIDE 22

495

01:09:04.225 --> 01:09:16.164

Talking more a bit about the standard target pathway with the COVID 19 public health emergency delay again, this lays out the sort of bare bones requirements for anybody on the standard target pathway and gives them the milestones that they're going to have to meet.

496

01:09:16.704 --> 01:09:29.965

1st, submit a pathway selection form by April 1st, 2023, and then submitted completed actions report by April 1st of 2027 as well as submitting the calendar year 2026, benchmarking report by April 1st, 2027.

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01:09:34.649 --> 01:09:40.800

You'll see in this table and in the guidebook, we give an example of sort of what that looks like in terms of someone achieving the requirements of that pathway.

GUIDEBOOK SLIDE 23

498

01:09:42.354 --> 01:09:56.425

Going into the prescriptive pathway it gets a little more complicated, but we've tried to lay it out very nicely in this guidebook. So everyone can understand what they need to do. We talk about how the prescriptive pathway is designed to help building owners mitigate risk for a compliant cycle.

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01:09:57.085 --> 01:10:07.164

As long as they successfully implement the specific approved measures and meet all reporting and verification requirements of each phase. They will comply, regardless of their energy performance.

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01:10:08.005 --> 01:10:22.914

You'll see over on the left-hand side, the energy efficiency measures installed are should be designed to be comparable to reducing site by 20% or more. And the energy audit is sort of the basis for the action plan.

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01:10:22.914 --> 01:10:37.375

These are the general deadlines for a building owner as described in the regulations we just put the dates in here to make it easier. The pathway selection and energy audit are due by April 1st, 2023. The action plan is due by April 1st, 2024,

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01:10:41.130 --> 01:10:52.289

The installation of the measures will need to be completed by April 1st, 2026 and then evaluating monitoring and verification. We'll need to be completed by April 1st of 2027.

GUIDEBOOK SLIDE 24

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01:10:54.774 --> 01:11:02.845

Talking more about the prescriptive pathway submissions in this section. We describe all these things a little bit more in detail.

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01:11:02.845 --> 01:11:16.914

They're all referred in our regulations, but in phase 1, there's a pathway selection and energy audits, whereby the building owner will have to select their pathway and by filling out a form in the online portal, and then also submitting their energy audit.

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01:11:17.664 --> 01:11:19.404

Phases 2 there's the action plan phase where essentially the building owner will have to submit the integrated design workshop report, details are described in the guidebook

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01:11:19.435 --> 01:11:20.425

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01:11:20.784 --> 01:11:28.645

An operations and maintenance program submission

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01:11:28.645 --> 01:11:29.274

509

01:11:29.604 --> 01:11:30.385

And final energy efficiency measure selection submission with supporting documentation.

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01:11:30.385 --> 01:11:31.074

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01:11:31.135 --> 01:11:31.524

512

01:11:31.524 --> 01:11:32.154

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01:11:32.154 --> 01:11:34.314

514

01:11:35.005 --> 01:11:46.465

So, at this point, DOEE will have to review all those documents and again, the details and the guidebook, the building owner should follow sort of what the guidance is in that guidebook for those submissions.

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01:11:47.550 --> 01:11:54.475

And at that point, DOEE will have to approve the action plan so the building owner will need to get that approval from DOEE.

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01:11:54.954 --> 01:12:09.595

From there the building owner to move into implementation, which is in phase 3 during this time, the building, and it will have to submit implementation and testing submissions with supporting documentation to prove that they were actually implementing what was in the action plan.

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01:12:10.135 --> 01:12:14.635

And then they will also have to attest to the implementation of an operations and maintenance program.

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01:12:15.895 --> 01:12:23.095

Moving into phase 4 when we talk about evaluation monitoring and verification, there's a post implementation report that all building owners must submit.

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01:12:23.515 --> 01:12:28.734

They should also submit any operations and maintenance updates for new energy efficiency measures,

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01:12:29.034 --> 01:12:38.574

and they must attest to continuous implementation and then they must report on a deferred acceptance using commissioning done in phase 4.

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01:12:39.595 --> 01:12:44.545

so, again, all of this will have to be approved.

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01:12:44.574 --> 01:12:49.765

DOEE will be checking against the approved action plan and again,

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01:12:49.765 --> 01:13:01.345

remember the action plan will include each energy efficiency measure that the building owner is planning to pursue as well as the savings model savings attached to each of those and all that will be approved.

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01:13:01.375 --> 01:13:02.814

Reviewed and approved by DOEE.

GUIDEBOOK SLIDE 25

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01:13:05.335 --> 01:13:18.024

Going further into some of the requirement we do talk about how the energy auditor must have the credentials that are described in the regulations

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01:13:18.114 --> 01:13:22.255

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01:13:23.244 --> 01:13:28.585

And what we require is that the energy auditor must have 1 of the following credentials,

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01:13:28.824 --> 01:13:29.635

certified energy auditor

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01:13:29.635 --> 01:13:30.145

certified energy manager,

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01:13:30.175 --> 01:13:31.435

Building energy assessment professional

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01:13:31.975 --> 01:13:32.305

High performance building design professional

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01:13:32.305 --> 01:13:33.085

Or multifamily building analyst

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01:13:33.085 --> 01:13:33.744

534

01:13:33.925 --> 01:13:34.704

535

01:13:34.704 --> 01:13:35.364

536

01:13:35.364 --> 01:13:38.064

537

01:13:38.064 --> 01:13:39.175

538

01:13:40.164 --> 01:13:54.954

These are the credentials that a building owner could have in order to be and approved energy auditor. When we talk about an architect on the project team, they must be licensed in DC and engineer also must be licensed in DC general contractor license in DC.

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01:13:54.954 --> 01:14:07.854

The commissioning agent, as we mentioned in the regulations must meet the minimum qualifications to be a DCRA approved commissioning agent. And then we talk about a retro commissioning professional.

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01:14:08.845 --> 01:14:22.914

They must meet 1 of the following: an engineer with any state licensing department, they must be in building operator, certification level 2. they could be a CEM or minimum qualifications to be an approved commissioning agent.

GUIDEBOOK SLIDE 26

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01:14:26.880 --> 01:14:39.805

Talking about the prescriptive pathway with the COVID 19 public health emergency delay. All the deadlines are essentially pushed by 1 year.

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01:14:39.805 --> 01:14:53.904

So phase 1, which is the pathway selection and energy audit was pushed to April 1st, 2023 and these days are the deadlines. You can always turn things early if you want to accelerate your timeline. We like to point that out to everybody.

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01:14:53.904 --> 01:15:01.704

Phase 2 is due April 1st, 2024 for phase 3, April. 1st, 2026, and phase 4, April 1st, 2027. So we stated that earlier, but we just wanted to point out the 1 year delay for everybody due to the public health emergency.

GUIDEBOOK SLIDE 27

544

01:15:05.970 --> 01:15:14.340

So talking about the energy audit, if you read the guidebook, you will see that the requirements are that the energy audit.

545

01:15:15.114 --> 01:15:24.774

Shall be an ASHRAE standard 211 level 2 energy audit. It must be done by an energy auditor with the qualifications listed and it must use the DOEE energy audit template.

546

01:15:24.774 --> 01:15:35.395

So, in terms of reporting information DOEE there will be an audit template that the auditor must complete to ensure that buildings consider long term plans for compliance with future BEPS periods.

547

01:15:35.395 --> 01:15:48.534

DOEE is also requiring that the energy audit, identify more the necessary to meet the energy performance requirements. We talked about this a bit in a task force meeting a couple of months ago.

548

01:15:49.614 --> 01:15:53.694

So essentially we're going to require that the auditor identify measures that go further than what is required from a 20% EUI reduction

549

01:15:53.935 --> 01:15:55.015

550

01:15:55.854 --> 01:16:00.595

and then the results will be used in the phase 2 integrated design workshop where EEMs must be narrowed to target 25% savings in site EUI savings to make up the finally EEM package to be approved by DOEE

551

01:16:00.595 --> 01:16:08.034

GUIDEBOOK SLIDE 28

552

01:16:08.034 --> 01:16:20.515

Talking about more about the timeframe of the audit.

553

01:16:20.755 --> 01:16:35.484

So the audit must have been completed between the 2021 and 2023. if the audit was completed between the years of 2018 and 2020, the building energy use and saving calculations must be updated. So we will allow building owners to use and older audits. However, they will have to update the calculations to reflect the current energy use of the building.

554

01:16:43.135 --> 01:16:54.954

building owners may submit a request to Dewey to use audits from before 2018. so we will accept something from before 2021 as long as the calculations are updated. Anything older than that there must be sort of an extenuating circumstances that the building owner has to appeal to DOEE for.

555

01:16:54.954 --> 01:17:08.814

baseline identification for the energy audit purposes. The audits baseline should be an average of calendar years 2018 in 2019 or either of those years by itself. This will align it with a performance pathway.

556

01:17:09.024 --> 01:17:20.545

The baseline should be measured in weather normalize site energy use intensity or site energy use intensity if the building cannot receive a weather normalized site eui.

557

01:17:20.574 --> 01:17:25.885

Again on the side of the screen I already went over that but the energy must have certain credentials or certifications.

GUIDEBOOK SLIDE 29

558

01:17:32.935 --> 01:17:33.385

Again energy audit

559

01:17:33.385 --> 01:17:34.135

560

01:17:35.875 --> 01:17:39.984

The minimum savings identified

561

01:17:39.984 --> 01:17:46.614

what we state here is that if the baseline site is above the national median for that property type,

562

01:17:47.244 --> 01:17:49.375

the audit must identify EEMs that total at least 40% savings from the baseline site eui

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01:17:49.675 --> 01:17:52.854

564

01:17:52.854 --> 01:17:53.095

So if a building is performing worse than the national median

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01:17:53.515 --> 01:17:56.845

566

01:17:56.845 --> 01:18:00.055

and then a building owner or the auditor has to identify EEMs that total 40% savings.

567

01:18:00.055 --> 01:18:02.814

568

01:18:02.814 --> 01:18:07.284

For all other buildings the audit must identify EEMS that total at least 30% savings

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01:18:07.914 --> 01:18:08.814

570

01:18:08.814 --> 01:18:17.635

And if the auditor cannot identify EEMS to satisfy the required minimum percentage, the auditor must include an explanation in the energy audit submission.

571

01:18:20.185 --> 01:18:30.085

And then again, this is just identifying savings, the project team must create a final package of EEMS in phase 2 that will that are model to achieve 25% savings.

572

01:18:30.085 --> 01:18:38.005

So this part just talks about what has to be identified, phase 2 talks about what actually needs to be included in the action plan.

GUIDEBOOK SLIDE 30

573

01:18:39.505 --> 01:18:45.715

Talking a little bit more about energy audits.

574

01:18:46.015 --> 01:18:59.335

There is going to be an investment analysis and essentially energy auditors will have to calculate those and enter them into the audit template. We list them out on the left-hand side. I'm not going to read them to you.

575

01:18:59.395 --> 01:19:02.935

576

01:19:03.869 --> 01:19:12.055

The restriction on fossil fuel burning equipment so replacing an existing fossil fuel burning system can be included in the energy audits.

577

01:19:12.385 --> 01:19:21.625

However, only replacement of components of an existing fossil fuel burning system may be included as part of the final EEM package in phase 2.

578

01:19:21.954 --> 01:19:27.984

I can read more about this in section 3.3.5.3

GUIDEBOOK SLIDE 31

579

01:19:29.545 --> 01:19:44.154

Again, talking more about phase 1 requirements, there's the pathway selection and energy audits. So we just went through the requirements of the energy audit. All this is due to DOEE by April 1st of 2023 with the COVID 19 public health emergency delay.

GUIDEBOOK SLIDE 32

580

01:19:45.869 --> 01:19:57.300

Talking about phase 2, we're going into the action plan, which is again due to DOEE by April 1st 2024.

GUIDEBOOK SLIDE 33

581

01:19:57.300 --> 01:20:05.880

This is where we talk about the Integrated Design workshop. so project teams can adapt the following guides to fit the needs of the workshop.

582

01:20:06.055 --> 01:20:19.404

We provided some references to other sort of industry standards or industry best practices for how building owners can use as a guide to do this integrated design workshop.

583

01:20:20.244 --> 01:20:32.305

And also, in the workshop DOEE suggest the following project team members as a minimum building owner, building facilities management representative, energy auditor, architectural firm representative, and an engineering firm representative.

584

01:20:32.725 --> 01:20:47.095

So, in this section, we talk a lot about the project team, and we talk a lot about which project team members we either require, or suggest be involved at different phases, just to help building owners along the way for the prescriptive pathway.

GUIDEBOOK SLIDE 34

585

01:20:49.074 --> 01:21:00.024

Talking about the integrated design workshop summary. The building must provide the following information. They must provide notes and minutes of a meeting, including the agenda and list of participants and their role in the project.

586

01:21:00.654 --> 01:21:13.404

And then they must provide answers to the following questions with the max of 2 paragraphs per question. I'm not going to read these questions to you. But essentially, the building owner, you can read them in chapter 3.

587

01:21:13.404 --> 01:21:20.755

We are asking these questions to ensure that the design workshop happened and at the building owner is planning properly to implement the measures.

GUIDEBOOK SLIDE 35

588

01:21:22.710 --> 01:21:26.850

Talking about the operations and maintenance program.

589

01:21:27.954 --> 01:21:42.685

So this again is requirements in phase 2 so the action based nature of the prescriptive pathway necessitates regular operations and maintenance program planning and reporting. So, the building energy systems achieve their intended energy efficiency throughout the service life.

590

01:21:43.194 --> 01:21:51.444

The details of that program will vary. Obviously based on the building, but a building owner it will have to create an O&M program and submit it to DOEE for review.

591

01:21:52.854 --> 01:21:57.534

Sort of standard operating procedures that meet the specs and ASHARE standard 100-2018 chapter 6,

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01:21:57.564 --> 01:22:08.034

And include applicable building systems and elements in annex D as well as implementation requirements in annex L of the ASHRAE standard

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01:22:08.034 --> 01:22:08.904

594

01:22:12.029 --> 01:22:22.739

And you'll see at the bottom that we require phase 2 where they develop and submit the program phase 3, they have to attest that the program was implemented.

595

01:22:22.739 --> 01:22:29.130

And for any new EEMs that were added they will have to ensure that the program was either updated and continuously implemented.

GUIDEBOOK SLIDE 36

596

01:22:29.935 --> 01:22:31.914

Talking about retro commissioning as a proposed EEM

597

01:22:32.604 --> 01:22:47.454

We've talked a lot about this and task force meetings, but essentially it requires assessments either through onsite physical site walkthrough and then also trend analysis of activity over 4 to 6 months.

598

01:22:48.265 --> 01:22:51.864

It has to include corrective actions

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01:22:51.864 --> 01:22:56.725

What we state there is that you have to implement energy efficiency actions with paybacks less than 3 years,

600

01:22:56.725 --> 01:23:02.814

or estimated savings of up to 5% whole building consumption and then also implement indoor environmental quality actions.

601

01:23:02.814 --> 01:23:03.954

602

01:23:05.484 --> 01:23:16.465

In terms of the value that building owners get for doing retro-commissioning as a proposed EEM. They will receive 5 points for 1 assessment and corrective actions.

603

01:23:16.465 --> 01:23:26.935

And then also 8 points for doing both assessments and corrective actions. So you have to do both these assessments and the corrective actions to get to that 8 points.

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01:23:27.564 --> 01:23:33.295

We also talk about the credentials that the retro-commissioning professional must have. This is described in the regulations as well.

605

01:23:33.840 --> 01:23:47.489

And then you'll see that the reports are due for the retro-commissioning report at the end of phase 2 and then a final retro-commissioning report at the end of phase. 4.

GUIDEBOOK SLIDE 37

606

01:23:48.984 --> 01:24:02.515

Talking about the final selection we talked about this earlier targeted savings the project team must create a package of that achieve at least 25% savings in site eui where each site eui percentage is equal to 1 point.

607

01:24:03.534 --> 01:24:06.805

Optimizing the package - occupant and employee and facility management team education and training shall be no greater than 2% of the total site eui savings

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01:24:08.100 --> 01:24:16.829

609

01:24:17.185 --> 01:24:31.225

Again if retro-commissioning is included as a proposed EEM. Retro-commissioning activity shall not comprise more than 5 to 8% of the total site eui savings.

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01:24:31.494 --> 01:24:33.234

611

01:24:33.750 --> 01:24:34.345

612

01:24:34.345 --> 01:24:49.194

Then replacing components of an existing fossil fuel burning system can be proposed as part of the recommended EEMS but the replacement of the entire system with another fossil fuel burning system will not count towards the 25% savings target.

613

01:24:49.194 --> 01:24:50.094

614

01:24:51.569 --> 01:24:55.649

GUIDEBOOK SLIDE 38

615

01:24:56.574 --> 01:25:02.274

This is sort of what the final EEM selection would look like

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01:25:02.305 --> 01:25:15.925

They've been capped out to 2% on their facility management staff training and then there's documentation that we've provided an example of what building owners can provide to us to show that they have completed the EEMS.

617

01:25:15.925 --> 01:25:27.175

With retro-commissioning its maxed out out of 8% again. This building is also doing a lightning upgrade, they're doing air sealing envelope penetrations, and then they're upgrading their air distribution a VAV system.

618

01:25:27.175 --> 01:25:39.354

And so you'll see here, they estimated the site savings across the board is 25%, DOEE would have to review all of this and ensure that it meets our requirements before approving the pathway.

GUIDEBOOK SLIDE 39

619

01:25:44.994 --> 01:25:59.274

Sample supporting documentation, I'm not going to read these to you, but these are also listed in chapter 3 and so as a part of the final EEM package, the building owners must propose how they're going to document and verify implementation of each EEM.

620

01:26:00.175 --> 01:26:14.454

The sample list in table 12 is not comprehensive and other documentation can be proposed by the building owner.

621

01:26:16.859 --> 01:26:21.600

GUIDEBOOK SLIDE 40

622

01:26:22.255 --> 01:26:37.104

The EEM Package Submission essentially will include project team information, building information, proposed final EEM package summary again.. But it's and it's also in the guidebook.

623

01:26:37.795 --> 01:26:51.954

There's also individual EEM descriptions. So, there's going to be an overview of each EEM, the estimated savings, and the proposed documentation for verification, as referenced in table 12.

624

01:26:52.314 --> 01:26:54.055

And then, if you're doing retro-commissioning they'll have to provide a preliminary retro-commissioning report.

625

01:26:55.229 --> 01:26:59.579

626

01:26:59.579 --> 01:27:11.909

Description is limited to no more than 5 pages. Supporting documentation on the efficacy of the EEM, is not included in the 5 page limits and it'll be submitted through the online portal.

GUIDEBOOK SLIDE 41

627

01:27:12.835 --> 01:27:21.595

Action Plan approval after all deliverables for phase 2 have been submitted DOEE will review the complete package to ensure that it aligns with all requirements.

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01:27:22.225 --> 01:27:33.444

We will issue an action plan approval letter that contains approval of the final EM package, which each point value assets on a 25 point scale based on the total energy savings estimated.

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01:27:35.340 --> 01:27:38.399

Also approval of proposed documentation methods.

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01:27:38.635 --> 01:27:40.975

And then approval of proposed documentation methods for the operations and maintenance program implementation,

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01:27:41.154 --> 01:27:42.385

632

01:27:42.385 --> 01:27:47.994

633

01:27:48.835 --> 01:27:50.664

after DOEE has issued the action plan approval level the building owner will have 30 days to appeal it by submitting a revised action plan through the portal,

634

01:27:50.664 --> 01:27:56.064

635

01:27:56.215 --> 01:28:02.395

the appeal is rejected the building owner may proceed using the previously approved action plan or complete a pathway selection change.

636

01:28:02.725 --> 01:28:03.385

637

01:28:04.109 --> 01:28:17.399

If we approve it and make any changes and the building owners and happy with that, they can appeal it, but if we reject that appeal, then the building owner can go ahead and proceed with what we approved or they can change their pathway at that point.

GUIDEBOOK SLIDE 42

638

01:28:17.399 --> 01:28:30.359

Phase 2 requirements again, all this is going to be due all these is due by April. 1st, 2024.

GUIDEBOOK SLIDE 43

639

01:28:30.359 --> 01:28:37.710

Moving on to phase 3 talking about implementation the implementation reports.

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01:28:37.710 --> 01:28:47.159

Basically contains a summary of the implementation testing and commissioning work completed during phase 3. if an EEM is not complete due to timing or climatic conditions

641

01:28:47.159 --> 01:29:01.345

the building owner will describe the issue in the report submission along with the steps needed to complete the EEM in phase 4 also building owner will have to submit supporting documentation to prove the work was completed as per table 12.

642

01:29:01.375 --> 01:29:06.835

we have some examples there, and also they'll have to attest that O&M program is being implemented.

GUIDEBOOK SLIDE 44

643

01:29:07.199 --> 01:29:14.909

Again, all phase 3 requirements are due by April 1st, 2026 with the COVID 19 public health emergency delay.

GUIDEBBOK SLIDE 45

644

01:29:14.909 --> 01:29:20.399

Lastly, going through phase 4, which is evaluation monitoring and verification.

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01:29:21.385 --> 01:29:36.085

Phase 4 is sort of evaluation of the building's performance post EEM implementation so the building owner will evaluate the success of each EEM and assess any shortcomings and implementation and make any necessary corrective actions to bring the building up to the expected savings level

646

01:29:36.085 --> 01:29:36.864

647

01:29:37.404 --> 01:29:41.425

The owner will also complete any remaining actions from project implementation,

648

01:29:41.664 --> 01:29:45.895

such as final commissioning of equipment and if retro-commissioning was pursued,

649

01:29:45.925 --> 01:29:56.125

the building owner will submit a final retro-commissioning report. Included in this is the post implementation analysis unfinished phase 3 verification that I talked about previously

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01:29:56.125 --> 01:30:00.895

and the final operations and maintenance program update and attestation.

GUIDEBOOK SLIDE 46

651

01:30:02.034 --> 01:30:13.015

All of this that we just talked about post implementation report, submitting the O&M program updates, and reporting on deferred acceptance testing or commissioning is due with the public health emergency delay by April 1st, 2027.

652

01:30:13.439 --> 01:30:17.789

GUIDEBOOK SLIDE 47

653

01:30:18.685 --> 01:30:23.305

I think oh, okay. So here, this is what it all looks like together.

654

01:30:24.234 --> 01:30:38.335

So, together with the prescriptive pathway phases, again, just talking about the deadlines to reiterate with folks all the deadlines stated in the regulations are essentially pushed by 1 year. And again, you can always turn things in early.

655

01:30:38.335 --> 01:30:40.734

You don't have to wait until April 1st, 2023 or 2026.

656

01:30:43.920 --> 01:30:54.000

And that's it for our presentation. Again, we will be going over the rest of the guidebook at our August 17th meeting. So now we can open up for questions.

GUIDEBOOK Q&A

657

01:30:56.880 --> 01:31:00.659

We have 2 questions for you and spreadsheet Katie

658

01:31:02.010 --> 01:31:07.739

659

01:31:12.654 --> 01:31:15.625

Okay, why is the guidebook open to public comment?

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01:31:16.555 --> 01:31:30.145

So, we open the Guidebook to public comment, because we want to ensure that building owners are aware and able to give or stakeholders are able to give feedback on the actual details of how we're planning to implement this program.

661

01:31:30.534 --> 01:31:42.475

It contains a lot of additional content and information about how a building may comply with the rules, and we really wanted to get robust public comment to ensure that we're providing the regulated community with the best available guidance.

662

01:31:43.289 --> 01:31:47.550

663

01:31:47.550 --> 01:32:01.319

So someone asked, do you know where we can find the energy audit template? So right now is working with the US Department of energy and PNNL.

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01:32:01.613 --> 01:32:12.083

To customize the Department of energy audit template online software, and we'll post a link in the chat to the default template and the standard in case you want to see examples of the audit templates.

665

01:32:12.384 --> 01:32:18.833

We anticipate that our version of the audit template will be ready by the end of the calendar year.

666

01:32:20.423 --> 01:32:34.583

The audit template will follow ASHRAE standard 211 plus some additional DC specific information. So we'll provide you what the audit template looks like right now, but we're also working to have them build a custom audit template that will be available by the end of the calendar year.

667

01:32:34.583 --> 01:32:41.573

So, you can get started by looking at the links we provide and then more concrete information will be provided at the end of the calendar year.

668

01:32:42.359 --> 01:32:48.809

669

01:32:48.809 --> 01:33:01.439

Question from Scott, if you opt out of the COVID 19 public health delay, and you select the standard target pathway are the base and evaluation years 2019 and 2025 respectively. Yes, Scott.

670

01:33:02.578 --> 01:33:08.429

671

01:33:08.429 --> 01:33:20.064

Yeah, so if you're on the standard target pathway and you don't take the delay then your baseline is 2019 for where we evaluated found where you were at.

672

01:33:20.064 --> 01:33:25.854

And then 2025, at the end of 2025, we will look to see your calendar year 2025 benchmarking report to see if you met the standards.

673

01:33:29.873 --> 01:33:42.684

For the standard, that's another question from Chris, about the standard target pathway it says EPA updates portfolio managers, baseline and the Energy Star scores, what years would DOE use to recalculate expected source reduction?

674

01:33:43.554 --> 01:33:53.094

So right now, DOEE is already collecting all fields necessary to recalculate this, In case EPA changes the scoring model, I hope that answers the question.

675

01:33:53.759 --> 01:33:58.649

676

01:34:00.088 --> 01:34:11.333

So, yeah, essentially, now that we're pulling data through web services. We can make adjustments and the guidebook actually talks about this a little bit. You can see section 3.2.4 in the guidebook and the performance baseline wouldn't change.

677

01:34:11.333 --> 01:34:17.304

But do we could adjust the model in terms of where people perform.

678

01:34:19.344 --> 01:34:30.503

Matt asked, was there a legal or policy standard that was used to determine what content belongs in the rulemaking, versus the guidebook?

679

01:34:30.863 --> 01:34:39.804

It feels like a bit of a gray area, what counts as a rule versus guidance, given that the guidebook includes many compliance requirements not spelled out in the rule, making prescriptive pathway process and documentation requirements.

680

01:34:41.993 --> 01:34:50.814

681

01:34:51.503 --> 01:34:57.323

And so essentially the rules lay out the necessary reports and the deadlines as well as any mandatory requirements.

682

01:34:57.623 --> 01:35:08.783

And the guidebook just is there to provide context and information to the rules to sort of say, this is this is additional information based on what's in the regulations.

683

01:35:11.548 --> 01:35:16.229

Cliff asks is there still an early energy savings options that will provide an owner with 3 cycles of compliance.

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01:35:16.229 --> 01:35:24.719

Yes the accelerated savings recognition alternative compliance pathway option can provide multiple cycles of compliance, depending on the level of savings achieved.

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01:35:24.719 --> 01:35:33.203

Note this is not like an early compliance pathway.

686

01:35:33.203 --> 01:35:40.854

It's essentially saying that if you go above and beyond, you can essentially get kind of waved for the next cycles of compliance.

687

01:35:41.753 --> 01:35:55.884

We mentioned it a bit in chapter 3, but we go into specifics on it and chapter 4.

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01:35:55.884 --> 01:36:01.434

689

01:36:02.609 --> 01:36:07.618

I see Cet as a question.

690

01:36:09.088 --> 01:36:12.988

Given the comment deadline for both the rules and the guidebook will you entertain the extension of comment period for the guidebook.

691

01:36:12.988 --> 01:36:22.198

We can potentially, I think if someone wants there to be an extension, they can submit a public comment on that.

692

01:36:22.198 --> 01:36:25.798

693

01:36:25.798 --> 01:36:29.009

Right now it's 30 days.

694

01:36:29.009 --> 01:36:43.198

Scott asked by when do you have to decide to opt out of the COVID 19 delay.

695

01:36:44.849 --> 01:36:48.569

That will need to be by April 1st, 2022, since that is when pathway selection is due for buildings not taking the delay

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01:36:50.663 --> 01:36:52.104

The question from Marshall is does a building owner have to select the accelerated savings recognition option to get compliance for multiple cycles from deeper savings or a DOEE grant multiple cycles of compliance to buildings that achieve deeper savings can of building owner switch to the accelerated later in the cycle if they see themselves on track for deeper savings.

697

01:36:52.104 --> 01:36:59.243

698

01:36:59.484 --> 01:37:07.764

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01:37:07.764 --> 01:37:09.774

700

01:37:10.283 --> 01:37:20.003

So essentially, what will happen Marshall is the building owner will hit the deeper savings and then the building and the next cycle, the building owner can select that option

701

01:37:20.279 --> 01:37:34.734

Say for cycle 2 essentially I'm going to select the accelerated savings recognition option and then DOEE will look back and say, okay, did you hit the milestone that you said you were gonna hit.

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01:37:34.764 --> 01:37:43.734

If yes, then all right, you're basically wave from your regulatory requirements for this cycle, or the next cycle, depending on how high of a percentage they hit.

703

01:37:44.069 --> 01:37:48.779

Team, correct me if I'm wrong and what I just said, but that's the way that's laid out in the guidebook.

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01:37:48.779 --> 01:37:51.779

705

01:37:51.779 --> 01:38:03.059

Chris asks is the completed actions report available for review. Not quite yet, but the requirements are laid out in the rules for what needs to be in the clear actions report.

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01:38:04.734 --> 01:38:10.583

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01:38:10.913 --> 01:38:24.804

So Reshma is following up to cliff's question about the accelerated savings recognition program pathway and she asks if this replaces what was previously called deep energy retrofit pathway.

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01:38:24.833 --> 01:38:33.743

Essentially, the accelerated savings recognition is the compliance pathway that recognizes deep energy retrofits that are completed in the 1st cycle cycle.

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01:38:33.743 --> 01:38:40.073

You'll know, from our discussions that there's also what's called an extended deep energy retrofit pathway.

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01:38:40.764 --> 01:38:50.154

And we'll talk about that again later it's another ACP that we'll talk about is a bit different than the accelerated savings pathway but we'll talk about that in the next meeting.

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01:38:50.548 --> 01:38:53.969

And they're both explained a bit more in chapter 4.

712

01:38:57.594 --> 01:39:11.634

From Matt - related to distinction between the rulemaking a guidebook. Can you explain the extent to which the guidebook can be changed. If it does not hold the same regulatory status as a rulemaking. Does that mean the guidebook can more easily be changed over time?

713

01:39:11.634 --> 01:39:21.564

That's a great question. Matt. That's something we'd have to ask our legal team, but all building owners will be held to what is in the final rules. So whatever's in the regulations. That's what the building owners will be help to in terms of requirements.

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01:39:21.564 --> 01:39:30.323

If you're meeting the requirements as spelled out in the regulations. And DOEE determine that you're meeting compliance as per the regulations then your fine.

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01:39:30.323 --> 01:39:38.844

But in terms of changes to the guidebook, that again would probably be a legal question. I don't think we have any of our lawyers on the phone today.

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01:39:50.878 --> 01:39:54.448

717

01:40:16.048 --> 01:40:19.948

718

01:40:19.948 --> 01:40:30.929

So the question is, which submissions will be published, which will be treated as confidential, or will be subject to FOAI.

719

01:40:30.929 --> 01:40:40.319

I'm not 100 sure of that answer. I think we address it in the guidebook about which information is held confidential.

720

01:40:40.734 --> 01:40:41.333

And then,

721

01:40:41.423 --> 01:40:43.823

I know that with the custom ACPS we are proposing tha they be made public.

722

01:40:43.854 --> 01:40:44.844

723

01:40:44.844 --> 01:40:48.264

That's based on Task Force feedback

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01:40:48.264 --> 01:40:56.604

725

01:40:56.604 --> 01:41:04.283

So, that other building owners could essentially take advantage of something that we've already approved.

726

01:41:05.219 --> 01:41:14.694

Anything else that is going to be confidential, I think, is noted within the guidebook and then also just FYI just remember that the guidebook states that pretty much everything needs to be transferred to new owners upon request of the seller when the building changes hands.

727

01:41:14.694 --> 01:41:23.963

728

01:41:28.673 --> 01:41:44.873

729

01:42:06.179 --> 01:42:10.078

Sorry, it looks like we got another question I just saw it.

730

01:42:10.078 --> 01:42:17.009

731

01:42:17.009 --> 01:42:25.168

Scott is asking for fossil fuel burning systems is a boiler considered a component. The answer is yes.

732

01:42:37.344 --> 01:42:48.234

I see Jay just posed a question. This may be covered in the next meeting, but I don't see an alternative compliance pathway for a portfolio approach. Would DOEE we still consider a portfolio approach? For example, 1 building that undergoes a deep energy retrofit which exceed the impact of the remaining buildings in the portfolio meeting the standard pathway.

733

01:42:48.779 --> 01:42:54.628

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01:42:54.628 --> 01:42:59.548

735

01:43:00.444 --> 01:43:15.113

The ACPS that are spelled out specifically in the guidebook are ones that DOEE has already designed and approved in terms of what we think will meet our requirements, but there's always an option to apply for a custom ACP

736

01:43:15.833 --> 01:43:30.173

So, if the building owner wants to propose a portfolio wide approach, they would have to follow the guidance found in the custom ACP section and they can follow that as a pathway option.

737

01:43:30.833 --> 01:43:35.363

But again, they would have to meet the criteria that's spelled out in the section.

738

01:43:39.689 --> 01:43:49.408

Jay is asking those would need to be detailed and reviewed by DOEE by April 1, 2023

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01:43:49.408 --> 01:43:55.109

So actually custom ACP options are due earlier.

740

01:43:55.109 --> 01:44:06.088

So, if a building owner is applying to get a custom, they will actually have to submit that to DOEE a bit earlier. I think it's October, 1st, 2022.

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01:44:06.088 --> 01:44:11.128

742

01:44:11.128 --> 01:44:25.529

So the building owner has to submit a customer needs to be option earlier so that we can review and approve it before the building owner has to select their option by April 1st of 2023. And we will talk about this in the next meeting.

743

01:44:48.689 --> 01:44:55.559

I'm going to wait another minute or 2 to see if we can get any more questions. I've got some really good questions. Thank you. All.

744

01:45:04.859 --> 01:45:12.988

I just want to offer 1 bit of clarification to an earlier answer regarding to the whether a boiler is a component.

745

01:45:12.988 --> 01:45:20.279

I think in this context, based on what's in the guidebook it does not count as a component.

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01:45:20.279 --> 01:45:30.628

For example, a replacement of valve or pipe is allowed but the replacement of the entire system with another fossil fuel burning system cannot. So I think in this context a boiler would not be classified as a component.

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01:45:30.628 --> 01:45:39.359

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01:45:39.359 --> 01:45:47.368

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01:45:47.368 --> 01:45:51.779

750

01:45:51.779 --> 01:45:58.378

751

01:46:02.248 --> 01:46:16.948

752

01:46:19.618 --> 01:46:24.509

753

01:46:24.509 --> 01:46:35.788

The question is, how do you define the system? I would encourage you to read the guidebook and it's rhetorical, but if it's not clear, then please submit a public comment.

754

01:47:06.029 --> 01:47:14.639

We have 10 minutes remaining. If there's any other questions, folks want to get out. Please ask them now.

755

01:47:14.639 --> 01:47:19.498

We can go back to any other slides if you'd like.

756

01:47:19.498 --> 01:47:22.588

Yeah, we'll cover some of this ground again next time.

757

01:47:22.588 --> 01:47:29.759

Marshall just asked a question. Does do we anticipate for writing regular updates for the guidebook? The way the benchmarking guidance stocks were updated. Is there a plan scheduled for that?

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01:47:29.759 --> 01:47:35.908

759

01:47:35.908 --> 01:47:41.668

So if you refer the guidebook you'll see that it talks about how this is for the 2021 BEPS Period

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01:47:41.668 --> 01:47:49.048

So we'll definitely have to be updated for any future compliance cycles

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01:47:49.048 --> 01:47:59.963

So it will be updated based on when we started a new period. So we can ensure it captures anything that has changed

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01:47:59.963 --> 01:48:08.904

763

01:48:09.538 --> 01:48:23.213

That's my answer to that I hope that helps to answer the question. We don't necessarily have a regular schedule planned right now, because we would like the guidebook to say as consistent as possible but we do recognize that again in future cycles.

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01:48:23.423 --> 01:48:29.363

There may be changes that happen again, regulatory, or legislatively in which we'd have to update the guidebook.

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01:48:37.798 --> 01:48:44.368

I will also add to that any updates the guidebook, which will effectively live in the knowledge base.

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01:48:44.368 --> 01:48:49.859

Updates will also reflected in the knowledge base so that is the, the source truth of the BEPS Program

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01:48:50.453 --> 01:48:51.384

768

01:49:34.134 --> 01:49:35.333

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01:49:36.894 --> 01:49:51.774

So I'm going to say that we're going to go ahead and wrap up this meeting. We look forward to receiving any comments that you all have. There is instructions in the notice for both of these documents for how to submit public comment via email or via USPS.

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01:49:52.679 --> 01:49:59.514

771

01:50:00.413 --> 01:50:12.923

And otherwise if you have further clarification questions, you can always reach out to us at info.beps@dc.gov. Gov. And we'd be happy to help you answer those questions.

772

01:50:14.158 --> 01:50:22.378

We'll be posting recording of this meeting on our website along with the slide deck so you can access it later on.

773

01:50:24.509 --> 01:50:30.479

We're going to go ahead and stop the recording.
MEETING CLOSE