

Performance Oversight Questions
District Department of the Environment

A. ORGANIZATION AND OPERATIONS

1. Please provide a complete, up-to-date **organizational chart** for the agency and each division within the agency. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.

Please see Attachment 1a – Organizational Chart

Please see Attachment 1b – Agency Overview

- Please include a list of the employees (name and title) for each subdivision and the number of vacant positions.

Please see Attachment 3 – Schedule A

- Has the agency made any organizational changes in the last year? If so, please explain.

At the end of FY 12, the Stormwater Management Division was authorized to form two branches: the Program Implementation Branch and the Planning and Reporting Branch. This reorganization better addresses the expanded programmatic and planning requirements of the District's new Municipal Separate Storm Sewer (MS4) Permit. In early FY 13, branch chiefs were hired and staff assignments were finalized. In FY 13, the Program Implementation Branch finalized a revision of the District's stormwater management regulations and began to implement the related Stormwater Retention Credit trading program and in-lieu fee. The Program Implementation Branch also implements stormwater initiatives and pollution-prevention practices with various DDOE divisions, sister agencies, and DC Water, as well as the ban on coal tar pavement products and the Bag Law. The Planning and Reporting Branch develops strategic planning to meet water quality goals, set total maximum daily loads (TMDLs), establish Chesapeake Bay nitrogen, phosphorus, and sediment contribution milestones, and report annually on MS4 Permit compliance, as required by EPA.

In FY 13, the Water Quality Division was reorganized to divide the Planning and Enforcement Branch into two separate branches: the Planning and Permitting Branch and the Inspection and Enforcement Branch. This reorganization streamlines the programs and brings the number of Water Quality Division branches to three—the third is the Monitoring and Assessment Branch. The Planning and Permitting Branch focuses on water quality standards, TMDL development, groundwater and wetland protection,

review and certification of federally issued water quality permits, review and approval of well permit applications, and review of Environmental Impact Statement Forms (EISFs). The Inspection and Enforcement Branch is responsible for all the inspection and enforcement activities, including the illicit discharge detection and elimination program. The Monitoring and Assessment Branch will continue to focus on ambient water quality monitoring as well as MS4 Permit monitoring, laboratory analysis, Clean Water Act reporting, fish tissue analysis, and coordination of activities related to fish-consumption advisories.

2. Please list each **new program** implemented by the agency during FY 13.

For each initiative please provide:

- A description of the initiative.
- The funding required to implement to the initiative
- Any documented results of the initiative

Alger Park Watershed Restoration:

DDOE received a \$500,000 grant from the National Fish and Wildlife Foundation to initiate the restoration of the Texas Avenue Tributary in Alger Park. In addition to stabilizing the steep and unstable banks in this park, DDOE is working with DDOT to implement widespread stormwater retrofits that will capture runoff from District roads and is also targeting its RiverSmart Homes program in this watershed. DDOE is using MS4 funding as a match to the grant. This project is in the planning stage and implementation will primarily occur during FY 14.

Hickey Run Watershed Restoration:

In FY 13, two DDOE divisions began working closely to address long-standing water quality problems in this tributary to the Anacostia River, and implementation will primarily occur during FY 14. The Watershed Protection Division is using targeted outreach, student involvement, and community events to enlist 25 percent of homes in the watershed in the RiverSmart Homes program. The Water Quality Division is investigating illicit discharges and has obtained an EPA grant to partially fund the project.

Stormwater Fee Discount Program:

On July 19, 2013, DDOE finalized regulations that provide up to a 55 percent discount on the District's stormwater fees for properties that retain stormwater runoff from impervious surfaces on-site. This ongoing program, known as RiverSmart Rewards, is intended to more equitably distribute the cost of MS4 Permit compliance and provide incentives for property owners to voluntarily retrofit impervious surfaces with retention practices (e.g., green roofs and bioretention). DDOE will coordinate stormwater fee adjustments with DC Water, who collects the fee on DDOE's behalf. DC Water will use

DDOE's calculation process to provide up to a four (4) percent discount on their Clean Rivers Project fee.

Stormwater Retention Credit Trading Program:

On July 19, 2013, DDOE finalized revised stormwater regulations that require Major Regulated Projects to retain stormwater runoff. The regulations also allow regulated projects the option of meeting a portion of their retention obligation through the purchase of Stormwater Retention Credits (SRCs). Regulated sites can generate SRCs by exceeding their obligation, and non-regulated sites can get credit for voluntary retrofits to reduce runoff. DDOE has developed administrative processes to manage the SRC program, including a database and registry that will allow DDOE to certify credits and trades and publish real time information on the supply, demand, and asking price of credits. DDOE also continues to conduct outreach to interested stakeholders and provide training sessions on the program. Currently there are several projects (which have stormwater runoff retention practices installed) that have applied to certify SRCs.

Wildlife Protection Act Program:

The Wildlife Protection Act of 2010 governs the control of sick, injured, nuisance, and orphaned wildlife in the District. The law established criteria for wildlife control professionals including but not limited to: licensing, methods of capture, the dispositions of captured animals, reporting, business practices, fees, inspections, and enforcement. In accordance with the Act, DDOE will carry out rulemaking, implementation, and enforcement. The Fisheries and Wildlife Division hired one full-time employee who is working with industry experts, the Division's Associate Director, and other DDOE staff to draft regulations in support of the Act.

Beekeeping Governance:

The passage of the Sustainable DC Amendment Act of 2012 has a subchapter that addresses beekeeping, the Sustainable Urban Agriculture Apiculture Act of 2012. The law and supporting regulations will establish criteria for bee colonies, including but not limited to: registration, allowed numbers, interaction with the public, health, fees, inspections, and enforcement. DDOE drafted regulations in FY 13 and is waiting for the passage of the Sustainable DC Omnibus Act of 2013 to make any necessary changes and publish regulations for public comment.

DC Smarter Business Challenge:

The Office of Policy and Sustainability (OPS) partnered with the DowntownDC Business Improvement District (Downtown BID) to pilot the DC Smarter Business Challenge as part of the Downtown BID's ecoDistrict. The Challenge pilot facilitated education and networking among building management professionals to share their experiences achieving higher levels of sustainable performance for energy, water, waste, tenant engagement, and

transportation. Twenty-two companies participated representing over 110 buildings. The pilot program provided recognition to businesses for demonstrated improvements. Building on the pilot, DDOE will expand the Challenge citywide and to a broader cross-section of business types in FY 14.

Sustainable DC (SDC) Organizers Program:

The Office of Policy and Sustainability trained twelve community volunteers representing all eight wards. Participants were trained to engage fellow residents in discussions about sustainability and to transfer information on sustainable programs within the District. The volunteers attended dozens of community outreach events with SDC staff and on their own. Participants also reported they were able to connect with their friends and neighbors on difficult topics such as gentrification and equity in ways that would be challenging for government employees. OPS and Office of Planning staff intend to scale-up this program to 30 volunteers in FY 14.

Green Building Fund Grant Program:

The Office of Policy and Sustainability created the first ever Green Building Fund grant program to fund innovation and research in the green building sector, in coordination with DCRA and the Green Building Advisory Council. The grant program is funded through the District's Green Building Fund, which derives its revenues from fees on building permits. Three studies were awarded in FY 13. The first examined urban heat island effects on mortality in the District. The second funded the creation of a Green Building Program Manual for the District. And the third was an economic analysis of the differential cost of building zero energy, zero water, and Living Building Challenge buildings in the District, with an eye towards the potential creation of an incentive program for these deep green building solutions.

Climate Adaptation Planning:

In FY 13, OPS staff ramped up coordination and collaboration around climate adaptation and resiliency—efforts to ensure the District is prepared for threats from a changing climate. DDOE was awarded funding through the SDC Innovation Challenge and will hire staff and engage a consultant in FY 14 to complete a climate preparedness plan. OPS staff, as well as staff from DDOE's Air Quality and Stormwater Divisions, participated in numerous working groups and forums among District agencies and with regional and national organizations to plan for a changing climate—particularly with respect to flooding, urban heat, and severe weather risks. OPS staff also worked to update the 2010 draft plan for mitigation of greenhouse gas emissions to align with the goals of SDC. This revised plan to reduce GHG emissions will be released in FY 14.

Weatherization Plus Health Program:

In November 2012, the Weatherization Plus Health Program (WPHP) combined technical and financial resources for energy, health, and safety to

ensure energy efficient and healthy indoor environments in low-income homes located in the District of Columbia. WPHP was administered through strategic coordination between DDOE's Energy Efficiency and Conservation Branch and the Lead and Healthy Homes Division. WPHP installed audit-recommended energy efficiency measures in low-income homes that contain children whose blood lead level is at or above the Center for Disease Control's reference value of 5 micrograms of lead per deciliter of blood [$\mu\text{g}/\text{dL}$], or who are suffering from serious cases of asthma. WPHP spent approximately \$875,000 to successfully install energy efficiency measures in 248 low-income homes that are expected to reduce program participants' energy costs by approximately 34 percent.

REIP Low-Income Initiative Expansion:

DDOE successfully expanded the Renewable Energy Incentive Program (REIP) higher level of financial incentives to low-income District residents interested in installing renewable energy technologies such as solar photovoltaic and solar thermal systems. The program provided over \$300,000 in financial rebates to incentivize the installation of 34 solar photovoltaic projects across five (5) different wards in the District. Over 70 percent of the completed projects were in wards 7 and 8.

Please also see Attachment 2a – Voluntary Leave Program

3. Please provide a complete, up-to-date **position listing** for your agency, which includes the following information for each position:
 - Title of position.
 - Name of employee or statement that the position is vacant, unfunded, or proposed.
 - Date employee began in position
 - Salary and fringe benefits, including the specific grade, series, and step of position
 - Job status (continuing/term/temporary/contract)

Please list this information by program and activity

Please see Attachment 3 – Schedule A

4. Does the agency conduct annual **performance evaluations** of all of its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

DDOE has an ongoing commitment to encourage employee development, promote fairness, and support the District's strategic goals and objectives.

This is accomplished through Performance Management. Performance Management is processed and documented through “e-Performance.”

Performance Management, through the e-Performance system focuses on planning and communicating employee expectations at the beginning of the rating period. Managers/Supervisors and employees can cooperatively set goals and individual development plans, so expectations can be communicated. The Individual Development Plan (IDP) is a development tool that identifies training and learning activities that will help the employee enhance knowledge, skills, and abilities to perform work duties and prepare for career advancement.

Managers are committed to providing continuous feedback to staff throughout the performance period through one-on-one communications and mid-year progress discussions. Other benefits of the e-Performance system include, being totally paperless, narrative justification for ratings, rating categories, and the flexibility for Agencies to develop their own job specific competencies. The review period is based on the fiscal year beginning October 1st, ending September 30th.

All employees are encouraged to become familiar with the Performance Management (e-Performance) site and navigate through the links in order to gain a better understanding of their role in e-Performance. In addition, all staff and managers are required to take the appropriate training. Managers are trained at least once a year through DCHR’s mandatory courses offered by the Workforce Development Administration. In addition, DDOE managers were given an Agency specific training in performance management including, but not limited to: writing performance goals, conducting effective evaluations and ratings, regular performance monitoring and reviews, and performance improvement plans (PIP).

There is a close alignment between an Agency’s goals and an individual employee’s goals developed at the beginning of the review period. At the end of the fiscal year the City Administrator will evaluate the performance of Agencies. The performance of an Agency’s employees should mirror an Agency’s overall performance.

Every employee contributes to the success or failure of our Agency. If one employee allows his or her performance to slip, then we all suffer. We expect all employees to perform to the highest level possible. Poor job performance can lead to discipline, up to and including termination.

Please also see Attachment 4a – Performance Improvement Plan
Please also see Attachment 4b – E-DPM Transmittal Number 195

5. Please list all **employees detailed** to or from your agency, if any. Please provide the reason for the detail, the detailed employee's date of detail, and the detailed employee's projected date of return.

Employee Name: Kolawole Olayinka

Agency Detail: U.S. Department of Energy (DOE)

Start date: January 5, 2014 (per Agreement Assignment – OF-69)

Projected return date: July 23, 2014

Reason for detail: Mr. Kolawole has a strong background in electrical engineering and economics combined with experience in the solar industry. This combination of skills is well suited for addressing the complex challenges facing the growing solar industry. His input and guidance will be critical to initiating and growing activities related to commercial scale solar deployment. This is an area that traditionally received little attention, due to focus on residential and utility-scale markets. Mr. Kolawole will provide insights into opportunities and barriers that affect multi-unit housing, commercial customers, utilities, and local jurisdictions. Exploring the emerging market of “shared solar” and other new business models could open significant new market segments for solar deployment while increasing access to solar energy for a range of consumers.

6. Please provide the Committee with:

- A list of all employees who receive cellphones, personal digital assistants, or similar communications devices at agency expense.

Please see Attachment 6a – Mobile Device List

- A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned.

Please see Attachment 6b – Vehicle List

- A list of employee bonuses or special award pay granted in FY 12 and FY 13, to date

Please see Attachment 6e – Overtime and Workman's Comp

- A list of travel expenses, arranged by employee

Please see Attachment 6d1 – FY 13 Travel

Please see Attachment 6d2 – FY 14 Travel

- A list of the total overtime and workman's compensation payments paid in FY 12 and FY 13, to date

Please see Attachment 6e – Overtime and Workman’s Comp

7. Please identify all **electronic databases** maintained by your agency, including the following:
- A detailed description of the information tracked within each system.
 - The age of the system and any discussion of substantial upgrades that have been made or are planned to the system
 - Whether the public can be granted access to all or part of each system

Please see Attachment 7 – Database List

8. What has the agency done in the past year to make the activities of the agency more **transparent** to the public? In addition, please identify ways in which the activities of the agency and information retained by the agency could be made more transparent.

The Department relies on several methods to increase transparency:

- Postings:
 - Posting public notices in the *DC Register*
 - Posting public notices and updated regulations on the DDOE website
 - Posting press releases on the DDOE website
 - Posting regularly on social media networks including Twitter, Facebook, and YouTube
- Targeted Communications:
 - Regularly updating program content on the DDOE website
 - Performing list serve blasts to promote program activities
 - Creating Guidance Documents for the regulated community
 - Issuing Press Releases
- Outreach:
 - Attending and hosting stakeholder meetings
 - Conducting environmental school assemblies for elementary, secondary, and high school students
 - Conducting community outreach events for residential, businesses, and faith based institutions
 - Conducting paid advertising campaigns, pending budget availability
 - Conducting trainings on technical regulatory matters
 - Convening Stakeholder Advisory Groups
 - Hosting Agency hearings on regulations that are open for public comment

Specific examples of actions taken to make the Agency more transparent include:

- In FY 13, the Energy Administration's LIHEAP program developed an information package for the 22,000 applicants which includes four documents: (1) a summary cover letter; (2) a printout of the information provided by the applicant which DDOE uses to check for eligibility; (3) a detailed "matrix" table adopted each year as per federal requirements showing how funds are dispersed based on income, energy costs, and needs; and (4) instructions on the applicant's appeal rights.
- The Energy Administration published the proposed State Plan for LIHEAP and WAP for public comment and held a public hearing in September.
- DDOE has undertaken numerous efforts to maximize transparency and engage the public in the development and implementation of the District's new stormwater management regulations and the Stormwater Management Guidebook (SWMG), which provides technical guidance on complying with the regulations. From mid-FY 12 to the present (before and after finalizing the regulations), DDOE conducted over two dozen trainings for stakeholders, members of the general public, and sister agencies. Training topics include general compliance with the regulations, participating in the (Stormwater Retention Credit) SRC trading program, and use of the SRC database. DDOE plans to continue to provide these trainings as long as there is interest from the public. Prior to finalizing these regulations on July 19, 2013, DDOE met on numerous occasions with stakeholders from both the environmental and regulated communities to provide updates and to receive feedback. During the development of the regulations, DDOE updated its website with each iteration of the regulations and the SWMG, as well as the associated comment response documents, public training schedule, training presentations, and other resources. DDOE continues to maintain a central webpage with final versions of these materials at ddoe.dc.gov/swregs. DDOE maintains an email list to provide updates to interested members of the public on implementation of the regulations and training sessions. DDOE maintains contact information on its website so interested parties can easily request to be added to the email list.
- DDOE finalized the rule establishing RiverSmart Rewards on July 19, 2013. DDOE provided briefings to stakeholders during the development of the rule and maintained related information on its website. DDOE has developed a webpage for the implementation of the program (<http://ddoe.dc.gov/riversmartrewards>) and is developing a water bill insert to send to ratepayers to help make them aware of the opportunity to receive a discount by installing stormwater green infrastructure (GI). DDOE includes information on the RiverSmart Rewards program as part of its training on the Stormwater Retention

Credit trading program, as both programs provide financial incentives to install GI.

- DDOE has held six trainings for the regulated community on how to comply with the new Green Area Ratio (GAR) requirements that were established as part of the rewrite of the District's zoning regulations. More information on the GAR and the training schedule is available at <http://ddoe.dc.gov/gar>.
- DDOE has requested comments and input on its methodology for crediting the District's various trash reduction activities toward meeting the requirements of the Anacostia River Trash TMDL. DDOE distributed the methodology to a stakeholder email list and also held a public meeting in December 2013 to explain and receive public input on the methodology, which is available at <http://green.dc.gov/Draft%20Anacostia%20River%20Watershed%20Trash%20TMDL%20Implementation%20Strategy>. This methodology was also included in the District's MS4 Annual Report.
- DDOE convened a Stakeholder Advisory Group to provide input on a stormwater pollution reduction plan named the Total Maximum Daily Load (TMDL) Implementation Plan. The group consists of representatives from environmental NGOs, industry groups, and District and federal agencies. This group is intended to review and provide input on key deliverables and overall development of the TMDL Implementation Plan. The stakeholder group will meet periodically throughout the project, until the complete Implementation Plan is delivered to EPA in May of 2015.
- Prior to rulemaking, DDOE staff hosted four stakeholder meetings to gather input to shape the District's new Wildlife Protection Act and Beekeeping regulations. Notable attendees included prominent District beekeepers, individuals from the National Pest Management Association, USDA Wildlife Services, the Humane Society and its affiliates, the National Park Service, and City Wildlife. Additional meetings will be held in FY 14.
- Prior to rulemaking, DDOE staff is hosting stakeholder meetings to gather input and shape revisions to the Districts' Voluntary Cleanup Program (VCP) regulations.
- An updated Sustainable DC website (<http://www.sustainabledc.org>) was developed to further engage residents and keep them up to date on the initiative, and includes information on the Plan, ongoing implementation activities, and volunteer opportunities. SDC staff also maintains a listserv with 3,000 members who receive a monthly newsletter focusing on different aspects of the Plan, as well as periodic updates on major sustainability initiatives such as the Sustainable DC Act of 2013 and the Mayor's Transformation Order.
- OPS staff also maintain the Green Dashboard beta version (<http://greendashboard.dc.gov>) released in 2012 which contains approximately 60 periodically-updated metrics: air and water quality

- measurements; registered numbers of capital bikeshare riders, hybrid vehicles, electric vehicles; numbers of LEED projects and ENERGY STAR buildings; and other data, some of which would otherwise be difficult for the public to find. This beta platform will later be modified and serve as a tool for tracking new metrics related to Sustainable DC.
- OPS staff continue to do extensive outreach to residents and businesses. Staff, interns, and trained volunteers attended 124 public meetings and events and talked with over 6,300 people about sustainability. Public outreach events ranged from community street festivals to small conversations with ANCs or student groups. Additional coordination with the Office of Aging and the Mayor's Office of Neighborhood Engagement facilitated outreach to seniors and non-English speakers.
 - In support of the construction code process, OPS staff presented more than 25 Green Construction Code trainings, and met frequently with stakeholders like the DC Building Industry Association and the Apartment and Office Building Association to get feedback on and support for the new green code. OPS staff also chaired the Green Building Advisory Council, which meets every other month to advise the District on green building policy and programs.
 - Information about DDOE's energy efficiency and renewable energy programs were periodically updated on DDOE's website to foster greater transparency to the public and help educate residents about the benefits offered through each program. The information posted included all pertinent changes to programmatic guidelines, new program offerings, and simple do-it-yourself measures that residents can install in their homes to help reduce their energy consumption.
 - DDOE, in consultation with a private contractor, launched the EnergySmart DC website to provide information to the public through a dedicated web portal regarding the development of a new Comprehensive Energy Plan (CEP) for the District under the brand name "EnergySmart DC." DDOE also convened several public engagement meetings with various community stakeholders to explain the intent of the CEP and ways in which the public can actively participate in the development of the plan
 - DDOE, in collaboration with the District of Columbia Sustainable Energy Utility (DC SEU), established a Building Benchmarking Helpdesk to provide building owners with training sessions and individualized guidance on how to comply with the benchmarking requirements specified in the Clean and Affordable Energy Act of 2008.

Information Availability

Inspection, Compliance, and Enforcement (ICE) Database: Please see the answer to Question 28 below.

The Energy LIHEAP/Utility Discount Program/Weatherization Assistance Program Web Base program: This project has been under development since September FY 12. DDOE contracted with LIBERA to develop the application. LIBERA has successfully implemented similar Energy Fuel Assistance Program databases in other jurisdictions and states. The web-based database application LIBERA System 7 takes the File Server Application out of the internal user environment and seats it as an external web based application. The Office of Unified Communications center has been trained and has access to scheduled appointments through a module developed in LIBERA System 7. OUC can respond to District residents of the status of their application for heating assistance payment benefit. It will allow users in the field to work more efficiently using the web to process clients at their residence, community centers, churches, and libraries in real time. The LIBERA application is active and currently being used.

Mobile Software: The MS4 Mobile Software application is nearing the end of its development cycle and is transitioning to the testing phase before going live. The application allows GIS tracking of environmental sites visited. This is one of first mobile apps that DDOE will be using in the field and has the added advantage of reducing paper use. DDOE partnered with OCTO to contract with Dewberry as a database developer. This new database will allow the use of tracking through GIS gathering and sharing of database information for Stormwater Management Program retrofit, retention, pollutant of concern, point source, permits, and other data. This will also collect and aggregate data normally reported to the US EPA. Some data will be accessible by the public in a dashboard interface.

Stormwater Retention Tool: The Stormwater Retention Tool is DDOE's online database for Stormwater Retention Credit (SRC) Trading and the RiverSmart Rewards discount program and is a Quickbase application. Through the tool, program participants may apply for certification of SRCs from retention provided by practices that they install on their properties. Applicants may also apply to receive a RiverSmart Rewards discount on their DDOE stormwater fee for installed retention practices. The tool also includes public-facing reports with lists of SRCs for sale and final SRC sale prices. Since SRCs are traded in an open market, SRC owners may use the tool to apply to transfer SRCs to another person. Finally, SRC owners may also submit applications to use SRCs or notify DDOE of payment of in-lieu fees to meet a regulatory requirement. The tool also includes back-end user views and functions which allow DDOE staff to efficiently manage the programs. The Application is active and currently being used.

9. How does the agency solicit **feedback** from customers? Please describe.
 - What is the nature of comments received? Please describe.

- How has the agency changed its practices as a result of such feedback?

Rulemakings:

DDOE solicits public comments on all proposed rulemakings and some permits, such as air quality. DDOE's responses to the comments are posted on DDOE's website.

For rulemakings that garner the interest of several interest groups, DDOE convenes meetings with relevant stakeholders to gather their input on the content of regulations in the *DC Register*. Recent examples include the regulations on lead, pesticides, and the voluntary cleanup program.

For comments on rulemakings, the nature of the comments depends on the nature and extent of the rules being proposed.

Based upon the comments to rulemakings, DDOE will evaluate the comments and make any necessary changes to the proposed rules. If changes are made, the rules will be published for a second round of public comment.

Program Administration/Operations:

DDOE's Low Income Home Energy Assistance Program provides a document to all applicants advising them on how they can direct complaints and questions to DDOE. All comments or complaints get a response.

DDOE relies on its social media network participation to reach District residents; FY 13 metrics:

Twitter: 2,819

Facebook: 1,480

YouTube: 12,997 views

DDOE website: 87,552 hits

DDOE proactively identifies and targets its key customers, permittees, and stakeholders when soliciting feedback via direct meetings with stakeholder groups, solicitation of comments through electronic and print media as well as US postal service mailings. DDOE conducts public hearings on proposed regulations and responds to Freedom of Information Act requests. The LIHEAP (Low-Income Energy Assistance) and WAP (Weatherization Assistance) Programs also hold annual public hearings in preparation for their annual State Plan.

Webpresence:

We solicit feedback from customers through the DDOE website and social media network sites.

Sustainable DC:

With respect to the Sustainable DC initiative, OPS staff solicited feedback in numerous formal and informal settings and via email and websites. In response to the release of the SDC Plan, OPS conducted extensive outreach to solicit input on the goals and actions in the plan. Public meetings included opportunities for members of the public to provide direct feedback, and DDOE receives numerous ongoing input via the SDC website and emails to sustainable.future@dc.gov. With respect to specific initiatives around green building, waste, climate, and other programs, OPS staff engage targeted stakeholders outside the government and in sister agencies. Feedback from customers was incorporated into a number of initiatives to shape program and policy design. The final SDC plan was heavily influenced by the extensive input from stakeholders during the planning process. Program design for green building and the DC Smarter Business Challenge were modified based on input from advisory and stakeholder groups. Development of the city's first green code was also heavily influenced by the input of technical advisory group members and discussions with external stakeholders.

Customer Surveys:

DDOE generally solicits feedback from District residents and businesses through program specific surveys that are completed by program participants, as well as through in-person conversations with residents during post-installation inspections of completed projects. Customers who participate in DDOE's Utility Discount Programs are asked to complete a survey to indicate how they heard about the program, whether sufficient information was provided about the program, and the method of outreach that would be most effective to inform residents about the programs. The results of these surveys are filed monthly with the Public Service Commission (PSC) and are electronically available to the public via the PSC's website under Formal Case 813. DDOE utilizes the feedback received from the surveys to establish funding allocations for the various outreach and advertising mediums. For example, the Utility Discount Program has increased its television advertising as a result of the feedback received from surveys completed by program participants.

10. How was the agency tried to reduce agency energy use in FY 13?

The District Department of the Environment continues to work in coordination with building management and the Department of General Services to reduce Agency energy use, through the use of lighting sensors, aerators on faucets, and flush kits on toilets. DDOE divisions continue the use of public transportation, internal bike share and carpooling efforts to attend meeting, trainings, and other work related activities.

11. Please complete the following chart about the residency of **new hires**:

Position type	Total Number	Number who are district residents
Continuing	3	1
Term	38	18
Temporary	22	9
Contract	0	0
Total	63	28

B. BUDGET AND FINANCE

12. Please provide a chart showing your agency's **approved budget and actual spending**, by division, for FY 13 and FY 14, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures.

Please see Attachment 12a – FY 13 Budget and Spending
 Please see Attachment 12b – FY 14 Budget and Spending

13. Please list any **reprogrammings**, in, out, or within, related to FY 13 or FY 14 funds. For each reprogramming, please list the total amount of the reprogramming, the original purposes for which the funds were dedicated, and the reprogrammed use of funds.

Please see Attachment 13a – FY 13 Reprogrammings
 Please see Attachment 13b – FY 14 Reprogrammings

14. Please provide a complete accounting for all **intra-District transfers** received by or transferred from the agency during FY 13 or FY 14, to date.

Please see Attachment 14a – FY 13 Intra-District Transfers
 Please see Attachment 14b – FY 14 Intra-District Transfers

15. Please identify any **special purpose revenue accounts** maintained by, used by, or available for use by your agency during FY 13 or FY 14, to date. For each account, please list the following:

- The revenue source name and code.
- The source of funding.
- A description of the program that generates the funds.
- The amount of funds generated by each source or program in FY 13 and FY 14, to date.

- Expenditures of funds, including the purpose of each expenditure, for FY 13 and FY 14, to date.

Please see Attachment 15 – Special Purpose Revenue Accounts

16. Please provide a list of all projects for which your agency currently has **capital funds** available. Please include the following:
- A description of each project, including any projects to replace aging infrastructure (e.g., water mains and pipes).
 - The amount of capital funds available for each project.
 - A status report on each project, including a timeframe for completion.
 - Planned remaining spending on the project.

Please see Attachment 16 – Capital Funds

17. Please provide a complete accounting of all **federal grants** received for FY 13 and FY 14, to date.

Please see Attachment 17a – FY 13 Grants

Please see Attachment 17b – FY 14 Grants

18. Please list each contract, procurement, lease, and grant (“**contract**”) awarded, entered into, extended and option years exercised, by your agency during FY 13 and FY 14, to date. For each contract, please provide the following information, where applicable:
- The name of the contracting party.
 - The nature of the contract, including the end product or service.
 - The dollar amount of the contract, including budgeted amount and actually spent.
 - The term of the contract.
 - Whether the contract was competitively bid or not.
 - The name of the agency’s contract monitor and the results of any monitoring activity.
 - Funding source.

Please see Attachment 18a – FY 13 Contracts

Please see Attachment 18b – FY 14 Contracts

19. Please provide the details of any **surplus** in the agency’s budget for FY 13, including:
- Total amount of the surplus.

- All projects and/or initiatives that contributed to the surplus.

The total amount of the budgeted surplus in FY 13 was \$10.4 million.

Special Purpose Revenues: Of this amount, \$8.4 million of the surplus was in special purpose revenue funds, primarily in these funds:

- \$3.7 million in the Stormwater fund because of vacancy savings, unexpended grant funds, and unexpended contract funds that were not utilized before the end of the fiscal year.
- \$1.7 million in the Brownfield Remediation Fund because of under-spending in various remediation projects, all of which were in various stages in work development last fiscal year.
- \$1.1 million in the Anacostia River Clean-Up fund because of under-spending on grants and contracts, as well as lower-than expected personnel costs.
- \$613,000 in the Sustainable Energy Trust fund because of vacancy savings and unspent administrative funds.
- \$365,000 in the Energy Assistance Trust fund because of unspent LIHEAP Expansion funds and available funds due to under-billing by Washington Gas for the Residential Essential Service Expansion Program.
- \$164,000 in the Bloomingdale Sewershed Rain Barrel Program (a program funded by DC Water and managed by DDOE), because of relatively low demand for cisterns in the sewershed draining into Bloomingdale.

Federal Grants: Contributing to the surplus was the 5 percent lapse (\$457,000) of a stimulus federal grant -- the Energy Efficiency and Conservation Block grant. These funds went unused as a result of the application-driven nature of the programs, including the Home Energy Ratings System program, which was a popular program among residents but applications were not always steady. Similarly, the condo/coop Energy Efficiency program was unable to use all available funds when projects fell well under the funding cap.

There was the lapse of \$144,000 of a Fisheries Push-Net Survey grant; however, it is expected that these funds will be appropriated in future federal funding for the Push-Net grant program.

An additional \$600,000 of budgeted surplus was for grants that have not lapsed but have been extended.

Local: There was a Local surplus of 2.8 percent due to vacancies.

C. LAWS, AUDITS, AND STUDIES

20. Please identify any **legislative requirements** that the agency lacks sufficient resources to properly implement.

The Agency has the resources necessary to achieve its statutory mission.

21. Please identify any statutory or regulatory **impediments** to your agency's operations.

The structure and wording of the Air Pollution Control Act of 1984 prevents DDOE from fully accessing the suite of tools available to protect the air quality in the District. DDOE believes that the District of Columbia Air Pollution Control Amendment Act of 2014 will amend and reorganize the District's Air Pollution Control Act of 1984 to remove existing ambiguities and confusion between the Act (D.C. Official Code § 8-101 et seq.) and the air quality regulations located in Chapter 1 of Title 20 in the DCMR. The statutory amendments change the civil penalty, and clarify, but do not substantively change, the District's authority as it relates to: criminal and administrative penalties; procedures; right of inspection; right of entry; cease and desist orders; fees; and rulemaking. These clarifications are consistent with DDOE's current interpretation of its authority, but will provide a more solid framework for enforcement.

Other than the structure of the Air law, DDOE is not aware of any other statutory or regulatory impediments, but we will proactively communicate any needs as they arise.

22. Please list all **regulations** for which the agency is responsible for oversight or implementation. Please list by chapter and subject heading, including the date of the most recent revision.

Please see Attachment 22 – Regulations List

23. Please explain the impact on your agency of any **federal legislation or regulations** adopted during FY 13 that significantly affect agency operations.

DDOE is not currently aware of any federal legislation or regulations adopted during FY 13 that will significantly affect Agency operations, but we will proactively communicate any needs as they arise.

24. Please provide a list of all **MOUs** in place during FY 13.

Please see Attachment 24 – MOU List

25. Please provide a list of all studies, research papers, and analyses (“**studies**”) the agency requested, prepared, or contracted for during FY 13. Please state the status and purpose of each study.

Stormwater Green Jobs Analysis: The study will provide a projection of the economic benefit of stormwater in both jobs and spillover economic and environmental benefits. The Agency released an RFA for this study in FY 12, and the contract was awarded in early FY 13. Estimated completion date is third quarter of FY 14.

Bag Law Impact Study: In 2012–2013, DDOE commissioned a series of surveys to measure the impact of the Anacostia River Clean Up and Protection Act of 2009, commonly referred to as the District’s Bag Law, on reducing litter and to assess the effectiveness of the law in reducing disposable bag consumption. DDOE provided a grant for the project, funded by fees collected under the Bag Law. Key survey findings were that both residents and businesses reported a significant reduction in disposable bag use across the District and substantial majorities of residents and businesses support the bag fee. In addition, both residents and businesses report seeing significantly fewer plastic bags as litter throughout the District.

Fisheries Surveys: DDOE conducts annual monitoring of the state of the District’s fisheries resources in accordance with the United States Fish and Wildlife Service’s (FWS’s) Wildlife and Sport Fish Restoration program guidelines and the National Oceanic and Atmospheric Administration’s (NOAA’s) guidelines. The FY 13 report to FWS was submitted on January 30, 2014, and the FY 13 report to NOAA will be submitted in March 2014.

Wildlife Surveys: DDOE monitors the state of the District’s wildlife resources in accordance with the United States Fish and Wildlife Service’s Wildlife and Sport Fish Restoration program guidelines. The surveys are conducted annually, and the report was finalized in December 2013.

Migratory Bird Surveys: DDOE monitors the state of the District’s bird populations in accordance with the United States Fish and Wildlife Service’s Wildlife and Sport Fish Restoration program guidelines. The surveys are conducted annually, and the report was finalized in December 2013.

Consolidated TMDL Implementation Plan: DDOE awarded a contract to develop a Consolidated Total Maximum Daily Load (TMDL) Implementation Plan. This TMDL Implementation Plan will provide a strategic plan and

schedule for the District to reduce pollution in stormwater runoff to restore local waterways. This plan must be delivered to EPA by May of 2015, as required by the District's MS4 Permit.

Green Building Fund Grant Program Studies: Three studies were awarded. The first examined urban heat island effects on mortality in the District. The second funded the creation of a Green Building Program Manual for the District. And the third was an economic analysis of the differential cost of building zero energy, zero water, and Living Building Challenge buildings in the District, with an eye towards the potential creation of an incentive program for these deep green building solutions.

Green Building Report: This report, in coordination with sister agencies and the Green Building Advisory Council, provides a complete view of green buildings in the District.

Recycling Report: This report, in coordination with DPW, OCP, and DGS, tracks the data available to the government on the District's recycling efforts.

PSC's FC1103 Rate Case: DDOE retained consultants to address issues in the DC Public Service Commission's Formal Case 1103 (FC 1103), "In the Matter of the Application of the Potomac Electric Power Company (Pepco) for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service" and serve as the District's expert witness. The consultants responded to data requests from Pepco and other parties in the proceeding, and presented oral and written testimony in FC 1103 on behalf of the District.

Comprehensive Energy Plan: DDOE retained the services of a consultant to develop a Comprehensive Energy Plan (CEP) for the District under the brand name EnergySmart DC. The CEP will provide a vision, strategies, key initiatives, and recommendations for energy reduction and renewable energy programs to enable the District to achieve its energy goals. The CEP will be constructed so that it can be reviewed, modified, or expanded on a continual basis to address changing internal and external conditions.

MS4 Annual Report: This is the District's annual report to EPA Region 3 detailing all of the stormwater management activities conducted in the previous fiscal year in accordance with the MS4 permit. The report compiles information on activities by DDOE, DDOT, DPW, DPR, DGS, OP, and DC Water. Submitted to EPA January 22, 2013 and January 22, 2014.

MS4 Discharge Monitoring Report: Required by the MS4 Permit, this is the annual summary of monitoring results from DDOE's MS4 Outfall Monitoring Program in the Rock Creek, Potomac, and Anacostia watersheds. The report submitted to EPA on January 22, 2013, provided sampling results

from the Anacostia watershed. A revised discharge monitoring report will be provided to EPA in February 2014.

Draft Urban Tree Canopy Plan: Required by the MS4 Permit; this is a strategy to reduce stormwater pollution via expanding tree canopy and to achieve the Mayor's goal to increase the District's tree canopy to 40 percent by 2032. Released for public comment and submitted to EPA Region 3 on January 22, 2013.

Anacostia Trash Reduction Calculation Methodology: Required by the MS4 Permit; this report details how DDOE will credit the District's various trash-reduction activities toward meeting the Anacostia Trash TMDL requirements. Submitted to EPA on January 22, 2013. A revised draft was released for public comment from December 19, 2013, through February 28, 2014.

Impervious Surface Retrofit Plan: As required by the District's MS4 Permit, this document establishes performance metrics that will be utilized to track progress in retrofitting existing impervious surfaces throughout the District. These metrics are consistent with the District's stormwater management regulations and guidance document that require development projects to retain stormwater runoff. In addition, these performance metrics present a methodology for crediting the area of retrofits for projects that achieve more or less than the 1.2-inch retention standard. Submitted to EPA on January 22, 2014, and released for public comment on January 31, 2014.

Chesapeake Bay Watershed Implementation Plan (Phase I and Phase II): This plan details activities by the District, federal partners, and NGO stakeholders to meet the Chesapeake Bay TMDL goal for nutrient and sediment pollution. Phase I submitted to EPA November 10, 2012. Phase II submitted to EPA March 30, 2012.

Chesapeake Bay Two-Year Milestones: This report tracks the District's progress toward commitments under the Chesapeake Bay TMDL. Progress is tracked by modeling nutrient reductions and detailing implementation of stormwater best management practices. Submitted 2013 progress data and new 2014–2015 milestones to EPA on January 31, 2014.

Fisheries Management Coordination Annual Report: This is the District's annual report to the United States Fish and Wildlife Service (FWS) Region 5 detailing all of the fisheries activities conducted in the previous fiscal year to manage DDOE's Fisheries and Wildlife Division in accordance with the guidelines of the FWS Wildlife and Sport Fish Restoration program. Submitted to FWS December 27, 2013.

Wildlife Management Coordination Annual Report: This is the District's annual report to FWS Region 5 detailing all of the wildlife activities conducted in the previous fiscal year to manage DDOE's Fisheries and Wildlife Division in accordance with the guidelines of FWS pertaining to its Wildlife and Sport Fish Restoration program. Submitted to FWS on December 27, 2013.

Fisheries Studies Annual Report: This is the District's annual report to FWS Region 5 detailing all of DDOE's fisheries-research activities conducted in the previous fiscal year in accordance with the guidelines of the FWS Wildlife and Sport Fish Restoration program. Will be submitted to FWS on March 31, 2014.

Aquatic Resources Education Annual Report: This is the District's annual report to FWS Region 5 detailing all of DDOE's Aquatic Resources Education Program activities conducted in the previous fiscal year in accordance with the guidelines of the FWS Wildlife and Sport Fish Restoration program. Submitted to FWS on December 27, 2013.

Aquatic Resources Education Center Annual Report: This is the District's annual report to FWS Region 5 detailing all of the activities conducted in the previous fiscal year regarding the operations and maintenance of DDOE's Aquatic Resources Education Center in accordance with the guidelines of the FWS Wildlife and Sport Fish Restoration program. Submitted to FWS on December 27, 2013.

Wildlife Survey Annual Report: This is the District's annual report to FWS Region 5 detailing all of DDOE's wildlife-research activities conducted in the previous fiscal year in accordance with the guidelines of the FWS Wildlife and Sport Fish Restoration program. Submitted to FWS on December 27, 2013.

Migratory Bird Survey Annual Report: This is the District's annual report to FWS Region 5 detailing all of DDOE's migratory bird activities conducted in the previous fiscal year in accordance with the guidelines of the FWS Wildlife and Sport Fish Restoration program. Submitted to FWS on December 27, 2013.

National Oceanic and Atmospheric Administration (NOAA) Annual Report: This is the District's annual report to NOAA detailing all of DDOE's American shad-restoration activities conducted in the previous fiscal year in accordance with NOAA guidelines. Submitted to NOAA on January 30, 2014.

Hydrogeology and Paleohistory of the Anacostia River: In conjunction with the United States Geological Survey (USGS), DDOE is constructing a steady state groundwater flow model to understand groundwater flux in the

aquifers and groundwater/surface water interactions in the lower Anacostia basin. The revised groundwater flow model was completed and will be published in a Scientific Investigations Report.

26. Please list and describe any ongoing **investigations**, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY 13 or FY 14, to date.

The DC Auditor is currently conducting an audit of the District's Bag Law.

Energy Efficiency and Conservation Block Grant (EECBG) Programs:

The Office of Inspector General for the US Department of Energy conducted an audit on the American Recovery and Reinvestment Act, Energy Efficiency and Conservation Block Grant (EECBG) Programs during FY 13. DDOE received about \$9.6 million in December 2009, to implement various energy efficiency programs and initiatives. The audit began in February 2013 and a final report was issued in November 2013.

Ongoing Investigations:

There are three ongoing Federal and District Office of the Inspector General investigations of DDOE contractors and DDOE has provided assistance to both agencies to aid their investigations.

27. Please identify all **recommendations** identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations.

The EECBG audit resulted in **no material findings** but provided the following recommendations:

Recommendation #1: Evaluate the selection process for future awards and those with remaining funding to ensure Federal regulations governing working with former employees are addressed and established evaluation criteria is implemented effectively.

- DDOE revised its Request for Applications (RFA) format and procedure to specify the evaluation criteria for FY 14. In addition, DDOE requires all grant programs to collect conflict of interest declarations from evaluation and selection panel members. With regard to working with former employees, the District of Columbia's Ethics Manual, published in 2012, cites to applicable federal regulations and provides guidance regarding working with former

employees. All District Government employees are now required to take the related online ethics training and make an ethics pledge.

Recommendation #2: Complete and implement written policies and procedures relating to program management and advanced funds.

- DDOE developed and submitted a draft of the new Standard Operating Procedures Manual governing the Administration and Oversight of DDOE's Energy Efficiency Programs to US DOE.

Recommendation #3: Evaluate monitoring processes to ensure performance and overcharging issues are documented and addressed formally.

- The new Standard Operating Procedures Manual outlines various steps program staff must follow to ensure subgrantees' and subcontractors' performance and overcharging issues are documented and addressed formally.

Recommendation #4: Provide training to personnel on fraud, waste, and abuse, and the suspension and debarment process.

- The District's mandatory ethics training for all employees provides some training on fraud, waste and abuse. DDOE is working with DC OIG to provide additional fraud, waste, and abuse trainings to program staff.

Recommendation #5: Establish procedures to notify US DOE of potential fraud, waste, abuse and mismanagement.

- DDOE is currently revising its policy regarding appropriate notification of potential fraud, waste, abuse and mismanagement of federal and District governments funded programs.

Recommendation #6: Resolve the questioned costs identified in our report.

- This issue has been resolved.

In FY 13, the U.S. Fish and Wildlife Service (FWS) requested that the U.S. Department of Interior, Office of the Inspector General (DOI-OIG) audit DDOE's Wildlife and Sport Fish Restoration Program grant for the FY 10 and FY 11. The audit resulted in **no material findings** but yielded the following recommendations:

Recommendation #1: DDOE will develop and implement written procedures that ensure payroll expenses are properly supported by personnel activity reports that reflect actual time worked on individual program grants.

Recommendation #2: FWS will work with DDOE to eliminate duplicate fishing license holders from the fishing license certification.

Recommendation #3: FWS will work with DDOE to ensure that DDOE properly tags and records all of its capitalized and inventoried property items in the District's fixed asset system.

DDOE considers all three of these findings resolved but not yet implemented. Upon receipt, review, and acceptance of written policies developed to address all of these recommendations, FWS will consider this finding resolved and implemented. DDOE submitted draft policies to FWS and is awaiting a response.

A. PROGRAM-SPECIFIC QUESTIONS

28. Two years ago, DDOE provided the Committee with an action plan for a comprehensive environmental enforcement strategy that includes 9 broad objectives with several sub-objectives, or action items.

- Which objectives or action items did DDOE accomplish in FY 13?

DDOE finalized the multi-day penalty policy which is now being incorporated into the enforcement guidelines and we expect to begin training in March 2014.

Please see Attachment 28a – ESAP Report

Please see Attachment 28b – Enforcement Metrics (FY 13 3Q & 4Q)

- Which of the 9 broad objectives have been the most difficult to accomplish? What barriers have been the most difficult to overcome?

All internal DDOE and sister Agency partners have been valuable and eager participants.

- Last year, DDOE indicated it was having difficulty implementing training requirements for its inspectors. Has DDOE accomplished or made progress toward accomplishing this action item?

Please see Attachment 28c – Inspector Training List

Yes. The list of recommended classes for inspectors was approved by DCHR in January 2014. DDOE's HR Department is preparing its tracking database so that inspectors' records reflect those courses attended.

Since DDOE provided the Committee the action plan the Agency has hired an experienced Occupational Safety and Health Professional that is also an experienced Hazwoper training program designer and instructor. This now allows the Agency to meet a major portion of the training requirements for

inspectors by conducting both initial and refresher training in house. This allows for more streamlined processing of personnel through training as well as improved tracking. In FY 13 DDOE conducted two initial OSHA Hazwoper Training Programs, and five OSHA Hazwoper Refresher training programs. Between the seven courses, 50 employees were trained.

The Agency is currently working to bring as much training that is needed for the inspectors as possible in house, to streamline as much training as possible.

- As part of the ESAP, DDOE is undertaking a large database rewrite and integration which will track violations and compliance across various enforcement areas. What is the status of this project?

DDOE has begun an ambitious Agency-wide database consolidation and modernization effort. The Inspection, compliance, and Enforcement (ICE) Project is currently in Phase I Development and Testing. The ICE application will be an Agency-wide web-based database that has been in development for the past year. The objective of this database is to serve as a centralized enforcement application to be utilized by DDOE inspectors, attorneys, and the Office of Enforcement and Environmental Justice (OEEJ). This application will allow Agency users to login via the intranet or Internet and create, view and edit information pertaining to environmental enforcement action across various DDOE programs. The ICE application also allows users to query and generate reports across programs. DDOE has numerous programs that house data in programs to track enforcement actions. These programs vary in formats, age, and functionality. In order to manage the scope of the project, the ICE project was divided into phases. Phase I, which is currently underway, focuses on the development of requirements, web development, database development, data migration, data modeling, and testing. OEEJ and Leaking Underground Storage Tanks (LUST)/Underground Storage Tanks (UST) program databases have been migrated and are currently being tested by potential users as part of the Phase I scope of work. Upon completion of Phase I, DDOE will focus on additional program databases, specifically Bag Bill Enforcement, Storm Water Management, Water Quality, and Coal Tar.

- How does DDOE currently track complaints that it receives, related enforcement actions, and responses to residents? Will the ESAP database rewrite also enable the agency to track complaints?

Each program is responsible for tracking its complaints, related enforcement actions, and responses to residents. The Office of Unified Communications assigns a tracking number to every complaint received through 311 or “Ask the Mayor” or “Ask the Director”. These complaints are tracked by the OUC

and if they are not timely addressed, it is escalated to the Office of Neighborhood Engagement and the relevant Agency's Office of the Director.

- How many environmental complaints did DDOE receive from the public in FY 13? How does the agency solicit and respond to environmental complaints from the public?

The enforcement programs reported 598 citizen complaints or tips in FY 13. Most of these complaints are received via the Agency's main number or through 311. The Bag Bill program also gets tips from an online form on the Agency's website, <http://ddoe.dc.gov/baglawtip>. DDOE employees, at home or at work, also see potential violations for their fellow inspectors to check.

- Please identify any substantive programs in which DDOE reduced enforcement efforts or resources in FY 13 compared to FY 12, and explain why this was done.

DDOE did not reduce enforcement efforts or resources in FY 13.

29. DDOE oversees the District's contract with the DC Sustainable Energy Utility (SEU), and receives 10% of the contract's value for administration:

- How has DDOE used its oversight responsibilities to help the SEU achieve its goals?

As contract administrator of the DC SEU contract, DDOE provides operational oversight on a broad range of DC SEU programs and activities that are conducted by various DDOE staff. DDOE uses the allocated ten (10) percent of the DC SEU's contract value to support a dedicated DC SEU contract management team, many of whom have extensive relevant experience, to provide robust monitoring and verification of DC SEU programs. On a day-to-day basis, there are two senior staff from DDOE's Energy Administration that are intimately involved with the administration and execution of the DC SEU contract.

Other staff are involved in reviewing monthly and quarterly reports submitted by the DC SEU, reviewing and approving all program designs and implementation protocols, approving monthly invoices, marketing strategies, and budgets, conducting random site visits to verify installation of energy retrofits and renewable energy systems, resolving contractual issues, reviewing proposed marketing material, and ensuring that the DC SEU is in compliance with District laws and regulations.

In addition to the daily oversight duties performed by the staff from the Energy Administration, regular DC SEU oversight support is also provided by DDOE's Office of the General Counsel, and the Office of the Chief

Financial Officer. Staff from all divisions collaborate on a weekly basis to provide advice on various planning and operational issues that are raised by the DC SEU. DDOE also uses a portion of the allocated contract administration funds to provide other administrative activities, such as supplies for DC SEU Advisory Board meetings, as well as IT hardware and software acquisition.

In FY 13, DDOE staff provided daily supervision of the private financial auditing firm retained to conduct a financial audit of all Sustainable Energy Trust Funds paid to the DC SEU during FY 12, including an examination of DC SEU's compliance with the stated financial requirements of the contract. DDOE staff also provided advice and direction to the Evaluation, Measuring, and Verification contractor to ensure the DC SEU's reported energy savings and progress against each of the performance benchmarks can be independently verified.

- Last year, DDOE identified 2 specific challenges or impediments standing in the way of the SEU achieving its goals: lack of access to utility data and the inherent conflict between some of the performance benchmarks. Has DDOE identified any additional barriers? Please also explain how DDOE worked to address the issues it identified last year.

Issues Identified Last Year:

Lack of access to primary utility data. DDOE previously convened several meetings with representatives from the DC SEU, PEPCO, and Washington Gas to identify and discuss ways in which the DC SEU can gain access to meter-level electricity and natural gas energy consumption data for District residents and businesses. The meetings were attended by senior level staff from all parties but did not produce favorable results due to the inherent conflict between the requirements of the Clean and Affordable Energy Act (CAEA) of 2008 (which directs the utilities to provide the energy data to the DC SEU) and the consumer Bill of Rights. Both Pepco and Washington Gas cited privacy laws which prevent the utility companies from sharing meter-level data about customers without their expressed written consent. However, the utility companies have agreed to provide meter-level data if the DC SEU obtains individual consent forms from customers that have participated in one of the DC SEU's programs.

The inherent conflict between some of the performance benchmarks. DDOE contracted with experienced private consultants to conduct a reasonableness study of the DC SEU's annual performance benchmarks to determine if the performance targets for each benchmark should be adjusted for future contract years. The study also evaluated the implications of achieving the performance targets for the green jobs and renewable energy benchmarks in conjunction with the energy savings objectives of the DC

SEU's contract. As part of the research, the consultants engaged SEU Advisory Board members, the DC SEU's Evaluation, Measurement, and Verification Contractor, the DC SEU, and representatives from similar entities in other jurisdictions. The overall finding of the reasonableness study suggests that DDOE make minimal changes in the specification of the targets or performance milestones for five of the six benchmarks to provide greater flexibility for the DC SEU to meet or exceed the target for each performance benchmark. DDOE is currently in the process of updating the performance targets for each benchmark based on the recommendations of the independent study and DDOE's own research and analysis.

Additional barriers to DC SEU success:

In addition to the barriers identified in FY 13, DDOE has identified the following barriers that may be preventing the DC SEU from achieving its performance objectives:

Targeted approach to marketing and advertising DC SEU's programs. The DC SEU was established in March 2011 and to date, most District residents and businesses are unaware of the DC SEU brand or the services and programs offered by the DC SEU. This unfamiliarity may be attributed to the targeted marketing approach used by the organization, which arguably has not increased brand awareness across the District. DDOE has consistently encouraged the DC SEU to take action to increase public awareness of its programs but the DC SEU has not changed its preferred approach to program implementation and delivery.

High administrative and overhead costs. In addition to the lack of brand awareness, a close examination of the DC SEU's expenditures shows that there are significant overhead and administrative costs incurred with the DC SEU's approach to service delivery. Only about 40 percent of the DC SEU's annual expenditures are actually spent on energy efficiency and renewable energy measures that directly benefit households and businesses.

Large number of non-District residents providing support services. Despite the performance benchmark which requires the DC SEU to create a specific number of green-collar jobs within the District each fiscal year, the DC SEU continues to employ a large number of non-District residents to provide support services necessary for daily operations, which further limits its ability to meet the established and agreed-upon performance target for the green jobs benchmark.

- Is the SEU on track to achieve its goals in FY 14?

The DC SEU is currently in its third full year of operations, with a total contract value of \$20 million. However, the DC SEU's overall performance thus far has not met DDOE's expectations. In addition to the high overhead

costs, the DC SEU has not implemented or introduced programs that vary greatly from the programs offered in FY 13 and the FY 14 first quarter reported results suggest that it will be very difficult for the DC SEU to achieve the performance targets for each benchmark again this year. Specifically, the DC SEU has historically experienced difficulties in achieving the overall performance targets for the energy savings and green jobs performance benchmarks. Based on the unverified FY 14 reported results, the DC SEU achieved only four (4) percent of the energy savings target and 18 percent of the green jobs target for FY 14.

30. Please provide an update on the PACE program. How many projects were completed in FY 13? Is this number higher or lower than anticipated? How many PACE projects are anticipated in FY 14?

In FY 13, the DC PACE Program completed its first project and continued to refine the program and enhance marketing capacity. The initial pilot project upgraded the 139 unit affordable housing building located at 400 M Street, SE. This was the first affordable housing property in the nation to use PACE financing to fund energy upgrades. The \$340,000 project included lighting improvements, water conservation measures, and a 37 kilowatt solar array. The energy upgrades are expected to reduce the building's energy use by 15 percent and the solar array will provide up to 3.5 percent of the building's energy needs.

The 400 M St SE project was the sole project completed during FY 13. The goal was to complete at least nine projects in FY 13. However, the DC PACE Program actively engaged with a wide range of capital providers including: regional banks, global commercial banks, community development financial institutions, clean energy funds, and insurance companies. Through this effort, the program has built a robust network of PACE capital sources. As projects are developed, the program will work with these capital providers to develop financial terms and underwriting standards. Based on the interest expressed by capital providers, the program is confident that there is ample capital available to fund all projects that comply with the DC PACE underwriting standards.

DDOE anticipates that the program will complete at least 6 projects in FY 14, all of which are at various stages in the pipeline. The DC PACE contractor, Urban Energy Advisors, will continue to be compensated solely through fees collected from property owners who use PACE financing to fund their energy efficiency and water conservation projects.

31. Please provide an update on the implementation of DDOE's recently issued stormwater regulations. When will DDOE be able to measure their intended benefits to water quality?

The first transition period for the revised stormwater management regulations ended on January 15, 2014, meaning that regulated projects going through permitting after this date and before the end of the second transition period will have to be designed to achieve the District's new stormwater retention performance standards, though they will have the flexibility to achieve the entire required retention volume off site. The second transition period ends on January 15, 2015 for major land-disturbing projects and on July 14, 2015 for major substantial improvement projects.

DDOE expects that some of the regulated projects that are currently going through permitting will complete construction toward the end of 2014. DDOE will be able to estimate the runoff-reduction benefits to the waterbodies in which these projects are located and to any other waterbodies where off-site retention occurred (via Stormwater Retention Credits or In-Lieu Fee payments). DDOE will also be able to compare what the runoff-reduction benefits would have been if the runoff-reduction had occurred only at the regulated site and not off site at all.

This data will feed into DDOE's model (currently under development) for projecting and tracking progress toward making MS4 discharges consistent with water quality standards (part of the development of a Consolidated TMDL Implementation Plan). By entering the data into this model, DDOE will be able to estimate how much progress it has made toward achieving MS4 Wasteload Allocations. As part of this effort, DDOE is also revising its monitoring plan to help check whether these efforts are translating into reductions in the volume of stormwater runoff and the pollutants within it.

32. Please provide a status update on DDOE's efforts for each of the rulemakings that the agency completed or worked on during FY 13. For each rulemaking, please provide the same categories of information provided in DDOE's regulatory updates sent to the Committee.

Please see Attachment 32 – Regulations Update

33. The rules required to be issued under the Pesticide Education and Control Act of 2012 are due by May 16, 2014. What is the status of these rules?

- Please describe how DDOE plans to enforce these rules once they are issued.
- Please update the Committee on the status of the integrated pest management educational courses required by the act.

We are working diligently to meet the May 16, 2014 deadline to publish the rules implementing the Pesticide Education and Control Amendment Act of 2012.

DDOE has also drafted an amended schedule of fines that will be introduced at the same time as the proposed rulemaking to allow DDOE inspectors to enforce the new regulations.

The proposed rulemaking establishes the principles that must be included in integrated pest management courses and requires commercial pesticide applicators to demonstrate mastery of those principles before receiving a license. Once the regulations are published as final, DDOE will work with the University of the District of Columbia to begin offering the integrated pest management courses to applicators and members of the public.

34. Please update the Committee on the status of the Anacostia River sediment remediation project. In particular, has the Remedial Investigation work plan been issued? If not, why? When does DDOE anticipate the Remedial Investigation will be complete?

On January 29, 2014, DDOE issued the work plan for the remedial investigation of the Anacostia River sediments. DDOE is seeking public comments on the work plan and comments are due by March 3, 2014. DDOE scheduled two stakeholder meetings to inform the public about the work plan and more broadly about the project. DDOE estimates a completion date for the remedial investigation of mid-2015.

35. Please identify what DDOE considers to be its three greatest successes of FY 13, and explain the environmental impact achieved for each.

In FY 13 DDOE's greatest successes were the publication of the Sustainable DC Implementation Plan; publication of the Stormwater Management and Soil Erosion and Sediment Control regulations; and completing the District's first PACE financed project.

1. **Release and launch implementation of the Sustainable DC (SDC) Plan:** In July 2011, Mayor Gray called for the development of a comprehensive sustainability plan to make the District the healthiest, greenest, and most livable city in the United States. Following extensive public outreach and involvement from over 700 people, the Sustainable DC Plan was released on February 20, 2013. SDC has received significant local and national coverage—as well as several national awards—as an innovative and ambitious plan. DDOE was

made the lead Agency for SDC implementation, and progress will be measured against 31 goals and targets and 143 actions. Specific implementation programs include the Smarter Business Challenge pilot (22 businesses), the Diplomatic Institution Sustainability Pledge (76 institutions), the College and University Sustainability Pledge (9 schools), SDC Organizers (12 volunteers), monthly volunteer events, and a pilot program for residents to make more sustainable decisions. Nine Mayor's Sustainability Awards were awarded to community partners and businesses.

The Sustainable DC First Year Progress Report is scheduled to be released on Earth Day 2014. Early analysis shows that appropriately half of the 143 actions are already underway with another 20 percent likely to be launched by Earth Day. Additionally, almost 75 percent of actions were included in Agency performance plans for FY 14, ensuring that plan progress will continue to move forward. Coordination among District agencies was a significant accomplishment in FY 13. The Green Cabinet of 27 agencies met quarterly to coordinate progress and collaboration within the administration. SDC staff were in regular contact with colleagues across the government to support their progress and met twice in FY 13 for one-on-one meetings with partner staff from each Agency.

2. **Stormwater Management and Soil Erosion and Sediment Control Regulations:** On July 19, 2013, DDOE finalized revised stormwater management regulations that represent a paradigm shift in how stormwater runoff will be managed in the District. Under the new requirements, regulated projects must retain runoff using stormwater management practices that more closely replicate natural processes, typically through green infrastructure (GI) such as green roofs, rain gardens, permeable pavement, and stormwater harvest systems. In addition, the regulations include an innovative Stormwater Retention Credit (SRC) trading program that is the first of its kind. The SRC program has the potential to increase stormwater retention in the District by over 50 percent annually while minimizing cost to the regulated community, increasing green jobs, improving environmental justice outcomes, and shifting the location of GI to increase protection for small tributaries that are more vulnerable to stormwater runoff. DDOE expects the stormwater regulations to result in GI retrofits for about 15 million square feet of land each year, which will be critical to the District's long-term efforts to restore health and full usability to District waterbodies.
3. **PACE:** Please see the answer to Question 30

36. Please identify DDOE's three biggest administrative challenges related to agency function and explain why improvement is needed.

The Agency's top three challenges for the coming year will be: records management, CBE Compliance, and grants management.

All administrative concerns are continued from last year, please see below.

- Please also explain how DDOE addressed the challenges it identified last year.

Records management: In a continuing effort from last fiscal year, DDOE is planning to convert agency documents to an electronic format that can be securely stored. OCTO is assisting DDOE in assessing options for a document management system that stores paper/electronic documents in electronic format for historical index referencing. The document conversion process will involve the entire agency, but will start with the enforcement programs; the initial enforcement record conversion will be coordinated by the Office of Enforcement and Environmental Justice's Records Management Team. Electronic storage and retrieval of documents within DDOE will increase efficiency and agency responsiveness while reducing costs associated with document storage.

Certified Business Enterprise Compliance: Through additional compliance, assessment, and internal staff training efforts we are pleased to report that in FY 13, DDOE not only met but exceeded its CBE targeted goal in the amount of \$370,800, as set by the DSLBD office. DDOE spent a total of \$1,268,843 with CBEs, which includes \$938,465 with CSBE's. DDOE leadership and staff will continue to ensure that the Agency annually remains on target and in compliance.

Grants management: The Grants and Contracts Management division continues to provide technical assistance to DDOE programs and actively seeks DDOE eligible grant opportunities. DDOE's Grants Division reviews announcements from the Office of Partnerships and Grants (OPGS), and Grants.gov. The Agency's Grants Division also utilizes information from various federal agencies, including: Environmental Protection Agency, US Department of Energy, Department of Health, US Department of Interior, and other organizations of interest on a recurring basis. Grant announcements are reviewed, filtered for eligibility and feasibility and shared with program managers within the Agency. If program managers express interest in applying for identified funding opportunities, the grants management team provides technical assistance to DDOE programs to prepare applications. The Grants Division actively tracks all grant opportunities identified and regularly follows up with program managers to ensure that eligible grant opportunities are pursued. Grant Proposals are

reviewed to ensure that they address all the evaluation criteria identified in the requests for applications.

37. Please list the three biggest threats to the environmental health of the District and explain the dangers posed by each.

- Last year, DDOE discussed childhood lead poisoning, contaminated sediments in the Anacostia River, and greenhouse gas emissions. Please explain how DDOE addressed these threats in FY 13.

Last year's threats of childhood lead poisoning, contaminated sediments in the Anacostia River and greenhouse gas continue to be three of the biggest threats to the environmental health of the District. Below is a reiteration of the nature of the threat and an explanation of the actions taken to address them.

Childhood Lead Poisoning:

The District's Childhood Lead Poisoning Prevention Program continued to yield positive results during FY 13, showing continued progress towards eradicating childhood lead poisoning in the nation's capital. The incidence of new cases of lead poisoning dropped by 32 percent in FY 13 as compared to FY 12. This puts the District of Columbia in a leadership role nationwide with respect to the effectiveness of its childhood lead poisoning prevention efforts.

During 2012, the federal government established a new "reference value" for lead poisoning, thereby lowering the threshold at which children require case management services and the identification of sources of lead exposure. In FY 13, DDOE was able to absorb the more than 100 new cases this new federal policy created for the District to handle. DDOE developed a multi-faceted strategy, involving: (1) successfully recruiting and partnering with DC Water, to ensure all new cases of children with a blood lead level above the reference value receive instructions from DC Water about how to test their water for lead, and the sampling tools needed to do so; (2) reducing the blood lead level that triggers a visit by a DDOE case manager and a DDOE lead inspector; and (3) sending a letter and informational lead literature to the families that DDOE is unable to visit, inviting them to contact DDOE to arrange for a meeting to discuss the child's lead level, and for a lead risk assessment in their home should they desire one.

On the screening front, FY 13 number totals were slightly down from FY 12 levels, but the percent of 1-year-olds and 2-year-olds tested remained comparable to FY 12 numbers. About 50 percent of one-year-olds were tested, and about 60 percent of two-year-olds were tested. While this compares favorably with the national screening rates for lead, DDOE intends to continue its efforts to increase the District's screening rates, to ensure all children are screened as District law requires, twice by age 26 months. DDOE has been working closely with DHCF on this issue, and during FY 13

the two agencies executed a Memorandum of Understanding that allows for data sharing. This enables the identification of pediatricians who seem to routinely ignore the lead law, which puts the onus on them to ensure children are screened at well-child visits, once at age one and a second time at age two. DDOE plans to engage these physicians during FY 14, to urge them to be more proactive in this regard.

Finally, during FY 13, DDOE issued its long-awaited lead regulations (on July 26, 2013), after which DDOE engaged the regulated community in significant compliance assistance, highlighted by presentations to and training sessions for property managers and the real estate industry. DDOE also continued its vigorous lead enforcement initiatives, and continued to secure cooperation among property owners and managers about submitting information to DDOE regarding homes being documented as lead safe. By the end of FY 13, owners and managers provided DDOE with documentation of lead safety in more than 17,000 units.

Anacostia Sediments:

Please see the answer to Question 34 and 38

Greenhouse Gasses:

A major element of the Sustainable DC Plan is the commitment to reduce greenhouse gas emissions by 50 percent by 2032, relative to a 2006 baseline. Numerous actions throughout the SDC Plan are focused on reducing emissions from energy and water use, transportation, and waste. Major progress in FY 13 included development of the updated construction codes including significant improvements in building energy and water efficiency, implementation of the city's energy benchmarking program for private buildings, and significant upgrades and efficiency retrofits to public buildings. Continued expansion of bikeshare, mass transit options like streetcar and Circulator buses addressed transportation emissions—the city's second largest contributor of GHG emissions after buildings. Finally, construction got underway in FY 13 at DC Water—the city's largest single energy user—to construct anaerobic digesters to generate renewable energy from sewage waste.

An update on the District's GHG emissions inventory released in December 2012 indicates that the city is making progress. Over the five-year period from 2006-2011, GHG emissions community wide dropped 12.5 percent and emissions from government operations dropped 23 percent.

38. Please list DDOE's three biggest priorities for FY 14 and explain the intended impact of each.
- Please also explain the actions that DDOE took in pursuit of the priorities DDOE identified last year.

Continued Implementation of the Sustainable DC Plan:

Implementation of the Sustainable DC Plan is expected to continue strongly in FY 14. The Sustainable DC Omnibus Act of 2013 was submitted to Council on November 6, 2013 containing 11 subtitles including incentives for transit and alternative vehicles, environmental education, a ban on polystyrene, and better access to building benchmarking data. An accompanying mayor's order instructing District agencies to assess the sustainability of their operations in addition to forming task forces to implement specific actions of the Sustainable DC Plan. Task forces include topics such as green economic development, park access, greening affordable housing, food security, and increasing the use of native plants in District landscaping. Implementation of specific actions in the Sustainable DC Plan is also moving ahead. The first year progress report will be released Earth Day, April 22, 2014.

Sustainable DC is also enabling District Government to reach more sectors to increase their level of sustainability through the Smarter Business Challenge (see above). Discussions on future challenges are underway with hospitals and other healthcare providers as well as the faith community. In terms of resident engagement, DDOE partnered with a green technology company to develop the Do It for DC! Challenge, an online tool that develops a tailored sustainability plan for participants, which launched January 22, 2014. The SDC Organizers program, which began with 12 volunteers trained to talk to their friends and neighbors about sustainability will expand to 30 volunteers in February 2014. These volunteers, along with staff and interns, will continue to attend community events and meetings, and are on track to meet or exceed the 124 meetings attended in FY 13.

Lead Restoration of the Anacostia River:

DDOE will pursue the restoration of the Anacostia River in five key ways. We will implement the District's revised stormwater regulations, establish DDOE's Stormwater Retention Credit trading program, develop a consolidated strategy to reduce pollution from stormwater runoff, begin the process of sediment remediation, and increase outreach and coordination with Prince George's and Montgomery County.

Stormwater Regulations: See Questions 31 and 35 above.

Stormwater Retention Credit Trading: DDOE views an established SRC market as a tool that can provide significant benefits beyond the stormwater management regulations for the restoration of the Anacostia River and other waterbodies. An established SRC market may be able to take advantage of more cost-effective opportunities for installing and maintaining stormwater GI than DDOE would be able to on its own. By purchasing and retiring SRCs itself, DDOE may be able to meet its obligations under the Clean Water Act in a more cost-effective manner than would otherwise be the case, saving

money for District ratepayers and taxpayers. This amounts to a pay-for-performance or reverse auction mechanism that may help DDOE to leverage its limited resources to accelerate the restoration of the Anacostia River and other waterbodies.

Stormwater Runoff Consolidated Strategy: In FY 14 DDOE fully awarded a Contract for the development of a consolidated Total Daily Maximum Load (TMDL) implementation plan that will include a strategy and schedule for reducing pollution from stormwater runoff. The TMDL implementation plan will become a valuable tool in tracking progress and directing District resources towards the restoration of our waterways. As required by the District's MS4 Permit, the TMDL implementation plan must be submitted to EPA by May 2015.

DDOE is also undertaking several tributary restoration projects that will both improve water quality in the Anacostia River and improve habitat in the local tributaries. Designs for the restoration of four tributaries to the Anacostia are currently underway. Nash Run and Springhouse Run will be implemented first with Texas Avenue Tributary and Pope Branch following those.

Sediment Remediation: Legacy toxins in the Anacostia's sediment bed are a major source of pollution, both to the quality of the water and as a source of pollution to the species that inhabit the river. In FY 13, DDOE will award a contract to support a remedial investigation and feasibility study of the sediments in the Anacostia River. The sediments are an on-going source of contaminants and need to be addressed before the Anacostia can be returned to a "fishable and swimmable" river. This contract will allow for methodical testing on Anacostia sediment and water toxins (when present) to determine proper clean-up methods. This project will span multiple years.

Outreach and Coordination: Because nearly 82 percent of the Anacostia watershed lies in either Montgomery or Prince George's counties, Director Anderson has begun a concerted effort to build partnerships with his counterparts in these jurisdictions, with the understanding that our neighbors are essential partners to restore the Anacostia.

Through the Metropolitan Washington Council of Governments (COG) Anacostia Watershed Restoration Partnership, the District, Maryland, Prince George's County, and Montgomery County are working toward restoration of the Anacostia River. In FY 13, the group reassessed their organization and goals and concluded that they should undertake a significant structural reorganization to make the partnership more effective in implementation and tracking of Anacostia restoration. Deliberation is continuing on the new organizational structure, which will continue to reside in COG.

There are three primary partnerships to facilitate interstate cooperation for the health of District waterbodies:

1. *Chesapeake Bay Program (CBP)*: is a regional partnership between the District, VA, MD, DE, PA, WV, NJ, NY, EPA, and the Chesapeake Bay Foundation on a series of commitments that guide Bay restoration and protection efforts. The District has been a leader in this effort. Last year, Mayor Gray was the chair of the Executive Committee and DDOE's director was the chair of the Principal's Staff Committee. These chairmanships are now held by members from Maryland. The District continues work on Bay restoration through its Watershed Implementation Plan and the process to update the Bay Agreement.
2. *Interstate Commission on the Potomac River Basin (ICPRB)*: is a regional partnership between the District, MD, PA, VA, WV, and the federal government to protect the Potomac River and improve the quality of life in the watershed with a focus on cleanup, drinking water, and water utilities. DDOE's Deputy Director of Natural Resources served as the chair last year, and now a member from Maryland is the chair. The Commission works through a strategic plan and coordinates through quarterly meetings.
3. *Metropolitan Washington Council of Governments (COG)*: is an independent nonprofit association that brings area leaders together to address major regional issues in the District, suburban Maryland, and Northern Virginia. COG's membership includes local, state, and federal governments. COG also includes the Anacostia Watershed Restoration Partnership.

Sustainable Energy Utility Maturation:

Please see the answer to Question 29