

BEPS Task Force Meeting Notes January 5, 2021

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

Public Attendees: Andrew Held, Sharon Jaye, Molly Hoffsommer, Kate Johnson, Michael Feldman-Wiencek, Kristian Hoffland, Cet Caldwell, Kevin Carey, Kehan Desousa, Michele Good, Nathan Jeffay, Wes Huffman, Joanna Saunders, Sean Fish, Joe Knackstedt, Akyut Yilmaz

The notes reflect the discussion only – please see the referenced slide for content presented.

Meeting Agenda

1. Administrative (slides 1-6)
 - a. Opened Meeting at 2:33pm
 - b. Attendance taken by roll call (see above); Quorum acknowledged
 - c. Reviewed role of TF, future agenda items, and today's agenda
2. Rulemaking update (slides 7-8)
 - a. BEPS rulemaking public comments open until February 2, 2021
 - b. Standards released as emergency rulemaking. Public comment open through January 31, 2021.
 - i. What is the difference between the comments due Jan. 31 and the comments due Feb. 2? Different due dates based on what and when they were posted in register
 1. Comments due 1/31 = Emergency and Proposed Rulemaking - Establishment of the 2021 BEPS (the guide on how the standards were established was posted today: <https://doee.dc.gov/node/1507996>)
 2. Comments due 2/2 = Proposed Rulemaking - Application of the Building Energy Performance Standards for Privately-Owned Buildings
 3. Compliance Guidebook is forthcoming
 - ii. Does the guide include info on how the prescriptive pathway will work? If not, where is this info (or where will it be)? No, this guide is only on the establishment of the Standards. Prescriptive Pathway guidance is forthcoming in the Compliance Guidebook.
 - iii. Will that part of the guidebook also address affordable housing? DOEE: Compliance Guidebook will speak to affordable housing considerations.
 - iv. Do the Standards adopted pursuant to the emergency rulemaking expire? The Standards should be published as final before they expire.
3. Short and long-term role of Task Force (slide 9)
 - a. Short-term discussion needs:

- i. Could work on complementary programs such as avoiding market confusion with complementary programs or policies. General agreement from TF this is a worthwhile topic to work on within the intended role of the TF
 - ii. DOEE can have someone present to TF on FC-1148 and FC-1160, also Pepco to report directly on the programs their developing
 - iii. Charged with proposing amendments on proposed rulemaking and how to move toward implementation to help ensure the success of BEPS
 - iv. TF involvement in cost-benefit study legally required
 - b. TF Meeting Frequency:
 - i. Decreasing frequency seems reasonable (and welcome) by TF members in the near future, but keep bi-weekly for now
 - c. Long-term role?
 - i. Green Building Advisory Council helps with enforcement of Green Building Act, is that role part of DOEE's plan to enforce BEPS via TF input?
 - 1. DOEE has not considered that, but open to hearing what TF thinks about having a role like that
 - 2. TF Response: Could be a valuable role for TF, especially for Alternative Compliance Pathways, other flexibility considerations. Agree, TF should invite DOEE to call upon TF when input would be valuable in evaluating case-by-case applications
 - ii. May be a role in determining rollout for BEPS in future cycles with smaller buildings
 - iii. Could be involved with GHG-metric study in 2022 (that's due 1/1/2023)
- 4. Task Force rulemaking public comments discussion (slide 10)
 - a. Important for TF members to comment, including notes of agreement (comments are not required to be critical)
 - b. Co-Chairs: Do TF members want to comment as a group or individually?
 - o Several members indicated as a group
 - o Marshall noted the TF is charged with making formal comment
 - o Cliff noted it could be worth pointing out things like referring to Alternative Compliance "Payments" as opposed to "Penalties" but legally had to stay as "Penalties" – could be proposed as a technical amendment
 - o DC public sector members and agencies can comment, but need to go through their agency director.
 - o Consensus is TF co-chairs to share master list of possible comments with private industry members to review and add comments by email
- 5. Webinar updates (slide 11)
- 6. Next Meeting (slide 12)
 - a. Cost-Benefit Study not ready to discuss until 2/2 at the earliest
 - b. DOEE to poll TF members if there's a different day than 2/2 that's best for next meeting because comments are due 2/2
 - c. Preferred option is skipping January 19 and meet on February 2.

7. Announcements (slide 13)
 - a. DOEE/DCSEU/Baumann able to verify 120 data verifications
 - i. TF request for DOEE to provide feedback on what was found during data verification as a future agenda item
 - b. FC-1160 meeting Thursday 1/7 on Energy Efficiency/Demand Response incentive programs
 - c. IMT to be releasing model BPS based on learnings from other cities
 - d. DOEE Benchmarking for Building 10-50K webinar on January 26