

2022 Performance Oversight Pre-Hearing Questions Part I
Department of Energy and Environment

A. ORGANIZATION AND OPERATIONS

1. Please provide a complete, up-to-date **organizational chart** for the agency and each division within the agency, including the names and titles of all senior personnel. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.
 - Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions. For vacant positions, please indicate how long the position has been vacant.
 - Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

Response:

See attachments Q1a and Q1b.

To increase the overall effectiveness of the Regulatory Review Division (RRD), within the Natural Resources Administration, the following changes were made:

A new branch was created within the Regulatory Review Division to assume some of the functions in the preexisting Water Resources Protection and Mitigation Branch. The Water Resources Protection and Mitigation Branch was responsible for a very diverse array of programs, which was extremely difficult for a single supervisor to effectively manage. With the addition of the new branch, RRD can maintain all its existing functions and programs. The Water Resources Protection and Mitigation Branch was separated into two branches. The name of the new branch is the Green Infrastructure (GI) Incentives and Assessment Branch. One new Supervisory Environmental Protection Specialist (MS-14) position was created to be the supervisor for the newly created GI Incentives and Assessment Branch, which was filled on October 24, 2021. With this realignment, all non-management staff retained their current duties. Staff in the new GI Incentives and Assessment Branch now report to the new Branch Chief.

The Water Resources Protection and Mitigation Branch was renamed the Water Resources Plan Review and Flood Control Branch. The existing Branch Chief continues to serve under the new branch name.

The Building Permit Plan Review Branch was renamed the Stormwater and Green Area Plan Review Branch. The renaming will help to better distinguish

for customers the review programs it manages during construction permitting versus the review programs managed by the Water Resources Plan Review and Flood Control Branch. The existing Branch Chief will continue to serve under the new branch name.

In FY21 DOEE started the process to stand up a new administration, which it completed in FY22. The new administration is entitled the “Utility Affordability Administration” (UAA). DOEE realigned the Affordability and Efficiency Division to better serve DC residents. In UAA the new “Residential Services Division” was created. Due to the high-level of federal funding, UAA ensures the necessary structure to manage critical resources. The former Energy Efficiency and Conservation Branch and Water Services Branch are now both under the Residential Services Division. The UAA works to curb potential impacts on the low-income and vulnerable population of the District as the city works towards completing a clean energy transition, as well as addressing the environmental impacts of the past, such as partial lead service lines. Two new divisions were created the Residential Services Division and the Utility Assistance Division.

Residential Services Division (RSD)

The Residential Services Division is comprised of the Energy Efficiency Conservation Branch (EECB) and the Lead Hazard Reduction Branch (LHRB).

The EECB assists residents in reducing their energy consumption by providing technical and financial assistance to help identify and install audit-recommended energy efficiency measures. The EECB also provides financing solutions to help commercial property owners implement energy efficiency improvements. The EECB is also dedicated to educating District residents about the efficient and safe use of energy.

The LHRB helps residents make their homes safer by providing technical and financial assistance for identifying and addressing lead hazards. The LHRB provides assistance to low-income residents with lead-based paint hazards through the Lead Reduction Program, and to all homeowners with partial lead service lines through the Lead Pipe Replacement Assistance Program.

Utility Assistance Division (UAD)

The Utility Assistance Division is comprised of the Energy Affordability Branch (EAB) and the Water Affordability Branch (WAB).

The EAB manages the Utility Assistance Administration’s direct subsidy programs that assist low-income District residents with their energy bills. The EAB also provides emergency and non-emergency financial assistance to low-income residents through the Low-Income Home Energy Assistance Program. Finally, the EAB administers the Utility Discount Programs that provides discounted rates on residents’ electric, natural gas, and water bills.

The WAB manages the Utility Assistance Administration's direct subsidy programs that assist low-income District residents with their water bills. The WAB provides emergency and non-emergency financial assistance to low-income residents through the Low-Income Household Water Assistance Program, and administers the Clean Rivers Impervious Area Charge Residential Relief Program that provides discounted rates on residents' water bills.

2. Please list each **new program** implemented by the agency during FY 2021 and FY 2022, to date. For each initiative please provide:
 - A description of the initiative, including when begun and when completed (or expected to be completed);
 - The funding required to implement the initiative;
 - Any documented results of the initiative.

Response:

Green Stormwater Infrastructure (GSI) Maintenance and Training Program

Starting in FY21 utilizing American Rescue Plan Act (ARPA) funds, the agency has been standing up a green stormwater infrastructure (GSI) maintenance and training program for District-owned and financed GSI. This effort will be ongoing long-term.

Kingman Island Rangers Program

This is a new effort funded under ARPA for underemployed young adults that trains, employs, and provides wraparound services for three full-time and two seasonal Rangers to conduct environmental restoration, educate District students, serve as interpretive hosts, and maintain amenities at Kingman and Heritage Islands. This effort will be ongoing long-term.

Kingman Lake Wetlands Program

This is an effort funded through a National Fish and Wildlife Foundation (NFWF) grant and local capital to restore ten acres of wetlands in Kingman Lake in coordination with the Anacostia River sediment project. The designs are expected to be completed at the end of FY23 or early FY24.

Affordable Housing Retrofit Accelerator

On December 8, 2021, DOEE launched the Affordable Housing Retrofit Accelerator to provide direct technical and financial assistance to multifamily affordable housing buildings so they can meet the compliance requirements of the Building Energy Performance Standard (BEPS). The Accelerator is funded by the American Rescue Plan Act, and will be implemented in partnership with the DC Sustainable

Energy Utility (DCSEU), DC Green Bank, and the Building Innovation Hub. DOEE is in the early stages of implementation.

Lead Reduction Program

The U.S. Department of Housing and Urban Development HUD funded Lead Reduction Program was launched in FY21, and DOEE began accepting the first applications to remediate lead hazards in low-income homes. The program provides funding to reduce or eliminate lead-based paint hazards in single-family and multifamily properties up to \$11,000 per unit for repairs.

Clean Rivers Impervious Area Charge (CRIAC) Emergency Residential Relief Program

DOEE administered the CRIAC Emergency Residential Relief Program in FY21 and provided \$1.1M in relief to District households.

Through the Urban Sustainability Administration (USA), DOEE launched the following programs in FY22: 1) Battery Product Stewardship; 2) Donation & Reuse Program; 3) Green Food- GHG Emissions Assessment; 4) Environmentally Preferable Products & Services (EPPS). Each new program is in preliminary stages of development with further detail provided in subsequent responses.

3. Please provide a complete, up-to-date **position listing** for your agency, ordered by program and activity, and including 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 (separately), including the specific grade, series, and step of position;
- Job status (continuing/term/temporary/contract);
- Whether the position must be filled to comply with federal or local law.

Please note the date that the information was collected

Response:

See attachment Q3

4. Does the agency conduct annual **performance evaluations** of all of its employees, and was this done in FY 2021? Who conducts such evaluations? What are the performance measures by which employees are evaluated? What steps are taken to ensure that all agency employees are meeting individual job requirements? What steps are taken when an employee does not meet individual job requirements?

Response:

The agency 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 the "e-Performance" system. For FY 2021, the agency was 100% compliant with a total of 322 total eligible performance evaluations completed.

Performance Management, through the e-Performance system focuses on planning and communicating employee expectations at the beginning of the rating period. Managers/Supervisors discuss with the employee how competencies relate to the employee's job, set S.M.A.R.T (specific, measurable, attainable, realistic, time related) goals and individual development plans to accomplish performance expectations and develop objectives during the performance management period.

There are five core competencies for all employees, including: (1) accountability; (2) communication; (3) customer service; (4) goal attainment; and (5) job knowledge. There are three additional core competencies for management, including: (1) leadership; (2) management of others; (3) and operational and strategic planning. The manager, in collaboration with the employee, creates an Individual Development Plan (IDP) for the employee. The IDP is for development purposes only and not part of the evaluation at the end of the performance management period. The objectives of the IDP are designed to improve the knowledge, skills, and abilities of the employee, focus on areas of ongoing professional development or address areas of development from preceding review years. Managers/Supervisors are committed to providing continuous feedback to staff throughout the performance period through one-on-one communications and mid-year progress discussions.

If an employee is experiencing performance issues, a Performance Improvement Plan (PIP) is developed to facilitate constructive discussion between the employee and the immediate supervisor to clarify areas of work performance that must be improved. The PIP provides the employee an opportunity to demonstrate improvement in those areas identified. A PIP issued to an employee may last for a period of thirty to ninety days and must include the specific performance areas in which the employee is deficient and provide concrete, measurable action steps the employee can take to improve in those areas. At the end of the PIP period, the immediate supervisor issues a written decision to the employee within ten (10) business days as to whether the employee has met or failed to meet the requirements of the PIP. If the employee fails to meet the PIP's requirements, the immediate supervisor can extend the PIP for an additional period (no more than ninety (90) days inclusive of any extension(s)) or reassign, reduce in grade, or

remove the employee from the position, subject to applicable collective bargaining agreements and the District Personnel Manual.

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.

Response:

[See attachment 5](#)

6. Please provide the position name, organization unit to which it is assigned, and hourly rate of any **contract workers** in your agency, and the company from which they are contracted.

Response:

[See attachment Q6.](#)

7. Please provide the Committee with:
 - A list of all employees who receive cellphones or similar communications devices at agency expense.
 - ◆ Please provide the total cost for mobile communications and devices at the agency for FY 2021 and FY 2022 to date, including equipment and service plans.
 - A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned.
 - A list of employee bonuses or special award pay granted in FY 2021 and FY 2022, to date.
 - A list of travel expenses, arranged by employee.
 - A list of the total overtime and worker's compensation payments paid in FY 2021 and FY 2022, to date.

Response:

[See the following attachments:](#)

[Q7a – Employees with cellphones or similar communications, and the total cost for mobile communications and devices at the agency](#)

[Q7b – List of all vehicles](#)

[Q7c – List of employee bonuses or special award pay and overtime pay](#)

Q7d – List of travel expenses

DOEE had two worker's compensation claims in FY21 and FY22, to date. The District paid \$15,880.32 in FY21 and \$828.61 in FY22 to resolve these claims.

8. Please provide a list of each **collective bargaining agreement** that is currently in effect for agency employees.
- Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
 - Please provide, for each union, the union leader's name, title, and his or her contact information, including e-mail, phone, and address if available.
 - Please note if the agency is currently in bargaining and its anticipated completion date.

Response:

AFGE Local 2725

Robert E. Smith, President, ugenessmith@icloud.com (202) 677-3681

198 employees covered

Union agreement effective through September 20, 1990

AFGE Local 631

Barbara Milton, President, barbara.milton@dcwater.com 202-236-0500

56 employees covered

Union agreement effective through September 30, 2017

AFGE Local 2978

Carroll Ward, President, carroll.ward@dc.gov 240-893-8349

7 employees covered

Union agreement effective through September 30, 2017

AFGE Local 1403

Bob Deberadinis, President, Robert.deberadinis@dc.gov 202-724-6642

6 employees covered

Union agreement effective through September 30, 2023

9. 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.

Response:

See attachment Q9.

10. Please describe the agency's procedures for investigating allegations of **sexual harassment** or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2021 and FY 2022, to date, and whether and how those allegations were resolved.

Response:

Allegations of sexual harassment or misconduct committed by or against employees of DOEE are handled in accordance with the procedures established in Mayor's Order 2017-313, "Sexual Harassment Policy, Guidance and Procedures." The complaints are investigated by Sexual Harassment Officers designated by the Department. The investigations must be done within 60 days of the report of the complaint. A notification of findings of fact and conclusions in the investigation report are provided to the complainant(s) and the alleged harasser(s). Violations are acted upon by the Director in accordance with the provisions of the Mayor's Order and the Personnel Manual. The Sexual Harassment Officer (SHO) meets with the complainant and acknowledge the complaint. SHO's also notify witnesses and the alleged harasser that may be subject to investigation, and alert General Counsel immediately. The SHO then documents the complaint and the investigation takes place, with the alleged harasser being interviewed last. At this point, evidence is gathered, organized and evaluated. Based on the interviews and evidence gathered, a conclusion is reached and a draft investigatory report is given to the General Counsel. The report is then finalized and the parties are notified.

DOEE received two sexual harassment complaints in FY21 and FY22, to date. One of the complaints was resolved with a finding of sexual harassment, the other complaint was resolved with no finding of sexual harassment. Appropriate response actions were taken based on the findings for each complaint.

11. For any **boards or commissions** associated with your agency, please provide a chart listing the following for each member:

- The member's name;
- Confirmation date;
- Term expiration date;
- Whether the member is a District resident or not;
- Attendance at each meeting in FY 2021 and FY 2022, to date.
- Please also identify any vacancies.

Response:

See attachment Q11.

12. Please list the **task forces and organizations**, including those inside the government such as interagency task forces, of which the agency is a member and any associated membership dues paid.

Response:

See attachment Q12.

13. What has the agency done in the past year to make the activities of the agency more **transparent** to the public?

Response:

During the past year, DOEE continued to utilize the *D.C. Register* and its website, doee.dc.gov, to post public notices and meetings on upcoming initiatives and programs. The agency also used social media (*i.e.*, Facebook, Twitter, Instagram, LinkedIn) is also utilized to regularly promote its events and programs and disseminate information to the public. DOEE promptly responded to FOIA requests and requests from the media. Despite not being able to host in person meetings due to the COVID-19 Pandemic, DOEE took steps to ensure that the public could still participate in these meetings by hosting virtual meetings via Webex or Microsoft Teams.

14. 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?

Response:

DOEE solicits feedback from customers in a myriad of ways including via the “Ask the Director” portal on its website, doee.dc.gov. The agency also uses surveys, direct emails, social media, and open houses (virtual or in-person) to solicit feedback from customers. DOEE also seeks feedback and comments from environmental advocates, business owners, and residents when drafting its regulations and reports.

15. What has the agency done to reduce agency **energy use** in FY 2021? Did the agency’s energy use increase or decrease in FY 2021? Please identify how much energy use increased or decreased in terms of kWh and therms, and what percentage increase/decrease that is compared to FY 2017.

Response:

In FY2021, the building management company at 1200 First Street NE retro-fitted light fixtures from fluorescent light to LED for energy efficiency. Also, the management company monitored and controlled the HVAC system based on the building use during the public health emergency.

Please note that the 2021 consumption noted below includes slight estimates, as the 1200 First St management company did not have access to the consumption tied to the solar energy meters from September-December 2021. The management company has provided DOEE with five-year averages of the solar meter production from September-December, and thus that is what the 2021 consumption is based on. DOEE's consumption of electricity at the 1200 First St Headquarters increased from 796,299 kWh in 2020 to 863,198 kWh in 2021. The total change of 66,899 kWh represents an 8% increase in electricity consumption from 2020 to 2021. DOEE's consumption of electricity at the 1200 First St Headquarters increased very slightly from 866,174 kWh in 2017 to 863,198 kWh in 2021. The total change of 2,976 kWh represents an 0.34% increase in electricity consumption from 2017 to 2021. There is no natural gas consumption in the DOEE space at 1200 First Street.

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

Response:

Number of Employees Hired in FY 2021 and FY 2022, to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing	FY21: 3 FY22: 2	FY21: 1 FY22: 2
Term	FY21: 13 FY22: 13	FY21: 9 FY22: 7
Temporary	FY21: 12 FY22: 0	FY21: 5 FY 22: n/a
Contract		

17. Please provide the agency's FY 2021 Performance Accountability Report.

Response:

See attachment Q17.

B. BUDGET AND FINANCE

18. Please provide a chart showing the agency's **approved budget and actual spending**, by division, for FY 2021 and FY 2022, to date. In addition, please

describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

Response:

See attachments Q18(a) and Q18(b).

19. Please list any **reprogrammings**, in, out, or within, related to FY 2021 or FY 2022 funds. For each reprogramming, please list:

- The reprogramming number;
- The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
- The sending or receiving agency name, if applicable;
- The original purposes for which the funds were dedicated;
- The reprogrammed use of funds.
- The Mayor is currently planning a reprogramming of FY 2022 funds; what funds, if any, will come from DOEE or DOEE projects?

Response:

See attachment Q19.

20. Please provide a complete accounting for all **intra-District transfers** received by or transferred from the agency during FY 2021 and FY 2022, to date, including:

- Buyer agency and Seller agency;
- The program and activity codes and names in the sending and receiving agencies' budgets;
- Funding source (i.e. local, federal, SPR);
- Description of MOU services;
- Total MOU amount, including any modifications;
- The date funds were transferred to the receiving agency.

Response:

See attachment Q20.

21. Please provide a list of all **MOUs** in place during FY 2021 and FY 2022, to date, that are not listed in response to the question above.

Response:

See attachment Q31.

22. Please identify any **special purpose revenue accounts** maintained by, used by, or available for use by your agency during FY 2021 and FY 2022, 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 2021 and FY 2022, to date;
- Expenditures of funds, including the purpose of each expenditure, for FY 2021 and FY 2022, to date.

Response:

See attachment Q22(a) and Q22(b).

23. 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.

Response:

See attachment Q23.

24. Please provide a complete accounting of all **federal grants** received for FY 2021 and FY 2022, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2021, the amount of any unspent funds that did not carry over.

Response:

See attachments Q24(a), Q24(b), and Q24(c).

25. Please list each contract, procurement, lease, and grant ("**contract**") awarded, entered into, extended and option years exercised, by your agency during FY 2021 and FY 2022, 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;
- Whether the contract is available to the public online.

Response

See attachment Q25.

26. Please provide the details of any **surplus** in the agency's budget for FY 2021, including:

- Total amount of the surplus;
- All projects and/or initiatives that contributed to the surplus.

Response:

See attachment Q26.

C. LAWS, AUDITS, AND STUDIES

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

Response:

The Department has no underfunded or legislative requirements to report.

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

Response:

The Department has no statutory or regulatory impediments to report.

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

Response:

See attachment Q29.

30. Please explain the impact on your agency of any **federal legislation or regulations** adopted during FY 2021 that significantly affect agency operations or resources.

Response:

See answer to question number 48.

31. Please provide a list of all **MOUs** in place during FY 2021.

Response:

See attachment Q31.

32. Please provide a list of all studies, research papers, and analyses ("**studies**") the agency requested, prepared, or contracted for during FY 2021. Please state the status and purpose of each study.

Response:

See attachment Q32.

33. 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 2021 and FY 2022, to date.

Response:

Federal Emergency Management Agency ("FEMA") Grant Audit. FEMA completed a level one desk review for DOEE's financial management of the Community Assistance Program - State Support Services Element, and Cooperating Technical Partners grants between September and December 2020. FEMA found no areas of concern that would result in a finding or recommendation.

34. 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. If the recommendation has not been implemented, please explain why.

Response:

See attachment Q34

35. Please list any **reporting** requirements required by Council legislation and whether the agency has met these requirements.

Response:

See attachment Q35.

36. Please list all pending **lawsuits** that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

Response:

There are no pending lawsuits that name DOEE, or anyone at DOEE acting in their official capacity, as a party.

37. Please list all **settlements** entered into by the agency or by the District on behalf of the agency in FY 2021 or FY 2022, to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

Response:

See attachment Q37.

38. Please list any **administrative complaints or grievances** that the agency received in FY 2021 and FY 2022, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY 2021 or FY 2022, to date, describe the resolution.

Response:

Harrison v. DOEE, EEOC Charge Number 570-2020-01995 - Plaintiff, a term employee, alleged violation of Title VII of Civil Rights Act based on DOEE's decision not to extend their term employment. The case was resolved by EEOC mediation by which DOEE agreed to pay Plaintiff \$10,000 and provide a neutral job reference in return for closure of case.

DOEE also received a grievance from and employee who did not receive a Quality Step Increase (QSI) that the employee requested based on FY20 performance. The

agency submitted its response to the Step 3 grievance denying the requested relief on January 7, 2022.

D. EQUITY

39. How does the agency assess whether programs and services are equitably accessible to all District residents?

- What were the results of any such assessments in FY 2021?
- What changes did the agency make in FY 2021 and FY 2022, to date, or does the agency plan to make in FY 2022 and beyond, to address identified inequities in access to programs and services?
- Does the agency have the resources needed to undertake these assessments? What would be needed for the agency to more effectively identify and address inequities in access to agency programs and services?

Response:

In FY21, programs/services that completed external (contracted) program/service-level equity assessments included the Utility Affordability and Flood Risk Management programs. Those assessments identified specific barriers and offered recommendations that staff have been working to implement.

The Agency does not have a uniform process to assess whether programs and services are equitably accessible to all District residents. The recently released (FY21) Racial Equity Impact Assessment (REIA) may help identify gaps and opportunities at the program/service level.

- What changes did the agency make in FY 2021 and FY 2022, to date, or does the agency plan to make in FY 2022 and beyond, to address identified inequities in access to programs and services?

To address identified inequities in access to programs and services, in FY21 DOEE developed and solicited feedback on the agency's Equity Framework. Both the framework and REIA were released in early FY22. In the second quarter of FY22 all branch and division-level managers will be required to apply the REIA to an aspect of their work as part of agency-wide pilot testing of the new tool. All DOEE staff will be trained on conducting the REIA in FY2022. The agency is still in the early stages of implementation. After our FY22 agency-wide pilot, we will have a better sense of what supports are needed and where.

40. Does the agency have a racial or social equity statement or policy? Please share that document or policy statement with the Committee.
- How was the policy formulated?
 - How is the policy used to inform agency decision-making?
 - Does the agency have a division or dedicated staff that administer and enforce this policy?
 - Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

Response:

Yes, DOEE does have a racial or social equity statement or policy. In October 2021, the agency published an Equity Framework and policy that includes an equity narrative and guiding definitions. Attached and available at <https://doee.dc.gov/service/plans-and-commitments>.

The policy was formulated by breaking it down into Equity Framework components. They were drafted by DOEE's Equity Committee and went through an agency-wide review and feedback process July-August 2021. The Framework and Policy inform agency decision-making by serving as a guide for staff and is complemented by the racial equity tool (REIA) and additional training and resources for staff.

Regarding a division or dedicated staff to administer the policy. DOEE established an Equity Committee. The Committee consists of DOEE and 11 DOEE employees reflecting the diversity of the agency. Employees represent divisions across the agency and exist at all levels including managers and staff. The DOEE Strategic plan integrates equity into each of the North Stars of the agency, and thus every division is involved in advancing equity, racial equity, and environmental justice through our programs and services. The agency does not currently specifically utilize enforcement staff for the policy.

To assess compliance, DOEE is developing guidance around the use of racial equity tools (specifically, DOEE's 2nd edition REIA) but does not yet have a formal compliance policy in place.

The Equity Framework serves as a guide for staff and is complimented by a racial equity tool (REIA) and additional training and resources for staff.

41. Does the agency have an internal equal employment opportunity statement or policy? Please share that document or policy statement with the Committee.
- How was the policy formulated?

- How is the statement or policy used to inform agency decision-making?
- Does the agency have a division or dedicated staff that administer and enforce this policy?
- Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

Response:

DOEE does not have an internal EEO policy; it follows District government policies.

E. PUBLIC HEALTH EMERGENCY

42. Please give an overview of any initiatives DOEE initiated in FY 2021 and FY 2022, to date, in response to the pandemic.

Response:

In FY21 DOEE implemented the Clean Rivers Impervious Area Charge Relief (CRIAC) Emergency Residential Relief Program to provide over \$1 million in emergency relief to low-income DC Water customers. DOEE also fully expended all LIHEAP CARES Act funding; maintained a year-round emergency HVAC program by utilizing American Rescue Plan LIHEAP funding. The Agency also initiated the Low-Income Household Water Assistance Program funding to further assist low-income households with their water bills and partnered with the Department of Human Services for the DC STAY program to ensure the effective implementation of utility assistance as part of the Emergency Rental Assistance program.

As schools transitioned to virtual learning in FY21, the District's Meaningful Watershed Education Experiences (MWEE) program, which includes overnight field trip experiences was put on hold. Recognizing that field trips were unlikely to occur in FY22, DOEE initiated a "Nature Near Schools" (NNS) program that would be designed to provide the same high quality outdoor environmental education experiences while interacting with the nature in and around their community. DOEE hopes that this program will increase student participation in the MWEE program over time by providing more diverse programming options.

43. How were DOEE's operations been affected by COVID-19 in FY 2021?

Response:

Inspections under the Urban Sustainability Administration moved from in-person to records inspections (website verifications) for some portion of the year for Product Stewardship; Fix-It Clinics were not held.

Field staff in the Water Quality Division and Watershed Protection Division were able to return to activities in FY21 due to COVID vaccines becoming widely available. Also, National Pollution Discharge Elimination inspections resumed.

Angling Education programs began in April 2020 with the requirement that participants wear masks and social distance. In FY21, the angling education program actually expanded with staff hosting 12 fishing events from April-September 2021. The Aquatic Resources Education Center (AREC) has not reopened since closing in March 2020, but aquatic resources education programs were provided online during 2020 and outdoors for schools and camps beginning in July 2021.

Due to the chance of passing the virus on to the bats, no survey activity that requires direct contact with the bats was allowed by US Fish and Wildlife Service in FY21. DOEE staff used acoustic devices to complete some bat surveys, but have not used mist nets, which has been a standard part of the survey work in the past.

Field staff in the Toxic Substances Division, Air Quality Division, and Lead-Safe and Healthy Homes Division returned to regular operations in FY21 and offered virtual assessments as needed due to case circumstances. Training provider audits were held virtually due to the COVID-19 Pandemic.

DOEE's satellite utility assistance centers shifted to a virtual environment and stopped seeing in-person clients. DOEE continued to serve the public and effectively provided over \$16 million in LIHEAP assistance in FY21. Weatherization audits continued uninterrupted by implementing in-person COVID-19 safety protocols.

44. What percentage of DOEE's total employees currently work remotely?

Response:

DOEE is currently in a maximum telework posture through January 31st due to the rising cases of COVID-19. Under normal operations (between the return to the office on July 12th and the reinstatement of telework on December 22nd) approximately 90% of DOEE staff have been approved for some form of telework schedule.

45. Please provide a copy of the agency's Continuing Operations Plan and any remote working protocol (if applicable).

Response:

Please refer any questions regarding Continuing Operations Plans to the Office of the City Administrator.

46. What agency programs and services have been impacted by revenue loss during FY 2021 and FY 2022, to date, if any?

Response:

The RiverSmart Rooftop rebate program was temporarily suspended for budgetary reasons. It has resumed but is now available only in the separated storm sewer area of the District as a cost savings measure.

Reduced Alternative Compliance Payments collected in Renewable Energy Development Fund (REDF) were impacted by revenue loss so only \$3 million was transferred to DC Green Bank.

The Lead-Based Paint Certification and Lead Abatement/Renovation permit programs observed a reduction in revenue fees collected during versus pre-pandemic fiscal years due to the impact of the public health emergency and other circumstances.

47. How has the agency ensured that all staff have access to appropriate equipment and internet connection, so as to work from home? What happens if a worker did not have the right tech or a stable connection?

Response:

DOEE IT\Telecom Team worked with agency program managers to ensure employees had adequate cellphones, MiFi devices, and Hotspot features activated to access the internet while working remotely. These components all work together to enable the employee to access the DCGov network.

Employees were also provided Virtual Private Network (VPN) access to allow them to work in the agency network environment. It allows them to connect to their desktops and work using their files and folders. They can also access DOEE servers with shared files to work on with another employee and get their tasks done on daily basis. Employees can use the Office 365 applications and access the One Drive to access, store, and share files.

DOEE IT has in place a QuickBase IT Request database form that work like a Help Desk to receive employee system issues and concerns for their virtual experience. To resolve the request, as a management tool the IT Division invested in the Bomgar Remote Desktop software tool. The remote tool allows the IT Team to take control of an employee's system virtually and assist with troubleshooting employee system problems, loading of software, drive mapping and provide system updates.

The agency purchased DocuSign Enterprise Software to allow the continuous flow of business that require signatures and routing of documents through virtual processing.

The agency has also provided employees with video, WebEx training, literature, and guides for Teleworking. Employees also received training for using a Meeting Conference App.

48. How much federal stimulus relief was directed to the agency during FY 2021 and FY 2022, to date, and for what purposes was it used? Is the agency anticipating any funding from the most recent infrastructure bill, and how will that be factored into the upcoming budget submission or supplemental?

Response:

In FY21, DOEE received \$14.5 million in American Rescue Plan Act funds for the Low-Income Household Energy Assistance Program (LIHEAP) and \$1.3 million in Consolidated Appropriations Act and \$1million in American Rescue Act funds for the Low-Income Household Water Assistance Program (LIHWAP) to provide utility assistance to low-income households. In coordination with the Department of Human Services, DOEE administered \$8.6 million in Emergency Rental Assistance funding in FY21 and \$7 million in FY22 through the STAY DC Program. Lastly, DOEE's Natural Resources Administration received \$163,000 in ARPA Local Revenue Replacement to establish a Kingman Island Rangers Program and support the DumpBusters program to enforce against illegal dumping in the District. Since DOEE received the funding for Kingman Rangers and DumpBusters at the end of FY21, it only spent \$12,632 in FY21.

In FY22, DOEE received \$82.9 million in American Rescue Plan Act Coronavirus State Funds and Local Revenue Replacement for the following:

- \$34.8 million to launch an Affordable Housing Retrofit Accelerator Program that provides technical and financial assistance for multifamily affordable housing buildings so they can comply with DC's Building Energy Performance Standards (BEPS). This includes:
 - \$10 million to provide compliance assistance with the BEPS to approximately 40 Department of Housing and Community Development-financed affordable housing buildings
 - \$10.8 million to expand capital to the DC Green Bank to support construction loans for affordable housing buildings to comply with BEPS
 - \$8.2 million to the DC Sustainable Energy Utility (DCSEU) to fund energy audits and pre-development support for approximately 60 naturally occurring affordable housing buildings
 - \$5.3 million to District of Columbia Housing Authority (DCHA) to hire sustainability staff and provide compliance assistance to approximately 40 DCHA buildings

- \$400,000 for DOEE administration of ARPA funding for BEPS
- \$17.5 million to expand Solar for All and fund solar photovoltaic energy production for use by low- and moderate-income households
- \$3 million to double the number of District residents trained through Solar Works DC
- \$10 million to DC Water to fund the private-side replacement of the District's Lead Pipe Replacement Assistance Program (LPRAP)
- \$5 million to expand the District's lead hazard control program to low-income households with children older than six and address mold and moisture in low-income homes
- \$4 million to expand the District's weatherization program, allowing more low-income households to benefit from the installation of energy efficiency and health and safety measures that will lower utility bills, improve health outcomes and increase comfort
- \$8.1 million to establish a new program to maintain over 4,000 District-owned green stormwater infrastructure assets while training and placing District residents and returning citizens in living wage jobs
- \$232,000 for a Kingman Rangers Program that will train, employ and provide wraparound services for underemployed District residents and seasonal opportunities for District students to perform restoration, education, interpretation and maintenance activities on Kingman and Heritage Islands
- \$25,000 to enhance the DumpBusters program led by DOEE, the Metropolitan Police Department, and the Department of Public Works to enforce against illegal dumping

49. Was the agency a recipient of any other federal grants stemming related to the public health emergency?

Response:

DOEE's Air Quality Division and Lead Safe Healthy Housing program received a \$200,000 environmental justice grant from EPA for FY22-23. This grant will fund reducing household asthma triggers by addressing the digital divide to improve children's health and mitigate COVID-19 impacts.

Through the Consolidated Appropriations Act the Low-Income Household Water Assistance Program (LIHWAP) received \$1.3 million. DOEE also received funds for; Emergency Rental Assistance in the amount of \$8.6 million in FY21, \$7 million in FY22 to date.

50. For any reductions to services, programs, or staffing, please provide the agency's plans to mitigate those in future Fiscal Years.

Response:

For the RiverSmart Rooftops program our plan is to continue to offer this program only in the separated storm sewer area of the District to better target the funding to where it has the greatest water quality benefit.

2022 Performance Oversight Pre-Hearing Questions – Part II
Department of Energy and Environment

Safe and Healthy Housing

51. How many environmental complaints did DOEE receive from the public in FY 2021? Please break these down by topic, including air quality (broken into asbestos, indoor mold, engine idling, major sources, minor sources, odor, and other); illegal discharges into District stormwater sewers or waterways; illegal pesticide and fertilizer application; improper e-waste disposal, bag bill violations; coal tar ban violations; violations of the ban on polystyrene foam and the requirement to use compostable or recyclable food service ware; lead paint violations; lead-safe work practices; and any other categories in which the agency receives complaints.

- Please identify how many complaints in each category resulted in a written warning, notice of violation, or notice of infraction from DOEE.
- Please also identify how many proactive inspections DOEE did in each category, and how many resulted in a written warning, notice of violation, or notice of infraction from DOEE.

Response:

See attachment Q51.

52. Please provide the Committee with an update on DOEE's mold inspection and remediation work.

- How many mold inspectors did DOEE have on staff in FY 2021 and FY 2022, to date? How have they conducted mold inspections during the public health emergency?
- Is DOEE reconsidering its role in undertaking mold inspections and remediation, in light of the passage of B23-132, the Residential Housing Environmental Safety Amendment Act of 2020, which would require DCRA to undertake mold inspections at District properties? If not, does DOEE still plan to expand this program, should funding be made available?

Response:

The program had one Mold Inspector in FY21, and to date in FY22 still has one. DOEE is currently recruiting for an additional Mold Inspector. During the Public

Health Emergency, mold inspections were conducted either virtually or in-person.

As the indoor mold provisions of The Indoor Mold Remediation Enforcement Amendment Act of 2019 (Law 23-0188) are not yet funded, DOEE has made no change to its indoor mold program thus far. If the bill is funded and DCRA housing inspectors begin to respond to mold complaints, DOEE will consider how its own inspection program might change to support Department of Consumer and Regulatory Affairs' (DCRA) efforts. DOEE will still have a role in licensing mold inspectors and remediators and setting threshold levels of mold contamination.

53. How many inspectors did DOEE have on staff during FY 2021 and FY 2022, to date, to conduct lead-based paint risk assessments and clearance examinations in rental housing?

- In DOEE's responses to the Committee's FY 2021 performance oversight questions, the agency noted that it does not perform lead-based paint inspections, but risk assessments and clearance examinations. Per the agency's website, a "risk assessment determines where lead-based paint hazards may exist in a given property. If a District official finds that a lead-based paint hazard is present, then the property owner will receive a Notice of Violation or of Infraction from the District, as well as an Order to Eliminate Lead-Based Paint Hazards." Please explain the distinction the agency was making in its previous answers between inspections and risk assessments.

Response:

DOEE had six inspectors in FY21 and has the same number of inspectors to date in FY22. They conduct lead risk assessments and clearance examinations. DOEE is currently recruiting for an additional inspector.

Pursuant to 24 CFR § 35.110, a lead-based paint inspection is surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results in the investigation. A lead inspection determines the presence of lead-based paint while a lead risk assessment determines the presence of a lead-based paint hazard. According to the Lead-Hazard Prevention and Elimination Act of 2008, as amended (DC Law 17-381; D.C. Official Code §§ 8-231.01, *et seq.*) and its implementing regulations, intact lead-based paint at a pre-1978 dwelling unit or child-occupied facility is not considered a violation. The Lead Compliance and Enforcement Branch at DOEE conducts lead risk assessments to determine the presence of a lead-based paint hazard which could be deteriorated (chipping, flaking, peeling) lead-paint, lead-soil, and/or lead-dust. If a lead-based paint hazard is identified, DOEE may enforce the identification of a lead-based paint hazard by issuing one or more of the following: (1) Notice of Violation, (2) Notice of Infraction, (3) Order to Eliminate Lead-Based Paint Hazards, or (4)

Another order necessary to protect human health or the environment, or to implement Chapter 33.

SEU & Special Purpose Revenue Funds Oversight

54. DOEE oversees the District's contract with the DC Sustainable Energy Utility (SEU), and receives 10% of the contract's value for administration:
- How did DOEE work with the SEU achieve its statutory goals in FY 2021? Please identify and describe any programs that DOEE implements in coordination with the SEU.

Response:

DOEE provided advice, strategic guidance and technical assistance to help the DCSEU achieve its statutory goals and contract deliverables in FY 2021. DOEE held weekly meetings with DCSEU senior managers and subject matter experts to review and discuss new and existing program designs; performance metrics; opportunities for collaboration and leveraging of available resources; and strategic implementation approaches to ensure the successful launch of new programs and/or initiatives.

In FY21, DOEE coordinated with the Department of Small and Local Business Development, the Coalition for Non-Profit Housing & Economic Development, and the DCSEU to implement the Train Green Program, formerly known as the Sustainable Energy Infrastructure Capacity Building and Pipeline Program (SEICBP Program). The Train Green Program provides workforce development initiatives for District residents in energy-related fields and implements a training and certification program to increase the participation and capacity of Certified Business Enterprises (CBEs) and CBE-eligible firms to engage in contracts and procurements related to professional services, energy efficiency and renewable energy design, construction, inspection, and maintenance.

The Train Green Program was designed to offset the challenges impacting the local green workforce including a shortage of skilled workers, lack of understanding of green job pathways and business opportunities, misalignment between District building needs and qualified contractors, and lack of coordination within training and credentialing opportunities. The Train Green Program received \$350,000 from the Sustainable Energy Trust Fund. Building and expanding on our first year of success, the DCSEU provided a total of 20 training opportunities for the staff of CBE and non-CBE businesses, all at no cost to the registrants. A total of 217

individuals registered in at least one session, while 80 (37%) of them registered for multiple courses, featuring nine different instructional institutions utilizing DCSEU’s Zoom account as the main delivery platform.

Key accomplishments for FY 2021 Train Green Program included:

- Nearly doubled the number of participants registering for courses, from 111 in FY 2020 to 217 in FY 2021
 - 99 registrants (46%) worked at a CBE and 37 (17%) worked at CBE-eligible District-based companies.
 - Offered credentialing and certification opportunities to over 100 participants
 - Successfully implemented a tiered criteria system for course registration to clarify eligibility and reduce the number of ineligible sign-ups
 - Successfully piloted a weekend course, demonstrating a high attendance rate of participants actively working during the week
 - Marketing efforts produced a 106% increase in the DCSEU Trade Ally email network, over 1,000 new website visitors, and over 4,000 impressions to program webpage and DCSEU social media.
-
- Please identify whether the SEU met its benchmark minimums and maximums in FY 2021. For any minimum benchmarks not met, please identify any barriers to the achievement and ways DOEE can help address those issues.

Response:

The table below shows the DCSEU’s reported FY 2021 achievements against established minimum and maximum performance benchmark targets. The DCSEU *exceeded the minimum performance targets for all benchmarks, and exceeded the maximum performance targets for five of the six benchmarks* detailed below. DOEE has commissioned an independent review and evaluation of the DCSEU’s reported FY 2021 results, and will publish the final draft of the report on DOEE’s webpage once completed.

DCSEU Achievements – FY 2021

	Description of Performance Benchmark	Metric Unit	FY21 Minimum Target	FY21 Maximum Target	DCSEU FY21 Reported Results	Minimum Performance Target Achieved	Maximum Performance Target Achieved
1	Reduce Annual Electricity Consumption	MWh	461,188	576,485*	592,312	P	P

2	Reduce Annual Natural Gas Consumption	Therms	8,525,645	10,230,774*	<i>10,639,111</i>	P	P
3	Increase Renewable Energy Generating Capacity	kW	4,350	5,000*	<i>12,947</i>	P	P
4	Leverage External Funds	Dollars	\$2,500,000	\$5,000,000*	<i>\$5,667,419</i>	P	P
5a	Improve Energy Efficiency of Low-Income Properties - Spending	% of annual budget	\$3,691,667	n/a	<i>\$4,929,026</i>	P	P
5b	Improve Energy Efficiency of Low-Income Properties - Savings	MMBtu	23,378	46,556	<i>55,314</i>	P	P
6	Increase number of Green Collar Jobs	Green job FTE's directly worked by DC residents, earning at least a Living Wage	66	88	88	P	X

DCSEU Contract, FY21 Maximum Targets for Benchmarks 1, 2, 3 and 4 are cumulative targets which combine the DCSEU's FY17- FY21 accomplishments.

- What, if any, effect did the public health emergency have on the SEU's ability to meet its statutory goals in FY 2021 and FY 2022, to date?

Response:

While the pandemic precluded any on-site engagement and made the measurement and verification of energy savings or regression analysis a moot point, the DCSEU was still successful in maintaining strong participant engagement and created a valuable collaboration space for peers to discuss topics such as “how do I best take advantage of the current circumstances and assess / optimize my building’s systems, campus physical plant?” to thoughts on “how to plan for and meet COVID-related HVAC operation requirements?”. The DCSEU was also successful in introducing a customer-centric behavioral science boost to their Strategic Energy Management (SEM) training materials, and created fun and impactful printed collateral to support student/staff return-to-campus activities focused on developing new habits and energy-efficient behaviors. To date, these DCSEU-branded materials have been leveraged by all SEM cohort participants and also co-branded by two university participants.

55. Please outline the results of the Solar for All program in FY 2021 and FY 2022, including:

- The amount of renewable energy development fund dollars spent on each project.

Response:

In FY2021, the Solar for All program installed 6.5 MW of community solar and 690 kW of single family solar. We intend to install 8.8 MW of community solar and 530 kW of single family solar in FY22. DOEE has one project under the current phase of Solar for All – a \$10.6 million contract with the DCSEU.

- A list of the agencies or organizations receiving such funds, whether each organization is a nonprofit or a CBE, and whether the funds were issued through a contract, grant, or other funding mechanism.

Response:

FY21:

Grant – Groundswell (Nonprofit) - \$394,559

Grant – Grid Alternatives (Nonprofit) - \$1,000,000

Contract - BeyondTrust Corporation (CBE) - \$1,334

Contract – Vermont Energy Investment Corporation (DCSEU) Nonprofit - \$10,672,036*

Contract – USPS - \$10,000

Contract – TetraTech - \$35,178

Contract – Avid Systems (CBE) - \$1,325

Contract – Sydar of DC (CBE) - \$9,120

Contract – Foremost Advanced Creations (CBE) - \$12,217

Contract – IheartMedia - \$10,000

Contract – RizeUp Technology (CBE) - \$1,973

Contract – Changing Environments (CBE) - \$7,410

FY22 so far*:

Grant – Groundswell (Nonprofit) - \$140,481

- Has the COVID-19 pandemic had any effect on the pace of the Solar For All program, or other aspects of the program, such as community outreach and public education on the program?

Response:

Yes, the COVID-19 Pandemic has had an impact on the Solar for All Program, particularly in respect to capacity development and recruitment. Other examples of

how the pandemic has impacted the program are outlined below:

Supply Chain Constraints – Several projects had supply chain issues, some of which were overcome with only minor delays and others that resulted in significant delays. One example that stands out is the switchgear that the two community solar installations being installed by Neo, LLC needed to reach Temporary Pending Final (TPF). This equipment was delayed for over a month, which in turn pushed back the timeline for getting to TPF. TPF is one of the main items Pepco needs to begin their interconnection work on a CREF project, so this delay had a big impact on the overall timeline. Other examples included steel supply chain constraints that further delayed solar installer New Columbia Solar's Takoma SDA canopy project located at the Seventh Day Adventist facility, as well as roofing materials and pipe for some Flywheel projects.

Workforce Impacts – COVID outbreaks among construction crews with some of our subcontractors' own subcontractors delayed completion of construction on some canopy projects, and COVID cases with third-party inspectors delayed the turnaround time on inspection reports or the reporting of the results of these inspections to DCRA. It is also DOEE's understanding that Pepco had its own COVID challenges and that this created some delays for Solar for All.

Difficulty Obtaining In-Person Documentation – Getting property owner signatures on documents (*e.g.*, leases, CREF addenda) was at times difficult due to complications with meeting in person to collect these signatures. DCSEU was also constrained in our ability to conduct in-person quality control QA/QC inspections, causing us to rely on virtual inspections for the second year in a row.

In-person site visits – Homeowners are cautious of letting the subcontractors enter the home for site-visits, as well as installation. Contractors have countered this by sometimes doing interconnections at the meter rather than inside of service panels.

In-person inspections – Again this year, we have relied on virtual site visits where contractors would send photos of the site. This can sometimes cause delays if the contractors are not accurate in capturing the photos of whole array due to many different angles that they aren't able to capture.

PEPCO & DCRA – COVID has also impacted DCRA and PEPCO with their ability to deliver as well as present challenges which slows down their processes and flow down to our contractors. Since the start of the COVID-19 Pandemic, things seem to have picked back up as they've discovered new processes to manage the projects. The utility shut off moratorium disincentivized low- and moderate- income residents behind on their power bills to seek government assistance for utility bill relief.

The closure of many public and private facilities (particularly the energy assistance centers) prevented us from conducting in-person recruitments.

56. Please describe all other expenditures from the Renewable Energy Development Fund in FY 2021 and FY 2022, to date. Please describe how those expenditures differed from planned expenditures, if at all.

Response:

No difference from plans on expenditures. Other uses of Renewable Energy Development Fund (REDF) in FY21 and FY22 include:

FY21:

Grant – Electrification Coalition (Nonprofit) - \$215,388
Grant – IMT - \$100,000
Grant – Synapse - \$20,050
Grant – American Council for an Energy Future (Nonprofit) - \$19,712
Contract – Clean Energy States Alliance (Nonprofit) - \$10,000
Contract – Cadmus Group - \$29,539
Contract – Synapse - \$59,780
Contract – Xerox - \$3,229
Contract – Dell - \$10,147
Contract – Center for Renewables Integration (Nonprofit) - \$9,923
Contract – Georgetown Technology Group - \$9,925
Contract – Gas Safety Inc. - \$90,000

FY22:

Grant – Cadogan and Associates - \$29,600
Grant – Design Green - \$124,600
Grant – IMT - \$125,000
Grant – Synapse - \$154,002
Contract – Cadmus Group - \$57,043
Contract – Dell - \$3,319

57. Please describe all expenditures from the Sustainable Energy Trust Fund in FY 2021 and FY 2022, to date. Please describe how those expenditures differed from planned expenditures, if at all.

Response:

See attachment 57a – A spreadsheet titled SETF Fund 6700 – FY21 Expenditures for brief descriptions of SETF expenditures.

Actual expenditures differed from planned expenditures by approximately \$2.6 million due to anticipated revenue shortfalls which forced DOEE to reduce the number and scope of planned energy efficiency programs and workforce development initiatives for District residents.

- How much revenue was raised in FY 2021 pursuant to the fees levied under D.C. Code § 8-1774.10(b)(2A)? How much of these revenues (if able to be distinguished) were raised for each of heating oil and fuel oil?

Response:

See attachment 57b – A spreadsheet titled SETF FY 2021 Revenue Collections for a breakdown of FY21 revenue collected from Pepco, Washington Gas, and Companies that supplied fuel oil in the District.

58. Please describe all expenditures from the Stormwater Permit Review Fund in FY 2021 and FY 2022, to date. Please describe how those expenditures differed from planned expenditures, if at all.

Response:

The Stormwater Permit Review Fund (Fund 654) is utilized to fulfill the requirements of the District's Municipal Separate Storm Sewer System (MS4) Permit. The MS4 Permit is issued by the Environmental Protection Agency and includes numerous functions and metrics that must be achieved during the five-year permit term. Examples of these requirements include: (1) retrofitting 1,038 acres of impervious surfaces with stormwater management practices that capture stormwater runoff; (2) planting over 6,075 trees per year; (3) installing over 350,000 square feet of green roofs; (4) sweeping more than 8,000 miles of roads; (5) preventing 108,347 pounds of trash from entering the Anacostia River each year and numerous administrative and technical functions.

In FY21, approximately \$11.3 million was utilized to pay for personnel expenses for staff whose responsibilities address MS4 Permit requirements and to issue contracts, grants, and interagency MOUs for projects that meet MS4 Permit requirements. Finally, the fund is also used as matching funds for federal grants to implement stormwater management projects.

The FY21 expenditures were approximately \$3.8 million less than planned largely due to contracts and grants activities, procurements being delayed as well as vacant positions. The unspent funds have been included in the FY23 budget to ensure all current federal MS4 Permit obligations are met during the current permit term that ends in 2023.

To date in FY22 approximately \$4.7 million has been expended or obligated, and no such differences from planned expenditures have occurred.

Green Infrastructure

59. The Sustainable DC Plan includes a goal of using 75% of the District's landscape to capture rainwater through the increased use of green roofs and green infrastructure. Please provide a chart indicating the amount of land capturing rainwater in FY 2020, FY 2021, and FY 2022, to date, broken down by permeable surface and stormwater best management practices.

- Please provide the number of home audits completed in the RiverSmart Homes program for FY 2021 broken down by Ward.

Response:

Currently 59.3% of the District's landscape is capturing rainwater. See Attachment Q59 - Land Capturing Rainwater - for chart.

Ward 1: 70
Ward 2: 4
Ward 3: 171
Ward 4: 384
Ward 5: 416
Ward 6: 158
Ward 7: 159
Ward 8: 53
TOTAL: 1,415

- DOEE uses a database to track and account for installation of stormwater management practices in the District. Based on the data, by how many square feet did the amount of landscape treated with BMPs increase in FY 2021, broken down by watershed? How does that compare to FY 2020?

Response:

In FY21, DOEE approved 182 Stormwater Management Plans under the District's Stormwater Rule, which will result in 4.95 million square feet (ft²) draining to green infrastructure practices:

- 3,203,992 ft² in the Anacostia watershed
- 1,216,378 ft² in the Potomac watershed
- 533,598 ft² in the Rock Creek watershed

In FY20, DOEE approved 208 Stormwater Management Plans under the District's Stormwater Rule, which will result in 5.77 million ft² draining to green

infrastructure practices:

- 4,216,566 ft² in the Anacostia watershed
 - 2,234,136 ft² in the Potomac watershed
 - 1,322,114 ft² in the Rock Creek watershed
- Please provide an update on the implementation of DOEE's stormwater retention credit trading system. How many properties listed credits and how many trades occurred in FY 2021?

Response:

The Stormwater Retention Credit (SRC) Trading Program has successfully encouraged properties to install and maintain green infrastructure (GI) voluntarily. Since the program began, the total number of SRC's certified is 1,966,383 (1 SRC = 1 gal. retained/year).

FY21 program summary:

Properties listing credits for sale: 20

Total credits for sale: > 2.3 million

SRC Trades Approved: 44

Total SRC sold or transferred: 302,869

60. Please provide an update on DOEE's other stormwater management programs and efforts.

Response:

Please refer to the 2021 MS4 report story map that provides updates on DOEE's stormwater management programs and efforts:

<https://storymaps.arcgis.com/collections/792b0984eab54a998838569915e1d619>

61. How many trees were planted in the District through DOEE programs in FY 2020, FY 2021 and FY 2022, to date? Please break this down by program and by trees planted on private land vs. public land.

Response:

In FY20 and FY21: 6,684 trees were planted through DOEE programs. 4,607 (69%) were planted on private property and 2,072 (31%) were planted on public property. FY2022 data, to date, will be available on or about January 21, 2022.

62. Please provide an update on the status of the new Office of Urban Agriculture.

- Please describe the Office's major accomplishments in FY 2021 and FY 2022, to date.

- The Committee secured \$60,000 in recurring funding for urban agriculture grants in FY 2022. Have those grants been administered? Does the Office believe additional funding should be provided for this purpose in FY 2022?
- In the agency's responses to the Committee's FY 2021 performance oversight questions, DOEE shared a list of goals for the Office of Urban Agriculture during FY 2022. Please provide an update on the agency's efforts to achieve each goal:
 - *Engage with District residents on urban agriculture and understanding how food and crops are grown with a focus on socially disadvantaged population*
 - *Mitigate negative impacts and increase benefits of urban agriculture, particularly environmental*
 - *Expand land under cultivation and amount of food (and other crops) produced*
 - *Support needs of District farmers, prioritizing socially disadvantaged populations.*
 - *Streamline and align urban agriculture programs and policies by coordinating with local and national partners.*
- Has the Office set new or additional goals for the remainder of FY 2022, or plan to issue an updated set of goals soon?

Response:

During FY21 we added an additional full-time employee to the Office of Urban Agriculture (OUA). We awarded \$118,052 in grant funds to nine (9) urban agriculture projects (renovation of the Ft. Staton Rec farm Ward 8, an apiary expansion in Ward 1, completing a geodome at the Dix St. garden Ward 7, raised bed repair at Le Droit Park Community Garden Ward 1). Fifty thousand dollars went unspent due to challenges around grantee capacity, and funding cycle limitations. OUA provided just over \$51,000 in urban farm tax abatements for urban farms to six sites. A new site, The National Children's Center, was added in the first half of FY22.

The first Urban Farm Land Lease was executed in FY21 with Apogee Farms for a site in Ward 6. They are in the permitting process with DCRA.

OUA Director Kate Lee was nominated by the Mayor for the U.S. Department of Agriculture Office of Urban Ag and Innovative Production Federal Advisory Committee, and OUA partnered with Food Policy Director Ona Balkus to successfully commit the District to the Glasgow Food and Climate Declaration along with over 90 other sub-national governments.

To advance DOEE's commitment to equity, OUA has partners with another DOEE administration and the Office of the School Superintendent of Education (OSSE) to develop the "2022 Small and Accessible Grant Program", a collaborative grant

opportunity designed to increase opportunities for historically excluded groups in accessing government grants. The Request for Application (RFA) closed on Jan 18th with the goal of identifying a community partner who can sub-grant the OUA fund in support of smaller and historically excluded orgs.

In FY2021, OUA developed our first outreach materials and had them translated into multiple languages. We are also in the process of translating the Urban Farm Tax Abatement documents into multiple languages to improve access and engagement with non-English speaking populations.

The FY21 Urban Agriculture Infrastructure and Operations grant specifically targeted socially disadvantaged applicants through an eligibility standard.

OUA works closely with inter-agency partners and UDC's College of Agriculture, USA, and Environmental Sciences (CAUSES) to ensure that urban farms are maintaining healthy pesticide and stormwater management practices.

DOEE continues to work with the Department of General Services (DGS) to expand the Urban Farm Land Lease program. We are committed to building community support of the programs and are centering that work as we consider new sites. Additionally, DGS and OUA are collaborating with the Department of Parks and Recreation (DPR) to access more land in this inventory for urban agriculture, including the possibility of accessing The National Park Service's NPS land in the DPR inventory.

OUA continues to hold monthly and bi-monthly meetings with local and national urban ag stakeholders, including a sister-agency working group, an OUA-CAUSES working group, a national Urban Agriculture Directors working group representing 12 municipalities, as well as the co-chairing the Food Policy Council Urban Agriculture Working Group.

We consider the FY21 goals to be comprehensive and ongoing. What we can highlight here are some of the projects we are undertaking to achieve those goals:

1. Increasing grant accessibility
2. Investigating the intersection and best practices around reducing tensions between affordable housing and urban agriculture
3. Exploring land access opportunities with DPR
4. Developing an urban agriculture business roadmap to support UA entrepreneurs establishing themselves in the District
5. Executing a virtual Rooting DC
6. Collaborating with local universities for policy research and development in urban agriculture land access.

Lead, Water Quality, & CRIAC

63. Please provide an update on DOEE's progress toward completing the Anacostia River Hazardous Material Remediation Project, including a timeline outlining completion of major milestones that have been met or remain to be met along the way.

Response:

All activities in FY21 supported implementation of the Anacostia River Sediment Project (ARSP) Interim Record of Decision (ROD) issued September 30, 2020, that specifies the selected interim remedy for the Anacostia River, Washington Channel, and Kingman Lake. In total, an area of approximately 77 acres will be cleaned up at an estimated cost of \$35.5 million; greatly reducing the human health risk from polychlorinated biphenyls (PCBs).

Notable FY21 activities include:

- Updated project website: <https://restoretheanacostiariver.com/>
- Drafted Beneficial Use guidance (used to determine if dredged sediments can be used to create living shorelines and wetlands or if they must be disposed of offsite)
- Drafted Baseline and Performance Work Plan (used to assess effectiveness of implemented remedies and for decision making if additional remediation in the project area will be necessary)
- Drafted Pre-design Investigation work plans for Kingman Lake and Washington Channel (refines extent of sediment cleanup)
- Worked with Maryland Department of Environment and Prince George's County Department of Environment to investigate and remediate upstream sources
- Worked with the University Maryland Baltimore County, United States Fish and Wildlife Service, and United States Geological Service to refine extent of contamination and model River recovery
- Developed cost recovery strategy for Potentially Responsible Parties
- Began the Natural Resource Damage Assessment and Restoration (NRDAR) process. Preassessment Screen issued in September 2021 determined that 5 Criteria in 43 CFR § 11.23 (e) have been met to proceed with NRDAR for the Anacostia River
- Drafted the following remediation implementation schedule
 - Kingman Lake: 2023
 - Washington Channel: 2023
 - Anacostia River Main Stem: 2024

64. Please update the Committee on the expenditure of CRIAC relief funds allocated to DOEE in FY 2022.

- How much funding remained in the CRIAC relief special fund at the end of FY 2021? How much funding does DOEE anticipate will remain in the fund at the end of FY 2022?

Response:

For FY21, there was \$163,000 remaining for the CRIAC Residential Program and \$1,791,883.60 for the CRIAC Non-Profit Program. DOEE estimates FY22 expenditures of \$1.4 million, which would leave \$500,000 at the end of the fiscal year.

- During the COVID-19 pandemic, CRIAC relief funds have been utilized for low-income bill relief, rather than CRIAC-specific relief. Are funds still being used in this way? What is the agency’s plan for this special fund?

Response:

DOEE fully expended the funding allocated for the CRIAC Emergency Residential Relief program in the amount of \$1.1 million. There are not any remaining relief funds in FY22.

65. Please provide the Committee with an update on the LPRAP program, and the agency’s lead water service line replacement work.

- Please provide a breakdown of lead water service line replacement assistance provided in FY21 and FY 22, to date, by AMI grouping (recognizing that the Council combined the 100% and 80% AMI groupings in the FY 2022 budget), number of properties receiving relief, and total amount of relief provided.

Response:

In FY21, 473 applications were received, 337 applications were approved, and 224 lead service lines were replaced. The direct disbursements to contractors were \$701,661.50. The difference is due to ongoing work not yet completed by the end of the fiscal year, or failure of the property owner to choose a contractor from DC Water’s Approved Contractor List.

Applications Approved by DOEE in FY 2021			
AL I (≤80% AMI)	AL 2 (between 80% and 100% AMI)	AL 3 (≥100% AMI)	AL 3 (Didn’t submit income)

49	22	36	229
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As of January 13, 2022, 76 applications were received, 53 applications were approved, and 67 lead service lines were replaced. The direct disbursements to contractors were \$231,217.22, The difference is due to ongoing work not yet completed by the end of the fiscal year, or failure of the property owner to choose a contractor from DC Water’s Approved Contractor List.

Applications Approved by DOEE in FY 2022 as of 1/13/2022		
Income Eligible ($\leq 100\%$ AMI)	Standard ($\geq 100\%$ AMI)	Standard (Didn’t submit income)
8	2	43

- Did DOEE expend all funding provided for LPRAP during FY 2021? Was there more demand for LPRAP subsidies than funding available?

Response:

No, DOEE did not expending all the LPRAP funding during FY2021; we spent \$935,548.67. The remaining funds in the amount of \$264,451.33 will be spent in FY2022.

- Please provide an update on the work of the Lead Water Service Line Task Force, including (1) a list of Task Force members, (2) the dates of meetings held in FY 2021 and FY 2022, to date, and planned meeting dates for FY 2022 (3) copies of agendas and any other foundational documents or other materials produced by the Task Force, to date.

Response:

See Attachment Q11 – List of Lead Water Service Line Task Force members.

The Task Force was formed in October 2021, and thus, did not meet in FY2021. The first meeting took place on November 4, 2021. Below is a list of subsequent meetings for the remainder of FY2022:

- November 18, 2021
- December 2, 2021
- December 23, 2021
- January 6, 2022
- January 20, 2022
- February 3, 2022

- February 17, 2022
- March 3, 2022
- March 17, 2022
- March 31, 2022
- April 14, 2022
- April 28, 2022
- May 12, 2022
- May 26, 2022
- June 9, 2022
- June 23, 2022

Waste Diversion

66. The FY 2022 budget included funding to implement the Zero Waste Omnibus Amendment Act of 2021. Among the law's provisions is a requirement that food service entities only provide disposable food service ware upon request or at a self-service station. The legislation also establishes a grant or rebate program to support reductions in the use of disposable food service ware, and a battery stewardship program.

- DOEE required a new program staffer to support this work. What is the status of recruitment and hiring of this new staffer?

Response:

DOEE has hired one staffer to date and is working on adding at two additional positions. The recruitment for the .5 FTE for battery stewardship is open and will close January 27, 2022. We are actively implementing battery stewardship with existing staff resources to meet the statutory deadlines.

- Has DOEE begun inspections to track the disposable food serve ware requests? How will the agency be tracking compliance, given this relates to deliveries made to private residences?

Response:

The Utensils by Request requirements for third-party ordering platforms went into effect on July 1, 2021. The requirements on food-serving entities went into effect on January 1, 2022. DOEE began outreach for both requirements in the months leading up to the new requirement and inspections commenced shortly after the requirements took effect. For third-party platform compliance, to date, DOEE has mainly relied on tips submitted through 311 or doee.dc.gov/service/utensils, but plans to follow-up with inspections and enforcements should the platforms not respond to our first round of noncompliance outreach. For the food serving entity

requirements, DOEE has incorporated this into the standard Food Service Ware/Foam inspection protocols, which largely occur while observing customer-business interactions at the business establishment.

- Please provide the Committee with an update on DOEE's planning for the grant or rebate program to support disposable food service ware use reductions. How is DOEE planning for this new program, and when does the agency anticipate finalizing the new program and, separately, launching it to the public?

Response:

NRA's Watershed Protection Division and the Urban Sustainability Administration combined efforts to issue a RFA titled "2022 Small and Accessible Sustainability Grant Program" seeking a grantee to provide subgrants to support three FY22 small grant programs: Disposable food service ware reductions ("Ditch the Disposables"), Donations and Reuse grants, and Urban Agriculture grants. Included in this RFA is funding from OSSE to support funding received to reduce school-based food service ware. DOEE and OSSE are currently establishing an MOU to support this work. Applications are due January 18, 2021, and DOEE expects the grantee to be in place by early Spring. The grantee will, in turn, make subawards to eligible entities under the three grant programs later in the spring 2022.

- What is the status of the battery stewardship program established by the Act? Has DOEE begun to develop the public educational and other materials necessary to successfully launch this program? When does DOEE estimate enforcement of the new program's requirements will begin?

Response:

In early November 2021, the Sustainability and Equity Branch staff in the Urban Sustainability Administration created web content (<https://doee.dc.gov/node/1567851> and <https://doee.dc.gov/node/1122727>), which originally included a letter announcing the status of the program and a blank form for the first annual battery stewardship organization registration due on January 1, 2022. In early December 2021, staff created an FAQ document that was posted on DOEE's website partly based on questions received via email. Staff also developed a guidance document for DOEE's website for battery stewardship organizations to consult in submitting a battery stewardship plan, originally due January 1, 2022. On December 21, 2021, the DC Council voted to pass emergency legislation to extend the deadline for battery stewardship plans to January 1, 2023, and the Mayor signed this in late December 2021. As a result, the guidance document was removed from the website in anticipation of regulations being in place before January 1, 2023 that would serve a similar purpose as the guidance document. One entity (Call2Recycle) registered as a battery stewardship organization by the

deadline. Since early November, USA staff have sent regular updates to a battery stewardship stakeholder list and answered numerous questions from stakeholders.

Enforcement of the new program's requirements will commence once regulations are finalized. USA has begun drafting regulations in anticipation of a delegating Mayor's Order.

67. The Zero Waste Omnibus also establishes a Donation and Reuse Program at DOEE to increase diversion of reusable materials from landfills and incineration.

- Please provide the Committee with an update on the recruitment and hiring of the three FTEs necessary to administration of this new program.

Response:

One position has been filled and the employee started on December 20, 2021. The other two positions were posted on January 6, 2022, and close on January 27, 2022.

- Has DOEE begun work on establishing the technology platform for direct donation coordination? Please provide an estimate timeline for development and launch of this new platform.

Response:

Conversations have taken place between DOEE, the Office of the Chief Technology Officer (OCTO), and DonateNYC staff to understand how the NYC website was built. NYC staff have indicated a willingness to share the backend code for the website, and OCTO has indicated it is feasible to utilize the DonateNYC code as a backbone for DC's website. The website will be complete in FY22, with a public launch thereafter.

- Has DOEE issued, or planning to issue, grants to support this program?

Response:

The funding for the donation and reuse grants were included in DOEE's 2022 Small and Accessible Sustainability Grant Program. The RFA for the grant closes January 18, 2022, and an awardee will be announced in February. The awardee of the grant will issue smaller sub-grants in the programs of Urban Agriculture, Ditch the Disposals, and Donation and Reuse.

68. In 2021, the Council passed and funded the Green Food Purchasing Amendment Act of 2021, which established a program at DOEE to address the greenhouse gas emissions associated with the District's food procurement.

- Please provide the Committee with an update on the recruitment and hiring of the two FTEs necessary to administer this new program.

Response:

There are two positions necessary for this work: one for greenhouse gas (GHG) food procurement, and one for the Environmentally Preferable Products and Services (EPPS) policy. Both recruitments are under development now based on consultation with the Office of Contracting and Procurement (OCP) and best practice research from other jurisdictions. We anticipate that these will be open in February 2022.

- What is the status of DOEE’s work to establish a metric to estimate and track greenhouse gas emissions stemming created across the lifecycle of certain food and beverages purchased by the District? When does DOEE estimate this metric will be finalized?

Response:

DOEE has begun researching potential methodologies and consulting with experts including the World Resources Institute, members of the Cool Food Pledge, and other cities. The metric will be finalized as part of the report to Council due January 1, 2023.

- What is the status of DOEE’s work to establish best practices for agencies to reduce greenhouse gas emissions related to these purchases? When does the agency estimate this guidance will be ready? What form will it take—written guidance, trainings, etc.?

Response:

As with developing the methodology to estimate emissions, DOEE has begun research on best practices through consultation with experts including the World Resources Institute, members of the Cool Food Pledge, and other cities. The guidance will be finalized as part of the report to Council due January 1, 2023.

- Will DOEE be able to report to the Council on progress (or the lack thereof) on reaching the greenhouse gas emissions goals under this Act? By contract or by agency?

Response:

We have not yet fully determined the data that will be needed to report to Council as we explore potential methodologies but are in the process of identifying relevant agencies and their current data availability.

- DOEE is slated to begin its role in reviewing statements of work submitted to OCP for compliance with our EPPS requirements on January 1, 2023. How, during 2022, will DOEE be preparing for that role? Will DOEE be meeting directly with OCP to plan for this—and, if so, when might those meetings begin?

Response:

We will begin by updating the existing categories of EPPS specifications working in concert with OCP. To that end, meetings with OCP have already begun, including both staff-level and senior leadership-level meetings. We have established a regular meeting series to ensure that we are coordinating with OCP to meet required statutory targets.

69. How much revenue did the District collect pursuant to the Bag Law in FY 2021? How did this amount compare to FY 2020?

- Since the law’s implementation in 2010, how has single-use bag usage changed in the District? Please provide an account of the number of single-use bags used at establishments that collect the bag fee annually, since 2015.
- Please detail DOEE’s enforcement of the Bag Law in FY 2021. How many total businesses did DOEE inspect? How many fines did it issue for non-compliance?
- How does DOEE monitor compliance with the Bag Law at self-checkouts? At smaller retailers? Does DOEE have an estimated rate of compliance for FY 2021 or FY 2020?

Response:

In FY20, Bag Fee revenue was \$2,068,208.73, and in FY21, revenue was \$1,946,140.26. The agency contributes the drop in revenue to changes in consumer behavior resulting from the COVID-19 Pandemic and confusion among businesses about if the fee had been temporarily suspended during the pandemic. DOEE completed several targeted email outreach campaigns in FY20 to remind businesses of the requirements and sent postcards to over 5,000 regulated businesses in FY21 reminding them of the remittance requirements.

The law is structured such that it is not possible for DOEE to calculate total bag usage based on the amount of fees collected. The law requires businesses to report total remittances on their Sales and Use Tax Form. Remittances are calculated at \$.03 per bag for businesses that offer a bag rebate and at \$.04 per bag for those that do not. Businesses are not required to report whether they offer a rebate or how many bags they distributed.

DOEE inspected 157 businesses and issued 17 fines in FY21. DOEE suspended inspections in April 2020 due to the COVID-19 Pandemic and resumed on a limited scale in the third quarter of FY21. DOEE has now returned to standard routine inspections.

In FY20, compliance among regulated entities was 76% in FY20 and 69% in FY21. DOEE inspectors monitor compliance through in-store “secret shopping” where the inspector makes a purchase at a business and requests a bag to test for compliance. For self-check-out stations, the inspector checks to see if the computer asks for number of bags used and charges those bags on the receipt. To ensure areas of the District are not disproportionately over or under-inspected for compliance with the Bag Law, inspectors must complete ANC “Assignments”, inspecting five individual businesses per ANC assigned. The number of times an ANC is visited in a year is proportional to the number of regulated businesses located within that ANC. For example, ANC 2B is visited 11 times in a year (55 inspections total), while 4B is visited twice (10 inspections total)

Climate Resilience

70. The District’s climate resiliency work, while most focused in agencies like DOEE, spans across agencies and agency divisions. The District has made great efforts to move forward its climate resiliency work but does not have a particular agency or official leading on and coordinating this work (outside of the Mayor herself).

- Which agency does DOEE see as the lead on this work? Does DOEE believe an explicitly, cross-agency staffer or office to lead on this coordination would be useful?

Response:

Homeland Security and Emergency Maintenance Agency (HSEMA) is the lead in planning for resiliency in general, with DOEE taking the lead on climate resiliency planning. The Chief Resilience Officer, housed at HSEMA, is able to work with all District agencies as needed, as HSEMA does for many of its other programs.

- How else can we support day-to-day cross-agency coordination, if not through a single official or office leading on this work?

Response:

The City Administrator and Deputy Mayor offices support cross-agency coordination in the District on a day-to-day and long-term basis. For example, the City Administrator has asked agencies to identify how their proposed budgets address

Sustainable DC goals and responsibilities. To address flooding resilience, the City Administrator has established a Flood Task Force, which will develop a Flood Action Plan for the District to address increased flooding expected to occur due to climate change.

71. At the Committee's recent roundtable on Climate Resilience, Director Wells shared information on DOEE's work with HSEMA and other District agencies to establish resiliency hubs in the District.

- Please provide the Committee with an update on this work. Where are these hubs being sited? How is the Executive selecting ideal sites?
- How are these sites being designed? For what specific purposes – that is, for specific types of weather events or catastrophes?
- What kind of community engagement is DOEE undertaking on these sites?

Response:

Resilience hubs are facilities that are trusted by the community to provide resources before, during, and after emergencies. They complement traditional emergency response services like shelters. DOEE is supporting resilience hubs in multiple ways, including spearheading an in-depth pilot in partnership with community members in Ward 7, partnering with DPR to identify opportunities at existing and new recreation centers, and identifying funding opportunities in partnership with HSEMA.

From 2018-2021, DOEE facilitated the creation of the Ward 7 Resilience Hub Community Committee (RHCC) to advise the development of resilience hubs in Ward 7, with a focus on the Watts Branch tributary. Approximately, 87% of all single-family residential homes in the 100-year floodplain are in Ward 7. DOEE is working with the Ward 7 RHCC on a continued pilot of a first resilience hub in Ward 7 (the FH Faunerooy Community Enrichment Center) and a network of hubs to serve the micro-communities of Ward 7. With DOEE's support, the Faunerooy Center is one of the organizations designated to receive funds from Rep. Eleanor Holmes Norton's FY22 federal earmarks, and we are supporting the Faunerooy Center and Ward 7 RHCC in jointly applying for a multi-year funding opportunity. DOEE is having additional conversations around resilience hubs with DPR and HSEMA.

An important principle is that the services provided by resilience hubs should be determined by the communities they serve and may include emergency preparedness training, access to refrigeration and phone charging during emergencies, and access to air conditioning during a heat wave. In order to serve communities during all types of emergencies, resilient back up power is critical. DOEE has been exploring how to incorporate resilience hubs into its solar programs in order to help fund solar and battery storage systems.

The Ward 7 RHCC drafted a proposal for resilience hubs for their Ward (available at <https://faunteroycenter.org/resilience-hub/>) and selected the Faunteroy Center as a pilot resilience hub site. DOEE is still actively working with the Ward 7 RHCC and Faunteroy Center to continue this pilot work, as mentioned above.

DOEE is still in the process of in-depth community engagement with the Ward 7 RHCC (meeting regularly in FY22). In 2021, we supported both the Ward 7 RHCC and the FH Faunteroy Center in identifying funding opportunities and are continuing to do so while collaborating to develop a replicable model of government-recognized resilience hubs that are guided by community input and involve nonprofit/community partners. Ward 7 RHCC members are receiving stipends for their participation.

72. Please provide the Committee with an update on DOEE's efforts to achieve goals laid out in the Climate Ready DC Plan during FY 2021 and FY 2022, to date.

- What barriers in DOEE facing in meeting certain goals in the Plan?

Response:

In FY21, DOEE released the 2021 Climate Ready DC progress report https://sustainable.dc.gov/sites/default/files/dc/sites/sustainable/page_content/attachments/DOEE_ClimateReadyDC2021_Digital_Final.pdf

DOEE has had recent success in applying for federal disaster resilience funding in partnership with HSEMA for key projects such as a microgrid at the St. Elizabeth's East Campus.

73. Please provide an update on implementation of the Clean Energy DC Omnibus Amendment Act of 2018. What steps has the Agency taken in FY 2021 and FY 2022, to date, to implement the law? Has the Agency faced any unanticipated delays or hurdles?

Response:

In FY 2021 and FY 2022, to date, DOEE established the BEPS Program. This included establishing the first BEPS standards on January 1, 2021, proposing and finalizing BEPS program rules, drafting a guidebook, and conducting a Cost Benefit Analysis, all while holding bi-monthly meetings with the BEPS Task Force to keep stakeholders up to date on progress. As the Committee is aware, the BEPS program is expected to result in a 10 - 12% reduction in GHG emissions by 2032, and is a key piece of the Clean Energy DC Omnibus Amendment Act of 2018. In addition to establishing the BEPS program, DOEE has submitted comments at Public Services Commission proceedings implementing the Act and supported the Green Bank and

workforce development programs as required by the Act. Further, DOE has established a transportation electrification program and completed a transportation electrification roadmap, which we expect will be published in early 2022.

74. In November 2021, the final rulemaking for the first set of Building Energy Performance Standards went into effect.

- Please provide an update on the Building Energy Performance Standards (“BEPS”) and DOE’s efforts to reduce emissions from buildings.

Response:

In FY 2021 and FY 2022, to date, DOE established the BEPS Program. This included establishing the first BEPS standards on January 1, 2021, proposing and finalizing BEPS program rules in November 2021, drafting a guidebook and collecting public comments on the guidebook, and conducting a Cost Benefit Analysis, all while holding bi-monthly meetings with the BEPS Task Force to keep stakeholders up to date on progress.

- What kind of community engagement has DOE undertaken in FY 2021 and FY 2022, to date, regarding the new requirements?

Response:

DOE’s outreach/engagement activities related to BEPS include the following:

- Public bi-monthly meetings with the BEPS Task Force
 - Regular meetings with representatives of the affordable housing sector
 - Monthly BEPS Update Webinars held throughout FY2021
 - Regular meetings and updates provided to industry associations, such as AOBA, DCBIA, and the Consortium of Universities
 - Presentations on at least 20 different panels at the local, national, and international level
 - Creation of a four-part webinar series geared towards smaller buildings that will be subject to benchmarking and BEPS in the future
 - Building a relationship with Interfaith Power and Light to deepen engagement with the worship facility sector specifically
 - Continuous collaboration and cooperation with partners, such as the Building Innovation Hub, the DCSEU, and the DC Green Bank on how they can better inform their customers and clients on BEPS
 - Regular discussions with sister agencies, such as DGS, DHCD, OP, DMPED and DCHA on the BEPS requirements
- How is DOE working with DC Green Bank, the SEU, and other relevant agencies to help encourage compliance with the new standards prior to the

2026 deadline?

Response:

DOEE has engaged regularly with sister agencies that are subject to the requirements, such as DGS and DCHA, to ensure they understand the requirements and have the necessary support to create plans for compliance. Additionally, DOEE has engaged regularly with DHCD to discuss the impact of BEPS on the affordable housing sector and DHCD's ability to provide the proper financing to affordable housing owners and/or developers that are attempting to comply with BEPS. With respect to DOEE's other partners such as the DC Green Bank and DCSEU, we have also regular meetings to discuss BEPS with both entities, to ensure their products and offerings align with the BEPS requirements. Most pertinently, in mid-2021, DOEE began developing a concept for a BEPS Retrofit Accelerator, with a specific focus on implementing an Affordable Housing Retrofit Accelerator in FY2022 by leveraging funds from the American Rescue Plan. DOEE collaborated closely with the DCSEU and the DC Green Bank to build out the implementation and spending plan throughout FY2021. The Affordable Housing Retrofit Accelerator launched in December 2021 and will provide direct technical and financial assistance to multifamily affordable housing buildings that are attempting to comply with BEPS.

The focus in FY22 will be for DCSEU to provide energy audits to nearly 100 affordable housing properties identified by DOEE as affordable housing that do not meet the BEPS requirements. DOEE will continue to partner with DCSEU and DC Green Bank on the Affordable Housing Accelerator to ensure that these building owners have the necessary funding and financing to complete retrofits that will get them into compliance with the BEPS requirements. Separately, we are also working closely with the Building Innovation Hub on developing a comprehensive suite of tools and resources that will assist building owners with understanding the BEPS requirements and making the necessary decisions to comply.

- How does DOEE collect data on BEPS compliance, and building by building energy performance rates?

Response:

Building performance data will continue to be reported to DOEE through U.S. EPA's ENERGY STAR Portfolio Manager tool. DOEE pulls this data from Portfolio Manager into an internal data tracking database for review and storage. In FY21 and into FY22, DOEE engaged with the following vendors/entities to build out tools by which DOEE can better streamline the process for data collection and compliance tracking:

- BEPS Online Portal – Through a long-standing membership with the Northeast Energy Efficiency Partnership (NEEP), DOEE has procured access to the Building Energy Analysis Management (BEAM) tool, which has been developed by Clearly Energy and offered to NEEP members. DOEE has worked with Clearly Energy over the last year to add additional functionality to BEAM to create what is referred to in the BEPS Regulations as the BEPS Online Portal: 1) an internal data management/tracking tool that allows DOEE staff to collect, store, and review any data submitted related to the BEPS program (including data reported to DOEE through ENERGY STAR Portfolio Manager), 2) a customer relationship management tool that allows DOEE to track all customer service and compliance assistance activities, 3) the public-facing [Building Performance Help Desk](#) that houses all information related to the benchmarking and BEPS programs, and 4) a customized owner portal that will provide building owners with a one-stop-shop for submission of BEPS-related documentation and compliance tracking. All portions of the BEAM database have been fully-developed, with the owner portal set to launch publicly in February 2022.
- U.S. DOE Audit template - Through a partnership agreement, DOEE has engaged with the U.S. Department of Energy (U.S. DOE) and Pacific Northwest National Laboratory (PNNL) to build out a customized version of [U.S. DOE's audit template tool](#). The DC-specific audit template will serve as the tool by which all building owners or their project teams will submit the ASHRAE Level-II audit information required for building owners following the prescriptive pathway. Having access to this tool will allow the building owner or their project teams the ability to submit the information in a clear and concise manner, as well as allow DOEE to collect this data in a streamlined and consistent manner. The audit template is set to launch publicly in February 2022.
- U.S. DOE Retro-commissioning template - DOEE is also working with U.S. DOE/PNNL to gain access to a similar tool for collecting retro-commissioning data that building owners who choose to pursue retro-commissioning as part of the prescriptive pathway. Scope of work and timeline for development is still TBD.

75. Please provide the Committee with copies of the FEMA 100- and 500-year flood maps for the District.

- Does DOEE believe these maps are accurate, given changes in weather patterns over the past decade? How is DOEE working with FEMA to update these maps?

Response:

The easiest and most user- friendly way to see the FEMA 100-and 500-flood maps is to view them on dcfloodrisk.org.

Official Maps for the purposes of regulation and flood insurance are available in graphic form from the FEMA National Flood Hazard Layer at <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>.

Copies of the FEMA maps in “shapefile” format for use in geographic information systems (GIS) are available for download from the FEMA Map Service Center at <https://msc.fema.gov/portal/home> and can be provided to the Committee via email upon request.

DOEE believes that these maps could be made more accurate from two perspectives. The first way they could be more accurate is by using improved data and modeling. Since these maps became effective in 2010, improved hydrologic and hydraulic (“H & H”) data and improved topographic data for some watercourses has become available from internal sources and the U.S. Army Corps of Engineers (USACE). DOEE is working with FEMA to use the most recent modeling to update the District’s official flood maps through the Letter of Map Revision (LOMR) process. In the next year, DOEE will be pursuing a LOMR for Watts Branch, followed by Oxon Run. Updated modeling shows that the 100-year floodplain will shrink and the number of homes in the Watts Branch 100- and 500-year floodplains will be reduced.

The second way maps could be more accurate is by incorporating climate change projections. The FEMA maps we have today (from 2010) do not include climate change (sea level rise or increased precipitation projects). The FEMA method for creating flood maps simply looks at historical records and does not consider future conditions. This is problematic as DOEE’s own mapping efforts show that with climate change, our current 500-year floodplain will be more like the next decade's 100-year floodplain. In other words a 100-year floodplain map that incorporates latest precipitation and sea level rise trends is larger than FEMA's official floodplain map for the district. As FEMA cannot include climate change in their maps, updating the FEMA maps with future conditions is not possible, so DOEE has taken some of this future condition mapping on its own, described below.

- Please provide an update on DOEE’s flood mapping efforts. What is the status of our flood mapping? What are the agency’s next planned steps in using this data (beyond setting flood insurance requirements as prescribed in B24-410, the Flood Resilience Amendment Act of 2021)?

Response:

As FEMA flood maps do not account for climate change, DOEE is undertaking flood mapping efforts to better reflect the city's true risk of flooding. As described above, a recent collaboration with the U.S. Army Corps of Engineers (USACE) used anticipated precipitation patterns in the year 2080 to show what the 100- and 500-year floodplains will be like in the year 2080. Based on the analysis, there will be an additional 223 homes that will be at risk of a 100-year flood in 2080 compared with today's maps. These maps can help DOEE identify homes that could benefit from individual building upgrades, or benefit from a neighborhood scale infrastructure project like a levee or blue green infrastructure.

Additionally, as FEMA flood maps primarily address riverine and coastal flooding, DOEE is in the process of awarding a contract to develop an Integrated Flood Model (IFM) that incorporates modeling of interior flooding. Interior floods, also known as flash floods, are caused by heavy rainfall that cannot be absorbed by the ground and then overwhelm the drainage system. Examples of this type of flood were Bloomingdale in 2012, and the September 10, 2020, flood across Northeast, DC. Neighborhoods that flooded like Bloomingdale, Michigan Park, and Edgewood are not shown in FEMA's 100-year or 500-year floodplains because FEMA generally only maps flooding that comes from a water body like the Potomac River, Anacostia River, or streams. The IFM will map such floods by combining hydraulic models of our sewer system with models of how water will flow over streets and land. Once the maps are complete (in two to three years), DOEE will be able to identify neighborhoods that are at risk of flooding, and can begin to design infrastructure solutions to help reduce the risk.

Lastly, DOEE has used the latest climate science and modeling described above to propose changes to DOEE's Flood Hazard Rules (Chapter 31 of Title 20 of the District of Columbia Municipal Regulations). Since we expect today's 500-year floodplain to have a level of risk more like that of today's 100-year floodplain, we propose to expand the regulated area from the 100-year floodplain to include both the 100-year and 500-year floodplains. DOEE has also used the latest sea level rise projections from NOAA to create a Tidal Shoreline Buffer (TSB) overlay zone in our draft regulations. The TSB is comprised of land areas that are projected to be permanently inundated at high tide by 2080. DOEE has completed informal stakeholder outreach regarding the proposed updated rules by conducting four workshops for technical stakeholders and three presentations for the general public. DOEE aims to begin the formal rulemaking process in 2022.

76. At the climate resiliency roundtable, Director Wells mentioned several methods that could assist the District in reducing the urban heat island effect. Paramount among these was furthering our tree planting and tree canopy goals. But other recommendations included reducing incidence of pavement, painting of white roofs, and air conditioning assistance for the elderly.

- What reasonable alternatives to pavement are available, in areas where parking is needed? Until recently, permeable pavers, while a potential option, have not provided the necessary structure to support regular, repeated use by vehicles.

Response:

DOEE believes that permeable pavers and porous pavements remain a viable solution for areas designated for parking. While permeable pavers and porous pavements may not be appropriate for travel lanes on major arterials as they may not support repeated use by heavy vehicles, these alternatives to traditional pavements are viable options for parking lanes, parking lots, sidewalks, bicycle lanes, patios, and plazas. If stormwater friendly pavements are not an option, other stormwater practices such as bioretention, bio-swales, and infiltration tree-pits are additional ways to treat and infiltrate stormwater from impervious surfaces.

- What would DOEE recommend regarding white roofs—an incentive program? A requirement that roofs be painted white?

Response:

The current Energy Conservation Codes require a minimum level of reflectivity (*i.e.* cool roofs) for all new construction and major renovation projects. For existing homes and buildings, current energy efficiency programs could provide an incentive based on the level of projected energy savings.

- Does DOEE collect or have access to any data on the percentage of seniors without air conditioning? Would DOEE support subsidies or other support to assist seniors in accessing these units?

Response:

DOEE does not currently track this data; however, we tracked the number of window air conditioning units that were provided to seniors under the Safe at Home collaboration with the Department of Aging and Community Living as part of our FY20 pilot collaboration. DOEE currently serves seniors through our emergency mechanical system and weatherization programs.

- Some jurisdictions are considering requirements that ground-level parking lots install solar panel canopies. What are DOEE's thoughts on such a requirement?

Response:

DOEE is supportive of solar panel canopies over ground level parking lots. In addition to generating power, they can provide cooling and precipitation insulation for cars and drivers, requiring less automobile energy and emissions when a car departs the lot. The canopy also diverts rainwater from the lot which translates to less water pollution during rain events, which would be particularly useful in MS4 areas. Solar canopies can also offer an opportunity for electric vehicles (EV) to charge at source, which is a more efficient use of solar power. EV charging at the lot during the day can provide a good option for consumption of excess energy supply (aka the duck curve). If EV's can charge at the lot then the lot can serve as a resilience center, enabling EV's to become mobile energy platforms that can charge independently, without the grid. Finally, EV charging at source advertises and supports EV car ownership, which could improve the neighboring air quality.

- What other approaches would DOEE recommend to address the heat island effect and to reduce the severity of heat waves?

Response:

DOEE is developing a comprehensive heat strategy based on extensive input from District agencies, community partners, and residents. That strategy will recommend methods to both reduce the urban heat island effect as well as prepare residents for extreme heat. The outreach conducted to residents underscored that strategies should be neighborhood specific and driven by resident input.

COVID-19 Response

77. Please provide the following data for the agency:

- Number and percentage of staff that are fully vaccinated, by division.
- Number and percentage of staff that are not vaccinated, broken down by (1) exempt staff and (2) non-exempt staff, by division.
- Agency plans to address non-exempt unvaccinated staff, including plans for mandated leave, termination, or other action, and including timing for implementation.

Response:

Currently, 336 of 375 (approximately 90%) of DOEE employees have reported that they are fully vaccinated.

DOEE does not have any active religious or medical exemptions from the vaccination requirement at this time. All DOEE employees have been eligible to select the test-out option and so medical and religious exemptions have not been

necessary. DOEE has four employees who are exempt due to being on extended leave.

The agency will defer to guidance developed by DCHR for enforcing the vaccine mandate for all employees once it becomes effective.