

# Building Energy Performance Standards Task Force

December 10, 2019



GOVERNMENT OF THE  
DISTRICT OF COLUMBIA  
MURIEL BOWSER, MAYOR

# AGENDA

Opening Remarks

Administrative Items

Working Group Key Takeaways

Stakeholder Engagement

Technical Advisory Group

Cost/Benefit Study

Announcements



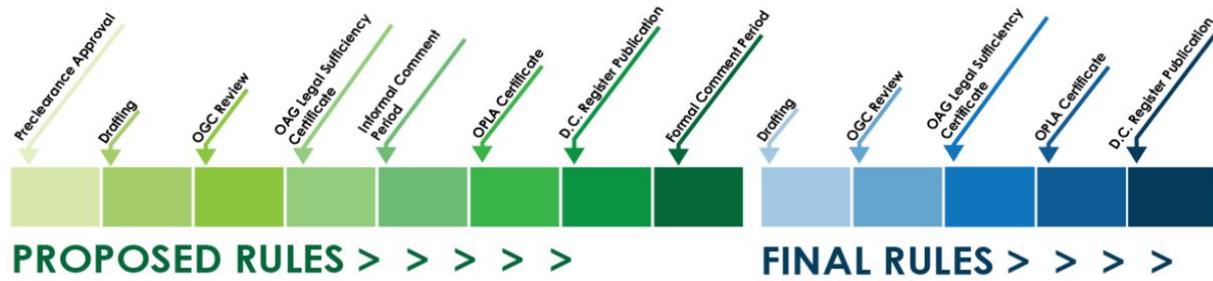
# ADMINISTRATIVE ITEMS



- Swearing In
- [BEGA Training](#)
- [Open Meetings Act Training](#)
- Chairs/Co-chairs
- Emails
- Meeting Timing

# RULEMAKING PROCESS

STAYING THE COURSE



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

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

# BEPS TIMELINE



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

# PROPOSED SCHEDULE



- December 10 – Setting the Stage
- January 7 – Property Types, Equivalent Metric
- January 21 – Prescriptive Path, Other Pathways
- February 4 – Exemption Criteria and Process, Fines and Enforcement
- February 18 – Campus Standard, Other Items?

# WORKING GROUP KEY TAKEAWAYS



- Financing – more education is needed on financing options
- Incentives – owners need help identifying the right incentives
- Enforcement – preferred fines based on square footage and distance from median
- Auditing & Analysis – analysis should help assist with long-term planning; looking past the initial 5 years
- Training – need two tracks; (1) what is required and (2) how to comply; there is a need for a clearinghouse of options available
- Information – everyone wants peer-to-peer sharing and case studies of local success stories
- Property Types – provide a standard for all Energy Star Portfolio Manager building types where sufficient local District data is available.
- Equivalent Metric - use Source EUI for buildings that cannot receive an ENERGY STAR Score.



# PRESCRIPTIVE PATHWAY KEY TAKEAWAYS



- Count projects completed in 2019-2020 for the 1<sup>st</sup> compliance cycle
- Combination of operational and capital strategies
- Minimum Requirements? Audits and retro-commissioning at top of the list
- Flexibility with Certainty
  - To choose which items in pathway they want to do but could change their mind during the cycle
  - Use proven strategies (could be more innovative in 2<sup>nd</sup> cycle)
  - To accept potentially delayed compliance for those who are pursuing deeper, more intensive strategies
  - To have the prescriptive path evolve each cycle

# STAKEHOLDER ENGAGEMENT

- Education Sessions
- Webinar Series
- DOEE Newsletters
- Local Events
- Targeted Presentations (10+ people)
- Social Media
- Hub Outreach
- DCSEU Outreach
- DC Green Bank Outreach
- Updated Building Codes Road Show

## Targets

Associations  
DC Agencies  
BIDs  
Unions  
NGOs  
Service Providers

## Available Collateral

General Slide Deck  
Short Article  
FAQs on website  
One-Pager

# BEPS TECHNICAL ADVISORY GROUP



Advisors to DOEE on the best methods for performing data analysis and research for the Building Energy Performance Standards.

- Alex Fisher, DOEE
- Paul Matthew, LBNL
- Matt Burgess, US EPA
- Kudret Utebay, Cadmus
- James Perakis, Elemental Engineering
- Erin Beddingfield, IMT
- Harry Bergman, US DOE



# COST/BENEFIT STUDY



(G)(i) In fiscal year 2020, up to \$250,000 shall be used by DOEE to engage an independent third party to conduct a comprehensive study to help DOEE and building owners better understand the potential for cost impacts and benefits of the Building Energy Performance Standards Program to District residents and property owners, or owners of large buildings and affordable housing. The study shall include case studies for different property types of buildings.

(ii) In creating the specifications for the study, DOEE shall seek the advice of the Building Energy Performance Standards Task Force, established pursuant to section 302 of the CleanEnergy Act.



