

**2021 Performance Oversight**  
***Department of Energy & the Environment***  
**Post-Hearing Questions**

1. Regarding the Lead Pipe Replacement Assistance Program (LPRAP):
  - How many households applied for relief under the LPRAP in FY 2020?  
How many households received relief?

In FY 2020, 263 households applied for relief under LPRAP. Of those 263 applications:

- 224 were eligible and approved for the program
  - 131 were approved and completed in FY20
  - 55 were approved in FY20 but completed in FY21
  - 38 households were approved but never had the work completed
  - 35 were ineligible because they did not have a partial lead service line
  - 2 households submitted an incomplete application and never responded to our requests for outstanding documentation
  - 2 were denied because they completed the replacement prior to October 1, 2019
- What is your estimate of the number of households that will have received relief under the program by the end of FY 2021?

In FY 2021, DOEE estimates that approximately 250 partial lead service lines will be replaced. This estimate was derived by multiplying the remaining months in the fiscal year by the average number of eligible applications received per month plus the partial replacements that have been completed to-date in FY 2021.

Based on completed construction and emergency repairs and planned work through the remainder of FY21, DC Water estimates that 150 residents will have received free lead and galvanized service line replacements through the District-funded CIPERR program.

- What kind of public education is DOEE doing on the availability of funding under the program? How is DOEE ensuring that eligible households are being reached?

Please see Attachment Q1c for a list of outreach events conducted by DOEE in FY 21 so far. DOEE is also conducting direct outreach to at-home daycares with partial lead service lines. This is a comprehensive outreach strategy coordinated with the Lead Hazard Reduction Program to address both in-home and water hazards at the same time.

In addition to this targeted outreach, DOEE publicizes information on our website and on social media. DOEE is working on creating a webpage that has cohesive messaging about all of the lead programs administered by DOEE, including lead service line replacements.

Lastly, in addition to the outreach that DOEE is doing, the contractors on DC Water's contractor list have been utilizing DC Water's Lead Service Line Map to identify and conduct direct outreach to eligible properties. DC Water has also been conducting their own outreach at events, on their webpage and social media, and plan to send out mailers to eligible properties.

2. DOEE's pre-hearing responses indicate that there were \$3.2 million in savings in the Energy Assistance Trust Fund in FY 2020. Please explain why the Agency carried this balance rather than directing the funds to residents in need.

The purpose of EATF is to supplement low-income bill assistance payments, however, as a result of the pandemic and the moratorium on disconnections, spending was lower than usual during FY20. DOEE has already requested and received increased budget authority for the \$3.2 million, and we plan to spend this allocation in FY21 on low-income households.

3. Regarding Solar for All, as discussed at the hearing, the pace of solar installations would need to pick up dramatically to meet the targets for the program (100,000 households by 2032).
  - What is DOEE's plan for ensuring the District meets its targets?

DOEE anticipates that by the middle of the decade, solar technology, materials, and installation will be significantly more commodified so that the cost of installing new facilities will be dramatically lower; at the same time, we anticipate with the acceleration of the solar carve-out in the RPS that the REDF will gain significantly more revenue. Finally, we're planning with developers and building owners to make roof space for Community Solar facilities more available and less expensive. We hope that this combination will enable us to build the community solar capacity we need to meet this goal. We are also gaining the credibility and traction with the eligible community to enroll eligible households into the program. Even with all this, however, DOEE may ultimately be unable to meet the 100,000 household goal due to practical issues that reduce the number of financially eligible households able to take advantage of the benefits. For example, DOEE has encountered difficulties in enrolling eligible households due to master metering in private and DCHA multifamily buildings, which means that eligible households do not receive electric bills to which we could assign Solar for All benefits, and HUD requirements that require utility benefits to be included in calculations reducing the total amount of

federal housing assistance payments for which households are eligible, effectively cancelling out the Solar for All benefit.

- Has DOEE considered working with the Green Bank to expand financing opportunities for Solar for All?

DOEE is already working with DC Green Bank, to leverage existing programs such as DCSEU, DC PACE and other initiatives across the District, and to determine whether community solar financing programs are feasible, with the aim to accelerate the deployment of solar across all sectors, with a focus on low to moderate income communities and affordable housing.

4. DOEE stated that it plans to release an annual greenhouse gas inventory showing the District's progress since 2006. Please describe how you plan to track this progress. Will it be a high-level overview or presented by policy?

DOEE completes an annual greenhouse gas inventory that tracks progress against a 2006 baseline. The inventory follows established global protocols and is presented by sectors such as buildings and energy, transportation, and waste, showing government operations emissions and community-wide emissions. The 10-year update (2006-2016) includes an analysis of the drivers of changes in emissions such as cleaner electricity, falling energy use, improved vehicle efficiency, and the DCSEU energy efficiency programs. That analysis will be updated regularly. It is available on DOEE's website: <https://doee.dc.gov/service/greenhouse-gas-inventories>.

5. The Performance Accountability Report indicates that we did not meet our GHG emissions goal for FY 2020 because the numbers for natural gas consumption in 2017 were revised. Why were these numbers revised? How does this affect future goals?

We obtain natural gas consumption data from MWCOG. During the most recent regional inventory update, MWCOG received revised data, and we updated our local inventory to reflect those changes. We had noted the original 2017 consumption figures seemed low in comparison to prior years, and the revised figures are much more in keeping with recent trends. Emissions fluctuate year-to-year due to weather and other factors, so missing our goal in one year does not necessarily affect our overall progress and ability to achieve future goals.

6. At the hearing, Director Wells stated that DOEE has been involved in DOEE's congestion pricing study. What has DOEE's role been in this study? Will this study be considered in the Carbon Free DC plans for the transportation sector?

DOEE has been involved in the decongestion pricing study undertaken by the DC Sustainable Transportation Coalition, participating on the advisory group. The study

will be considered in Carbon Free DC strategies for the transportation sector to drive greater use of alternatives modes of transportation.

- At the hearing, Director Wells stated that DOEE has considered Vehicle2Grid technology to allow electric vehicle batteries to serve as storage capacity for the grid. Would DOEE support a pilot of this technology in the District? If so, does the Agency have any recommendations for where this pilot should be located?

DOEE and DDOT have explored this emerging technology, but we are not currently implementing any V2G projects. DOEE has provided comments under PSC’s grid modernization case (Power Path DC, or FC1130), requesting that the Commission begin to implement a grid modernization framework that would provide customers with price signals for using distributed energy resources (DER) to provide grid services (including EVs and stationary batteries). The Commission’s Power Path DC Pilot Project Governance Board, which DOEE chairs, is considering grid modernization pilot projects to fund, and has reviewed several concepts, including a V2G pilot. The Commission is also planning to fund a study on the Value of DER, which will calculate the value of different DER in the District on different types of feeders, including EVs and V2G.

- How many households received relief under the CRIAC program this year, by CAP? How many nonprofits? How many applicants were denied in FY 2020?

Approved for CRIAC Relief in FY21 (YTD 3.18.21)	
<b>CRIAC Discounts</b>	
CAP 1	3,042
CAP 2	400
CAP 3	129
<i>Discount Total</i>	<i>3,571</i>
<b>COVID-19 Emergency Relief</b>	
CAP 1	1,401
CAP 2	108
CAP 3	31
<i>Emergency Total</i>	<i>1,540</i>
<b>Nonprofit</b>	
<i>Nonprofit Total</i>	<i>84</i>
<b>Denied for CRIAC Relief in FY20</b>	
<b>Residential</b>	55
<b>Nonprofit</b>	1

- DOEE’s pre-hearing responses state that expenditures from the Stormwater Permit Review Fund were \$5 million less than planned due to contracts and

activities being delayed due to the public health emergency (PHE), and that some vacant positions were not filled due to spending freezes.

- Please describe the delayed contracts and activities.

Due to the spending freeze, some contracts or grants for MS4 studies and projects that hadn't yet started weren't able to be started in FY20 as planned, totaling about \$2.25 million. Also, about a dozen other contracts or grants weren't fully spent down as a result of the spending freeze, including about 7 for various Riversmart programs.

- Please describe the unfilled positions. Do you expect these positions to be filled in FY 2021?

Currently, the Natural Resources Administration (NRA) is actively recruiting for 11 vacant positions. These positions cross all programs and divisions; including the wetlands program, TMDL program, RiverSmart, foodservice ware inspection, etc. NRA expects to continue recruiting to fill all vacant positions as quickly as possible.

10. According to the pre-hearing responses, all of the District's progress on stormwater management comes from capturing water on impermeable surface, while the amount of permeable surface has remained static. Does DOEE have any strategies or programs to create more permeable surface in the District?

DOEE has a number of programs that remove impervious surfaces and create more permeable area through direct investment and incentives. The RiverSmart Rebate Program provides rebates to District homeowners who remove impervious surfaces and replace them with permeable pavement or re-vegetate. Similarly, the RiverSmart Rooftops program provides rebates for properties that install green roofs.

DOEE's Stormwater Retention Credit (SRC) Trading Program helps to leverage private investment for green infrastructure practices that restore the District's streams and rivers. Properties can generate SRCs by voluntarily installing green infrastructure or by removing impervious surfaces. The SRC program has incentivized GI projects that have retrofitted nearly 20 acres of unmanaged area in the MS4, with over 10 additional acres in the design process. The District continues to refine the program to increase the demand for the SRCs that do the most to protect the Anacostia and Potomac Rivers.

DOEE's Clean Water Construction Program provides grant funding for projects that improve water quality, including projects like large scale tree plantings, stream restoration, Green Alleys, and impervious surface removal in the Public-Right-of-Way.

Lastly, DOEE's stormwater regulations require that development projects install green infrastructure that typically results in more permeable surfaces. Through these programs, the District is effectively reducing over 200 acres of impervious surface each year.

11. Director Wells stated at the hearing that DOEE issued emergency regulations to address an EPA rollback in June 2020 that would left 60-70% of the District's wetlands unprotected under federal regulations. What steps is DOEE taking to make these regulations permanent? Please include the anticipated timeline as part of your response.

DOEE plans to finalize these regulations by May, when the current emergency regulations would expire.

12. DOEE's pre-hearing responses indicate that number of DOEE-funded tree plantings decreased significantly between FY 2019 and FY 2020. What is the reason for this decrease? Are there plans to make up for this decrease in FY 2021?

The number of trees planted in FY20 by all entities was 12,974. This is down slightly from FY19 (15,726), but still above the annual target to meet our 40% canopy goal on time. Plantings were impacted by COVID for a time while agencies and grantees developed protocols for safe tree planting. Tree planting numbers are at their normal level in FY 21.

13. DOEE's pre-hearing responses indicate that the number of RiverSmart home audits were down in FY 2020 due to COVID.
  - When does DOEE expect to return to the previous pace of audits for this program?

DOEE returned to the previous pace of auditing near the start of the fiscal year. We have set a goal to audit properties at a pace that returns the program to a typical wait period by the end of the calendar year.

- We continue to see a large disparity between wards for this program. Participation is particularly low in Wards 1, 2, and 8. What is the cause of these disparities? What actions is DOEE taking to address them?

The variation in RiverSmart Homes participation across wards is primarily due to differences in housing stock available in different wards. In other words, Ward 4 has a significantly higher population of program-eligible property owners (single family homeowners with yard space) compared to Ward 2 where there are multi-family residential properties. A second, less significant factor is home

ownership. Participation in RiverSmart Homes requires the permission of the homeowner. In locations with higher levels of rental properties, this can be a barrier to entry as the renter must seek the permission of the property owner.

14. The Performance Accountability Report indicates that the District has far exceeded its targets for green roofs over the past few years (over 600,000 square feet in FY 2020 and FY 2019, compared to the 300,000 square foot target. Given that the District is now exceeding its targets by 200 percent, should these targets be revised to be more ambitious?

Green roofs are an effective tool for reducing the District's impervious footprint to improve stormwater management and heat island. However, the use of green roofs is one of the most expensive options for stormwater best management practices (BMPs). DOEE does not recommend increasing this metric in order to maintain flexibility to implement the most cost effective BMPs.

15. Regarding the Office of Urban Agriculture:

- Please provide an update on the land lease program. Have any leases been executed? Is the District planning to make any additional leases available?

In FY18, DGS awarded two parcels, though only 1 is currently moving forward—Apogee Farms in Ward 6. Due to COVID-19 and a lengthy negotiation process, the contract took longer than had been anticipated, and was completed in March 2021. The second project, in Ward 4, has stopped moving forward based on community input.

- Please provide a list of the properties receiving tax abatements, along with the amount of the abatement, under the Urban Farming Tax Abatement Program.
- 
- **FY 2020—Tax abatement to 4 entities for a total of 6 parcels; amount: \$39,899.86**
    - Up Top Acres (business, rooftop), Ward 6, 2 sites –
      - 1015 Half St SE 20002 - \$20,000
      - 55 M St. SE 20003 - \$10,000
    - Andrew Limm (in-ground), Ward 8
      - Fairland Ave, no street address - \$4,365.60
    - City Blossoms (non-profit, in-ground), Ward 6
      - 1517 Marion St. NW - \$1,856.51
      - 1519 Marion St. NW - \$1,856.51
    - Little Wild Things (business, indoors), Ward 5
      - 910 Bladensburg Rd NE suite B - \$1,821.24

- **FY2021 (to date)—Tax abatement to 2 entities for a total of 6 parcels; amount \$25,518**
  - Up Top Acres (business, rooftop), Ward 6
    - 1015 Half St SE 20003 - \$10,000
    - 55 M St. SE 20003 - \$10,000
  - City Blossoms (non-profit, in-ground)
    - Ward 6
      - 1517 Marion St. NW - \$1927.51
      - 1519 Marion St. NW - \$1927.51
    - Ward 4
      - 516 Kennedy St. NW - \$831.65
      - 518 Kennedy St. NW - \$831.31
- Director Wells stated that the Office is expected to receive a federal grant from the EPA. Please provide information about this grant, including amount and purpose. Please also provide information about any other grants that the Office is seeking.

OUA has not received an EPA grant to date. In FY20, we applied for a USDA grant that we did not ultimately receive. We anticipate applying for future USDA grant opportunities, as well as other federal and philanthropic opportunities to advance our urban agriculture work. We are also working with EPA on funding opportunities that could be available in the future.

16. DOEE's pre-hearing responses note that a sustainable materials management position was left vacant due to the hiring freeze, so Fix-It clinics and recycling partnerships did not advance.
- What does this mean in practice for these programs? Please provide details about what programming was changed.

The sustainable materials management position was vacant for one year. During this time, which coincided with the public health emergency, DOEE did not coordinate or publicize Fix It clinics, swap events, or sector-based engagement such as our ReThread efforts for textiles. We also consulted with many fewer event organizers on zero waste events. We anticipate restarting these efforts later in 2021 when in-person events are recommended again.

- When does DOEE anticipate filling this position?

The position was filled as of February 28, 2021.

17. Under the Pesticide Program, on February 1 of each year, operators are required to submit amounts of pesticides applied for the prior year. Due to the PHE, DOEE allowed extensions for these operators.

- Given that the February 1 deadline was before the PHE began, why did DOEE extend the deadline?

Each year, by February 1, operators are required to submit the amounts of pesticide products applied for the prior year. Due to COVID-19, we allowed extensions to 63 operators that were not in compliance by Feb 1, 2020. We exercised this discretion in part because of the public health emergency, but also because there was a temporary issue with our contractor's database system that prevented us from knowing when operators uploaded data, which would have made enforcement difficult.

- How long was the extension?

Although the usage submissions were due February 1, 2020, the program could not confirm that the operators did not submit the data on time. Consequently, the program exercised its enforcement discretion and afforded the operators an extension, but no official or written extension was communicated to the regulated community.

- The pre-hearing responses state that DOEE has sent further communication and that non-response will result in a \$1000 fine. Is this still referring to the submissions that would have been due in 2020?

No, we are working on enforcing against the February 1, 2021 deadline.

- How is this extension affecting the submission requirements for 2021?

The 2020 extension will have no bearing on 2021, the program is putting together a list of delinquent filers, which will subsequently result in NOIs being issued.

#### 18. Regarding the Lead Reduction Program:

- How many applications has DOEE received under the Lead Reduction Program?

Currently we have 17 applications for the program.

- How will DOEE address the difficulties faced in previous grants for the Lead-Safe Washington Program of ensuring residents who need it can make it through the application process and qualify? How will DOEE ensure that it is able to meet the targets for the number of units to be remediated?

DOEE has launched an aggressive social media campaign, facilitated numerous Q&A sessions, coordinated with OCA's Front Door effort, and soon we will launch an online application to simplify the application process.

In addition, DOEE has reached out to past weatherization program participants to gauge their interest in the lead program since over 30% of them reside in a dwelling built before 1978.

19. The Lead-Hazard Prevention and Elimination Act does not include DCHA in its definition of “owner” subject to DOEE enforcement. Is it DOEE’s contention that the Council needs to clarify this language before your agency can enforce lead requirements at DCHA properties? How does DOEE plan to monitor that public housing residents are living in residences free of lead-based paint hazards?

The Lead Hazard Prevention and Elimination Act (§ 8–231.01(30)) defines "owner" as "a person, firm, partnership, corporation, guardian, conservator, receiver, trustee, executor, legal representative, registered agent, or the federal government, who alone or jointly and severally with others, owns, holds, or controls the whole or any part of the freehold or leasehold interest to any property, with or without actual possession." The Auditor recommended that the Council amend the language. DOEE made the same recommendation when the Council was considering amending the Act.

20. How has DOEE adjusted its lead-based paint enforcement during the COVID-19 pandemic?

The Lead and Healthy Homes Program ceased conducting in-person home environmental risk assessments during the PHE. We began conducting virtual assessments in lieu of in-person. Some of the assessments were a hybrid of interior virtual assessment and in-person exterior visual assessments and sampling. The program continued to accept new clients and to provide education, technical assistance, and referrals to other services as indicated. The program also received a waiver from DMOI and OCA to purchase healthy homes items for clients, including cleaning supplies. DOEE conducted 20 virtual or in-person abatement lead-based paint notification and permit audits during FY 20, compared with 61 in FY 19.

- Has there been a decrease or increase in lead-based paint complaints since the pandemic began?

There has been a decrease in complaint referrals since the pandemic began.

- During the pandemic, has the District seen a decrease in the percentage of children receiving lead screenings on schedule?

Yes, there was a decrease in children tested for lead in FY20, likely as a result of the PHE. In FY 20, 13,469 children under six received at least one blood lead test. In FY 19, 15,849 children under six received at least on blood lead test.

21. Has DOEE used its additional authority such as multiday fines or working with other District agencies to deny permits for landlords who continue to not comply with lead laws?

DOEE has used its authority to deny its permits to applicants who continue to not comply with lead laws. During the permit application review process, DOEE reviews the applicant's enforcement history. If there is a history of violations, the application may be discussed with our Office of General Counsel for a potential denial for the issuance of the permit.

22. Did DOEE conduct any audits of selected landlords in FY2020 regarding their compliance with the disclosure and recordkeeping requirements set forth in Lead-Hazard Prevention and Elimination Act of 2008 (D.C. Law 17-381; D.C. Official Code § 8-231.01 et seq.), as amended? If so, please describe the overall findings from those audits.

DOEE did not conduct audits of landlords in FY 2020 regarding compliance with the DC Lead Disclosure form and recordkeeping requirements. However, DOEE did issue document request letters to landlords for copies of the DC Lead Disclosure forms, DC Tenant Rights forms, and any clearance documents issued to their tenants. Overall, larger established property owner/management companies are complying with the requirements while the smaller ones are not. DOEE provided compliance assistance to those who responded to the document request and enforced when necessary.