

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

**PUBLIC COMMENTS**

**Energy Performance Benchmarking of Privately-Owned Buildings**

**The following is the full text of all public comments provided between July 20 and August 20, 2012 in response to a Second Notice of Proposed Rulemaking published in the DC Register on July 20, 2012. Summaries of all comments, along with responses from DDOE, are provided in the attached Responses to Public Comments document.**

**Table of Contents**

Comments from the Apartment and Office Building Association of Metropolitan Washington (AOBA).....page 2

    General Comments from AOBA.....page 2

    Comment from an AOBA member on tenant data.....page 7

    Comments from AOBA on the Second Proposed Rulemaking.....page 8

    Comments from AOBA on the Compliance Checklist guidance document.....page 17

    Comments from AOBA on the Data Collection Worksheet guidance document....page 20

    Comments from AOBA on the Non-Residential Information Request Form guidance document.....page 31



**AOBA GENERAL COMMENTS/QUESTIONS ON THE  
JULY 20, 2012 DDOE PROPOSED ENERGY BENCHMARKING RULEMAKING AND  
DRAFT GUIDANCE DOCUMENTS**

**AUGUST 17, 2012**

1. DDOE needs to clearly outline the reporting requirements for those building owners required to report energy usage data for 2010. The compliance checklist form should clearly state that for 2010 only, a building owner should provide available data even if it does not include all tenant and water information. (See DDOE Response to Public Comments, page 2: “To ease compliance, buildings that have already benchmarked for 2010 will be permitted to submit the 2010 data as is.”)

**AOBA RECOMMENDATION:** DDOE should also include information about the reporting requirements for 2010 in the building owner notification letter.

2. Since the square footage of a property for purposes of the reporting requirements are based on tax lots, what should be done when utilities provide services to a garden style apartment complex with buildings across multiple tax lots? Also, what if some utilities cross tax lots and others are building specific? Consider, for example, a garden style property that has a central heating plant for heat and hot water that includes 5 tax lots but the water is by building and the electricity is metered by building.

Per the AOBA-DDOE briefing, AOBA understands that the meter with the largest footprint or which encompasses the most units shall be used to determine the reportable property size. This will cause serious problems for residential building owners with larger garden apartments that have central systems. These owners will have to combine meters from the buildings served by the central plant but this will in no way match the tax lots. Some may even include portions of tax lots.

3. The guidance documents should include prefatory language that explains the differences between an Energy Use Intensity (EUI) result and a Portfolio Manager benchmarking score and the various factors that are considered for both. DDOE should also include a description of both terms with the benchmarking information that will be disclosed to the public via the agency’s website.

4. What is the appeal process if the District’s Office of Tax and Revenue incorrectly identifies the square footage of a property, and the building owner is NOT subject to the reporting requirement for a given year? What information will DDOE require to verify the correct square footage number for purposes of determining the applicable benchmarking reporting date?

**AOBA RECOMMENDATIONS FOR THE DDOE BUILDING OWNER NOTIFICATION LETTER:**

- (a) Inform owners that DDOE’s determination that a building is subject to the benchmarking reporting requirement is based on information obtained from the Office of Tax and Revenue’s real property database.
- (b) The DDOE benchmarking notification letter should advise building owners that believe their building is not subject to the law (either at a given size threshold or not at all), to contact DDOE and explain their situation.

*See DC Energy Benchmarking of Existing Buildings – FAQs, pages 10-11.*

**I received a letter from the District indicating I must submit a benchmarking report but I don’t think my building is covered. What should I do?**

If you have only one building on the lot, and you think that the actual square footage of the building is less than OTR says it is, such that it falls below the size thresholds, please contact DDOE at [info.benchmark@dc.gov](mailto:info.benchmark@dc.gov) and explain your situation. You may be required to submit copies of building plans to support your case. If your lot has multiple buildings on it, none of which meet the size threshold, you may still be covered by the law; see the question below for more information on multiple building situations. If your concern is that your building cannot receive a 1-100 score, see below for more information on the role of the 1-100 rating.

**I got a letter from the District claiming I have to benchmark my buildings, but I have multiple buildings on my lot, all (or some) of which are below the current size threshold. What should I do?**

If the buildings share utilities such that they constitute one campus and cannot be independently benchmarked, they should be benchmarked as one building and the threshold for compliance will be the combined floor area of all the primary spaces served by a single meter with no sub-metering. If the buildings are separately metered for all utilities, they should be benchmarked as separate buildings and the threshold will be the size of each individual building. DDOE will make initial mailings to building lots as listed in the Office of Tax and Revenue records. *If a building owner believes that a complex of buildings is not subject to the law (either at a given size threshold or at all), the owner should contact DDOE at [info.benchmark@dc.gov](mailto:info.benchmark@dc.gov) and submit signed, supporting documentation demonstrating the gross floor area of the buildings and that are separately metered for all utilities.*

- (c) Note that building owners must exclude garages and other secondary spaces for purposes of determining the size threshold for a reporting year.

**See DDOE July 20, 2012 Notice of Proposed Rulemaking (NOPR) - Energy Benchmarking Requirements, page 4: Selected Section-by-Section Explanations: Subsections 3513.1 and**

3513.2 set forth the application of benchmarking requirements through a phasing-in process based on building size. For the purpose of reporting, a building owner should calculate the gross square foot area of the building's primary spaces as defined by Portfolio Manager in order to determine if the building meets the two hundred thousand (200,000), one hundred fifty thousand (150,000), one hundred thousand (100,000), or fifty thousand (50,000) square feet size thresholds in subsection 3513.1. **For the purpose of determining the reporting threshold, secondary spaces, such as parking garages, should not be included. However, these secondary spaces must be accounted for since they contribute to the complete energy profile of a building. Thus when benchmarking a building, building owners must fully report and account for secondary spaces within Portfolio Manager.**

### **BEST PRACTICES**

- (a) New York, New York: [www.nyc.gov/html/dob/html/sustainability/benchmarking\\_faqs.shtml](http://www.nyc.gov/html/dob/html/sustainability/benchmarking_faqs.shtml)

**Question: I received a notice from the City stating I must submit a Benchmarking report, but I do not think I should have to submit a report. What should I do?**

**Answer:** If you believe that your building should not have to submit a Benchmarking report, you must send an email to the Department of Finance at [benchmarking@finance.nyc.gov](mailto:benchmarking@finance.nyc.gov). Please include the following information in your email:

- Your building's borough, block and lot number
- Your contact name
- Your contact email address and/or telephone number
- The reason you are disputing your building's square footage

- (b) **Seattle, Washington:** *See Seattle approach*, Director's Rule 6-2011, page 19, City of Seattle Department of Planning and Development.<sup>1</sup>

**B. Threshold Determination:** Although the King County Assessor's database generally defines one building per record, there are situations where multiple small buildings have been aggregated together and listed as a single record. This can create a record with a total gross floor area above the reporting threshold even though none of the individual buildings constituting that record exceeds the threshold. In these situations, **the building owner may submit signed, supporting documentation to inform the City of Seattle that they do not consider their building(s) to be subject to the benchmarking, disclosure, and reporting requirements.**

5. Will DDOE prepare a pamphlet that can be disseminated to the tenant (including retail tenants) community? When will this be available?
6. **Temporary Exemption for Federal tenants:** Because DDOE does not have enforcement authority over federal tenants, will owners be able to request an exemption under DC Official Code § 6-1451.10 and 20 DCMR §3511 for space occupied by federal tenants? The District should, at a minimum, provide a temporary exemption until GSA directs all federal tenants to comply with the District's benchmarking law.

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<sup>1</sup> <http://www.seattle.gov/dpd/codes/dr/DDR2011-6.pdf>

**DC OFFICIAL CODE § 6-1451.10. EXEMPTIONS AND EXTENSIONS.**

(a)(1) The Mayor may, in unusual circumstances and only upon a showing of good cause, grant an exemption from any of the requirements of this chapter based on:

- (A) Substantial evidence of a practical infeasibility or hardship of meeting a required green building standard;
- (B) A determination that the public interest would not be served by complying with such requirements; or
- (C) Other compelling circumstances as determined by the Mayor by rulemaking.

(2) The burden shall be on the applicant to show circumstances to establish hardship or infeasibility under this section.

(3) If the Mayor determines that the required verification requirement is not practicable for a project, the Mayor shall determine if another green building standard is practicable before exempting the project from all green building requirements.

(4) The Mayor shall promulgate rules to establish requirements for the exemption process within 180 days of March 8, 2007.

(b) Notwithstanding any other provision of this chapter, construction encompassed by building permits applied for within 6 months of March 8, 2007, shall be exempt from the verification requirements of this chapter.

(c) Notwithstanding any other provision of this chapter, construction encompassed by a contract for a disposition agreement with the District or an instrumentality of the District for a property disposition for which a request for proposals was released prior to March 8, 2007, shall be exempt from the relevant current edition of the LEED standard for commercial and institutional buildings verification requirements, unless the disposition agreement is executed more than 12 months after March 8, 2007.

(d) Notwithstanding any other provision of this chapter, the Mayor, upon a finding of reasonable grounds, may extend the period for green building verifications required in §§ 6-1451.02 and 6-1451.03, for 3 successive 4-month periods.

**20 DCMR §3511 EXEMPTIONS FROM GREEN BUILDING ACT REQUIREMENTS**

**3511.1** The Director of the District Department of the Environment (DDOE) may, on a case by case basis, grant an exemption from any requirement of the Act upon a showing of good cause by the applicant.

**3511.2 Good cause for granting an exemption under subsection 3511.1 means one of the following:**

- (a) **Substantial evidence of a practical infeasibility or hardship in meeting a required green building standard;**
- (b) A determination that the public interest would not be served if the applicant had to comply with the requirement;
- (c) LEED certification is not available for the building type that is subject to the Act's requirements; or
- (d) The building subject to the Act's requirements is unoccupied.

**3511.3** An applicant may also seek an exemption from the Act if the applicant is building a temporary building.

**3511.4** The burden shall be on the applicant to show circumstances to establish hardship or infeasibility under this section. Each applicant requesting an exemption under subsections 3511.2 or 3511.3 shall submit to the Director:

- (a) A description of public benefits proposed that are not otherwise required by any applicable law or regulation; and
- (b) Any other information required by the Director.

**3511.5** An applicant seeking an exemption because the building that is the subject of the application is planned as a temporary building, shall submit the following information to the Director, in addition to the information submitted pursuant to subsection 3511.4:

- (a) Documentation that the building will in fact be temporary;

- (b) An explanation of the need for the building; and
- (c) Any other information requested by the Director.

**3511.6** Any applicant granted an exemption for a temporary building shall recycle as many building components as feasible when it is deconstructed.

**3511.7** An application for exemption shall be submitted, through DDOE, to the Green Building Advisory Council (GBAC) for comments and recommendation.

**3511.8** GBAC's comments and recommendations shall be provided to DDOE within 30 days of the date of submission.

## Duer-Balkind, Marshall (DDOE)

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**From:** Nicola Whiteman [nwhiteman@aoba-metro.org]  
**Sent:** Wednesday, August 15, 2012 1:53 PM  
**To:** Duer-Balkind, Marshall (DDOE)  
**Subject:** FW: Partial Data reporting question

FYI. Nicola

We manage an office building in NW Washington DC. The building is multitenant. Each Tenant has their own account with PEPCO and have one or more meters. We have asked DDOE to clarify the method we use to report "partial" energy data? DDOE suggested that we obtain a consent from tenants that have not submitted data for every month, enabling us to obtain the data directly from PEPCO. **This may work well moving forward, however, how do we account for current missing data?** Energy Star does not provide a provision for submitting missing data, nor adjusting the square footage for the months that data is not available. Obviously submitting missing data for a given month(s) without adjusting the square footage will result in an incorrect reporting. We have suggested to DDOE that we be permitted to use an "estimated" (average) for the missing months of data. We would note in our records such estimated data. We would continue to pursue the tenant for the missing data (some tenants are no longer in our building). DDOE suggested we contact them directly, (indicating that this was a unique problem,) which we have. The last word we received is that DDOE was checking with Energy Star.



## **ENERGY BENCHMARKING REGULATIONS**

### **AUGUST 17, 2012 COMMENTS OF THE APARTMENT AND OFFICE BUILDING ASSOCIATION OF METROPOLITAN WASHINGTON ON THE**

**Amended August 20, 2012**

### **DISTRICT DEPARTMENT OF THE ENVIRONMENT'S**

### **JULY 20, 2012 SECOND NOTICE OF PROPOSED RULEMAKING**

### **Energy Performance Benchmarking of Privately Owned Buildings**

#### **Selected Section-by-Section Explanations**

Subsections 3513.1 and 3513.2 set forth the application of benchmarking requirements through a phasing-in process based on building size. For the purpose of reporting, a building owner should calculate the gross square foot area of the building's primary spaces as defined by Portfolio Manager in order to determine if the building meets the two hundred thousand (200,000), one hundred fifty thousand (150,000), one hundred thousand (100,000), or fifty thousand (50,000) square feet size thresholds in subsection 3513.1. For the purpose of determining the reporting threshold, secondary spaces, such as parking garages, should not be included. However, these secondary spaces must be accounted for since they contribute to the complete energy profile of a building. Thus when benchmarking a building, building owners must fully report and account for secondary spaces within Portfolio Manager.

If several structures occupy a single tax lot and are served by shared utility systems (or at least one common energy or water meter without separate metering or sub-metering), such that each building's energy or water use cannot be individually tracked, then their primary spaces should be considered to be one building for the purpose of determining if the size thresholds in subsection 3513.1 are met.

Subsection 3513.3 provides an overview of the steps building owners should follow to fulfill District reporting requirements. These reporting requirements go beyond Portfolio Manager's minimum requirements by including mandatory reporting of water data along with some space use attributes that Portfolio Manager identifies as "optional." The requirement to report water



usage reflects the growing importance of tracking and managing water use in the District. The collection of most space use attributes is intended to provide a more robust analysis and allow completion of benchmarking when only partial-building information is available. This subsection clarifies that when multiple buildings share systems or common utility meters such that benchmarking the individual buildings is impossible, the buildings should be benchmarked together in Portfolio Manager as a single building or campus. (Complex campuses may have specialized procedures for submitting data to DDOE, which are elaborated in the accompanying guidance documents).

Subsection 3513.4 details the elements that must be included in a complete District Benchmark Results and Compliance Report. Building owners must submit a report that includes their Building ID number as directed by DDOE, and either a one (1) to one hundred (100) score result for building types for which a Portfolio Manager benchmark score is available or an Energy Use Intensity (EUI) number for building types for which a Portfolio Manager benchmark score is not available. However, for instances where insufficient information is available to achieve either a Portfolio Manager benchmark score or an EUI result, then the building owner must explain why the requirements of the Act were not met in reasonably sufficient detail. The online filing template will include an option to provide such an explanation. Furthermore, building owners are required to include information on any non-residential tenants who fail to supply them with required data, for the purposes of enforcement, as detailed in subsection 3513.14. Building owners should also report whether whole-building data was included for all utilities, or, if partial-building data was used, which utilities were only partial and which utilities covered the whole-building.

**AOBA COMMENTS:** The online template must include a field that allows a building owner to explain a low score or provide other additional building information. Allowing owners to provide complete information about a building will allow current and prospective tenants and buyers to make informed leasing and purchasing decisions – a stated DDOE goal. A low score, for example, does not necessarily reflect an owner’s unwillingness to improve the energy efficiency of a building. For an owner that plans to replace an energy inefficient building with one that will achieve, for example, a LEED-Platinum designation, it would be financially imprudent to invest in energy upgrades for a building it plans to demolish in the future.

Additionally, statutory restrictions on income to a property (ex. limitations on the frequency and amount of rent increases), directly impact both the scope and schedule of energy-related retrofits in older multifamily buildings. These are just a few examples of critical information which highlight the limitations of relying exclusively on a benchmarking score, where one is available, to fully and accurately assess the energy performance of a building.

**Chapter 35, GREEN BUILDING REQUIREMENTS, of title 20, ENVIRONMENT, of the DCMR is amended by adding a new section 3513, entitled “Energy Performance Benchmarking of Privately-Owned Buildings,” to read as follows:**

**3513 ENERGY PERFORMANCE BENCHMARKING OF PRIVATELY-OWNED BUILDINGS**

- 3513.1 Pursuant to D.C. Official Code § 6-1451.03, an owner of a privately-owned building shall annually measure the performance of the building using the ENERGY STAR® Portfolio Manager (Portfolio Manager) benchmarking tool, according to the following schedule:
- (a) All buildings over two hundred thousand square feet (200,000 sq. ft.) of gross floor area, beginning with 2010 data and thereafter;
  - (b) All buildings over one hundred fifty thousand square feet (150,000 sq. ft.) of gross floor area, beginning with 2011 data and thereafter;
  - (c) All buildings over one hundred thousand square feet (100,000 sq. ft.) of gross floor area, beginning with 2012 data and thereafter; and
  - (d) All buildings over fifty thousand square feet (50,000 sq. ft.) of gross floor area, beginning with 2013 data and thereafter.
- 3513.2 When determining the size of a building to determine the application of § 3513.1, a building owner shall:
- (a) Calculate the gross floor area of a building as defined by Portfolio Manager;
  - (b) Include primary spaces but not include secondary spaces, as defined by Portfolio Manager; and
  - (c) Include the combined gross floor area, not including secondary spaces, of any set of buildings that share building systems or at least one common energy or water meter without separate metering or sub-metering, such that their energy or water use cannot be individually tracked and they must be benchmarked as one building or campus in Portfolio Manager.
- 3513.3 According to the schedule in § 3513.1 and the requirements specified in § 3513.4 through § 3513.8, a building owner whose building falls under the benchmarking requirements for the previous calendar year shall:
- (a) Open a Portfolio Manager account;
  - (b) Request from any non-residential tenants, or utility companies, when aggregate data is available and a tenant has specifically provided written authorization for the release of such data, the information necessary to fulfill the requirements of § 3513.3(c);
  - (c) Enter into Portfolio Manager the building information required by the District Data Collection Worksheet, including:
    - (1) Energy and water utility information, in accordance with § 3413.7;

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- (2) Space use attributes information; and
- (3) Garage or other secondary space information associated with a building's energy and water use;
- (d) Benchmark in Portfolio Manager as one building, property, or campus, following guidance from the United States Environmental Protection Agency (U.S. EPA) and the District Department of the Environment (DDOE), any set of buildings that are served by shared utility systems or at least one common energy or water meter without separate metering or sub-metering, such that the buildings' individual energy or water use cannot be individually tracked, or are of a space type that U.S. EPA recommends be benchmarked as a campus; and
- (e) Authorize the transfer of a District Benchmark Results and Compliance Report to the District, via the District Benchmark Reporting Template, exclusive of any financial information.

3513.4 The District Benchmark Results and Compliance Report must include the following:

- (a) For a building type for which:
  - (1) A Portfolio Manager benchmark score is available, a score result between one (1) and one hundred (100); or
  - (2) A Portfolio Manager benchmark score is not available, an Energy Use Intensity (EUI) result; or
  - (3) Insufficient information is available to achieve either a Portfolio Manager benchmark score or an EUI result, an explanation of why the requirements of § 3513.3(c) were not met in reasonably sufficient detail to avoid the penalties of § 3513.14;
- (b) Information on any non-residential tenants who did not provide needed data as required by §3513.6, including the tenant's name, contact information, and gross floor area leased; and
- (c) Whether whole-building data was included for all utilities, or, if partial-building utility data was included, which set(s) of utility data were partial, and which covered the whole building.

3513.5 A non-residential building owner, or an owner of a residential building with non-residential tenants, shall ~~receive from the non-residential tenant, the non-residential tenant's authorized agent or representative, or the utility company,~~ the information about tenant spaces required for the owner to fulfill the requirements of § 3513.3(c). The following applies:

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(a) Beginning in 2013 and thereafter, and by February 1 of each year, a non-residential tenant, shall either authorize the utility company in writing to provide the non-residential building owner, or an owner of a residential building with non-residential tenants or their authorized agent or representative, with the space use, energy, and water consumption information listed on the District Department of the Environment's ("DDOE") Non-Residential Tenant Information Request Form submitted with the DDOE's Non-Residential Tenant Notification Letter, or provide the information directly to the non-residential building owner, or owner of a residential building with non-residential tenants or their authorized agent or representative for the space rented by the non-residential tenant; or

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(b) Beginning in 2013 and thereafter, and by February 1 of each year, provided that one or more utility companies have made access to aggregated utility data available to building owners prior to that date, the building owner may request utility data from the utility company or companies, and is only required to from a non-residential tenant, the non-residential tenant's authorized agent, or the utility company pursuant to the prior written authorization in (a) above, non-residential tenants space use information and any utility data not available in aggregate form for building energy benchmarking.

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3513.6 Within thirty (30) days of receiving a request for the data listed on the DDOE's Non-Residential Tenant Information Request Form from the building owner, a non-residential tenant shall provide complete and accurate information to the building owner. The following applies:

- (a) Tenants who sublease their space are responsible for collecting and reporting sub-tenant information and submitting it to the building owner; and
- (b) Failure of a non-residential tenant to provide the information listed on the Non-Residential Tenant Information Request Form to the building owner as required by this section shall subject the tenant to fines under § 3513.14.

3513.7 A building owner shall enter data in Portfolio Manager in accordance with the following:

- (a) Whenever possible, building owners should benchmark their building(s) using whole-building utility data:
  - (1) Whole-building utility data can be obtained by receiving data from all tenants, from master meters, or from a utility company; or

(2) If a utility company has made aggregated utility data available to building owners prior to February 1 of that calendar year, then a building owner must benchmark using whole-building utility data for that utility.

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(b) When a non-residential building owner does not have whole-building information sufficient to fulfill the requirements of § 3513.3(c), and has made a reasonable effort to obtain from a non-residential tenant the information required by § 3513.5, but that information has not been received from that tenant, the building owner shall not be relieved of their benchmarking obligations, and shall instead submit a partial-building benchmarking report; and

(c) A partial-building benchmarking report shall include any available whole-building information (including any available aggregated utility data), any non-residential tenant information received (where applicable), and all common area information.

3513.8 Beginning in 2013 and thereafter, and by April 1 of each year, a building owner shall timely authorize the transfer to the District of a complete and accurate District Benchmark Results and Compliance Report for the previous calendar year.

3513.9 If, after submitting a District Benchmark Results and Compliance Report to the District as required in § 3513.8, a building owner receives new or updated information that would require an update to a building's benchmark report, then the building owner shall, within thirty (30) days of receiving the new information, enter the additional or corrected data into Portfolio Manager and authorize the transfer to the District of an updated District Benchmark Results and Compliance Report, and shall notify DDOE accordingly.

3513.10 In cases where a building owner has leased a building to a single tenant and that tenant has assumed management of the entire building, the building owner may, at the request of and with the consent of the tenant, delegate all responsibility regarding this section to that tenant, and **provide DDOE with a letter ("authorization letter") signed by both the tenant and the building owner authorizing the delegation of all responsibilities under this section. The authorization letter shall note the effective date of the delegation of responsibility from the building owner to the tenant.**

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3513.11 Consistent with the requirements of § 3513.1, a building owner shall fulfill the requirements of § 3513.3 beginning with the first full calendar year after:

(a) The building receives its Temporary Certificate of Occupancy or Certificate of Occupancy, whichever comes first; or

(b) The building changes ownership.

3513.12 If a building owner receives notice that a non-residential tenant intends to vacate a building before the information required by § 3513.5 is due, then:

(a) The building owner shall request that the tenant provide the information on the Non-Residential Tenant Information Request Form for the period the tenant occupied the building; and

(b) The tenant shall provide the information listed on the Non-Residential Tenant Information Request Form to the building owner as soon as practicable prior to vacating the leased space in the building; or, if such information is not available prior to vacating such space, as soon as practicable after the tenant vacates the building.

**(c) Failure of a non-residential tenant to provide the information listed on the Non-Residential Tenant Information Request Form to the building owner as required by this section shall subject the tenant to fines under § 3513.14.**

3513.13 A building owner shall comply with the following record retention requirements:

(a) Preserve benchmark results and supporting records for a period of at least three (3) years **for each of the years in which the building owner must report the information required by § 3513.3.** The records shall include:

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(1) The U.S. EPA Portfolio Manager confirmation email demonstrating proof-of-submission date;

(2) A copy of the building owner's energy, water, and space use attribute information entered into Portfolio Manager; and

(3) Copies of applicable **non-residential** tenant information request forms and letters; and

(4) Additional information used to support the information required by § 3513.3(c); and

(b) Make benchmark results and supporting records available for inspection and audit by DDOE during normal business hours, following reasonable notice by DDOE.

3513.14 Enforcement of this section shall proceed as follows:

(a) The Director shall issue a written Notice of Violation to any building owner or non-residential tenant that is determined to be in violation of this section. **The Notice of Violation shall describe, at a minimum,**

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(1) Each deficiency or other factor identified;

(2) Any necessary corrective action(s) necessary to prevent imposition of fines and penalties; and

(3) Date and time of any scheduled inspection or reinspection.

- (b) **If the Director determines that the violation has not been corrected within thirty (30) calendar days of the issuance of a Notice of Violation, a building owner or non-residential tenant shall be assessed a fine of not more than one hundred dollars (\$100) per calendar day, during which a complete and accurate District Benchmark Results and Compliance Report has not been timely submitted to the District; and**
- (c) A building owner or non-residential tenant who receives a fine may request a hearing or adjudication pursuant to the Office of Administrative Hearings Establishment Act of 2001 (D.C. Official Code § 2-1831.01 *et seq.*) (2012 Supp.) and the Office of Administrative Hearings rules (1 DCMR § 2800 *et seq.*).

3513.15 During calendar year 2012 only, notwithstanding the provisions of § 3513.5 and § 3513.8, a building owner shall authorize, by sixty (60) days from the effective date of these regulations, the transfer to the District of a complete and accurate District Benchmark Results and Compliance Report.

**Section 3599, DEFINITIONS, of chapter 35, GREEN BUILDING REQUIREMENTS, of title 20, ENVIRONMENT, of the DCMR is amended as follows:**

**Subsection 3599.1 is amended to include the following definitions:**

**Aggregated utility data** – total whole-building energy or water data for a specified period as provided by the utility company or a third party for the building for a given utility type.

**Building** – any structure used or intended for supporting or sheltering any use or occupancy

**Building owner** – an individual, partnership, corporation, trust, association, firm, joint stock company, organization, commission, or other private entity either possessing title or designated to govern a privately-owned building, or an agent authorized to act on behalf of the private entity.

**Director** – the Director of the District Department of the Environment (DDOE), or the Director’s representative, agent, or designee.

**District Benchmark Results and Compliance Report** – the Portfolio Manager report that includes benchmark results, identifies reporting methodology, and confirms completion of a building’s benchmarking to the District.

**District Benchmark Reporting Template** – the template developed by DDOE in partnership with the United States Environmental Protection Agency (U.S. EPA), that exports from Portfolio Manager the building information required for building owners to fulfill District benchmarking requirements.

**District Data Collection Worksheet** – the list of data fields required to fulfill District benchmarking requirements.

**ENERGY STAR® Portfolio Manager benchmarking tool, or Portfolio Manager** – the system developed by the U.S. EPA that rates the energy and water performance of a building.

**Non-Residential Tenant Information Request Form** – the District form a building owner may use to collect information required for benchmarking from a non-residential tenant.

**Non-Residential Tenant Notification Letter** – the District form letter a building owner may use to inform a non-residential tenant that the tenant is required to provide the information required for benchmarking.

**Space use attributes** – information such as the conditioned floor area, weekly operating hours, number of occupied units, and number of computers in use as defined by the Portfolio Manager, according to a building type.

**Tenant** – a person or entity entitled to the possession, occupancy, or the benefits of any rental unit owned by another person or entity.

**Utility company** – an entity distributing, supplying, or transmitting electricity, natural gas, or other fuel for heating, cooling, or power generation, or water to a building.

**Utility data** – energy or water consumption data from one or more meters for a specified period.

All persons desiring to comment on DDOE’s proposed regulations should file comments in writing not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should be labeled “Energy Benchmarking Regulations” and filed with the DDOE, 1200 First Street NE, 5<sup>th</sup> floor, Washington D.C. 20002, Attention: Marshall Duer-Balkind, or preferably, by e-mail to [info.benchmark@dc.gov](mailto:info.benchmark@dc.gov).

DDOE’s policy is that public comments, whether mailed, delivered, or submitted electronically, will be made available for public viewing on its website as DDOE receives them and without change, unless the comment contains copyrighted material, confidential business information, or other information whose disclosure is restricted by statute. When DDOE identifies a comment containing copyrighted material, DDOE will provide a reference to that material on the website. The copyrighted material will be available in hard copy to the public.





## Prepare to Benchmark Compliance Checklist

The District of Columbia **Green Building Act (GBA)**, as amended by the **Clean and Affordable Energy Act**, requires owners of large buildings in the District to benchmark the energy and water performance of their buildings. These laws and pursuant regulations were passed to promote widespread understanding of energy and water use in the District, and to promote resource conservation. The District uses ENERGY STAR® Portfolio Manager, a free online tool developed by the United States Environmental Protection Agency (EPA), to benchmark public and private buildings. The District of Columbia Government began benchmarking its public buildings starting with FY 2009 data. Reporting of 2010 and 2011 energy and water performance data for private buildings begins in 2012. Please see the Compliance Checklist steps below for more information about private buildings benchmarking if you are the owner or designated benchmark administrator of a private building.

### Getting Started

1. Determine if your property is subject to the benchmarking law, based on the following schedule:

Building Size:	Utility Year Data	Benchmark Report Due
Over 200,000 sq ft	2010* <sup>△</sup>	July 1, 2011***
Over 150,000 sq ft	2011*	April 1, 2012**
Over 100,000 sq ft	2012*	April 1, 2013**
Over 50,000 sq ft	2013*	April 1, 2014**

\*and each year that follows

\*\*and annually thereafter on April 1 for the previous year's data

\*\*\* The deadline for reporting of 2010 and 2011 benchmark information for private buildings is extended pending adoption of final regulations. See [www.ddoe.dc.gov](http://www.ddoe.dc.gov) for details.

**△ For 2010 only, provide available data even if it does not include all tenant and water information. To ease compliance, buildings that have already benchmarked for 2010 will be permitted to submit the 2010 data as is.**

2. Decide who will be your benchmarking administrator, the person responsible for gathering building data and entering it into the Portfolio Manager.
3. Create a Portfolio Manager account on EPA's benchmark site, [www.energystar.gov/benchmark](http://www.energystar.gov/benchmark). If you and your administrator are new to benchmarking, download and review the **Portfolio Manager Starter Kit** and take available webinars on the site. For information on local trainings, see [www.ddoe.dc.gov](http://www.ddoe.dc.gov).
4. Review the District of Columbia regulation governing private building benchmarking and its supporting package, which includes this checklist and FAQs, the **District Benchmark Data Collection Worksheet for the applicable year(s)**, and information request letter templates for **non-residential** tenant data. These documents are available at [www.ddoe.dc.gov](http://www.ddoe.dc.gov).

### Data Collection

5. Identify the data you will need to complete benchmarking for District requirements. This will include:
- unique building identifier using the District SSL or Parcel Number
  - gross floor area of the building and of each major space use type within the building
  - space attributes, including operating hours and other information for each major space use type

8/17/12 AOBA Comments-amended 8/20/12

- whole-building (when available) or individual meter energy and water utility information, as specified in Portfolio Manager and the *current* **District Benchmark Data Collection Worksheet**. You can use the worksheet to track all of the necessary data for your building.

6. Collect and compile the space use and utility information of your building for the applicable calendar year(s). If you do not have direct access to tenant utility information, you will need to request it from your non-residential tenants ~~using the~~ using the *current* **Request for Non-Residential Tenant Information** letter. **If you have only residential tenants, you do not need to collect any tenant data.** Twelve consecutive months of utility bills for all fuel types used in the building will be needed. If your building was recently completed, or has changed ownership in the last two years, you must benchmark beginning with the first full calendar year after the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy, or after a change in ownership.

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Data Entry

7. Enter building data into your Portfolio Manager account.
8. If you are entering incomplete building data, be sure to include a note of justification in the “Notes” field in Portfolio Manager, explaining why only partial data is being reported. Be prepared to provide proof of reasonable effort to obtain that information.
9. Make sure you have identified your building in the “Unique Building Identifier” field in Portfolio Manager according to the following format:
- **For square, suffix, lot (SSL) properties:** The four-digit square number (begin with zero if your number is fewer than four digits), followed by a dash and the four-digit lot number (begin with zero if your number is fewer than four digits). Your entry should look like this: 0000-0000
  - **For properties identified by a parcel number:** Enter ‘PAR’ followed by your eight-digit parcel number (begin with zero if your number is fewer than eight digits). Your entry should look like this: PAR 00000000

- 9A. Provide any additional building information that may explain a score, including, but not limited to: (1) a description of the present conditions in or future plans for a building (ex. anticipated energy-related construction or renovation projects); or (2) statutory restrictions on income such as the Rental Housing Act of 1985.

- 9B. **OPTIONAL:** A building owner may elect to submit energy performance data for a building that is not subject to the District’s benchmarking law. The building owner should clearly note whether this additional information can be disclosed to the public.

Report Benchmark Results to the District

10. Access the **District Report Template** for the appropriate year or years at [www.doe.dc.gov](http://www.doe.dc.gov) and download it into your Portfolio Manager account. Select the “**District Report Template**” from the ‘Report’ dropdown menu in Portfolio Manager. This will collect all of the performance information required for District reporting.
11. Authorize EPA to release data in the **District Report Template** to DDOE, following instructions in the template.

Records Maintenance

8/17/12 AOBA Comments-amended 8/20/12

- 12. Organize your benchmark documents so that they can be maintained for three years (this may include your email from Portfolio Manager confirming submission of the District Report Template, and relevant support documents) and shown to District representatives in case of an audit.

Recommended Follow Up

- 13. If you have benchmarked a building in previous years, analyze your results to identify opportunities to increase efficiency. Compare your property's current rating or current source energy intensity against last year's rating; send staff to energy efficiency training as needed.

**Comment [n1]:** This is not a statutory mandate, but an agency recommendation.

DRAFT



## District Data Collection Worksheet Energy Benchmarking of Existing Buildings 2010-2011

This worksheet is designed to help building owners and managers collect data to benchmark buildings using the ENERGY STAR® Portfolio Manager under District of Columbia benchmark requirements. This worksheet is based on the [ENERGY STAR® Portfolio Manager Data Collection Worksheet](#) (as of April 4, 2012), with additional District requirements highlighted.

Portfolio Manager is a widely used software tool to help building owners and managers track and manage energy and water use in their buildings. The tool uses basic information such as building size, occupancy patterns, and utility bill information to calculate a performance rating for a building. All buildings can be entered into Portfolio Manager to receive an analysis of energy and water efficiency, as well as a comparison of performance against a national average for buildings of a similar type.

Use this worksheet to collect data for all space types at your facility. To request relevant information from commercial or residential tenants, use the District template letter available at <http://ddoe.dc.gov/energybenchmarking>.

If you are unable to find information at <http://ddoe.dc.gov/energybenchmarking> or [www.energystar.gov/benchmark](http://www.energystar.gov/benchmark), you may contact the District Department of Environment for assistance at [info.benchmark@dc.gov](mailto:info.benchmark@dc.gov) or by calling 202-671-3042.

### Required Data for District ENERGY STAR Benchmarking

- Portfolio Manager user name and password.
- The building street address, year built, contact information and the square suffix lot number or parcel number assigned by the DC Office of Tax and Revenue. See **Section A** on Page 2 of this worksheet.
- The building gross floor area and key operating characteristics for the building type, or each major space type within a building. Use **Section B** on pages 2 through 8 of this worksheet to collect this information before logging in to Portfolio Manager. **Please note that although some information fields may be listed as optional within Portfolio Manager, the District has additional data requirements that Section B incorporates. Please reference the appropriate sections of this form when using Portfolio Manager for the purpose of reporting to the District.** Portfolio Manager fields that are generally optional, but are required in the District, are highlighted in grey block within relevant building or space types in **Section B**.
- 12 consecutive months of utility usage for all fuel types and water used in calendar year 2011 for buildings between 150,000 and 200,000 sq. ft., or 24 consecutive months of utility usage for all fuel types and water used in calendar year 2010 and 2011 for buildings over 200,000 sq. ft.. Most bills will

not begin on January 1 of a given year, so please provide information that begins with the first bill that includes only the given year’s usage and extend through the next 12 months of usage (this may run into part of the following calendar year). If you don’t have this information readily available, contact your utility provider(s) as most will be able to easily supply this information.

- IF ENERGY IS **INDIVIDUALLY METERED** BY TENANTS WITHIN YOUR BUILDING, YOU MUST REQUEST THIS INFORMATION FROM YOUR NON-RESIDENTIAL TENANTS TO COMPLETE BENCHMARKING. You may, but are not required to use the Request for Non-Residential Tenant Information letter to collect this information. **YOU DO NOT NEED TO COLLECT INFORMATION FROM ANY RESIDENTIAL TENANTS.** Use Section C on Page 9 of this worksheet to collect manual utility information if needed.

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**Section A. General Building Information**

Facility name \_\_\_\_\_

Year built \_\_\_\_\_

Building address:

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

DC Office of Tax and Revenue square suffix lot number (SSL) or parcel number \_\_\_\_\_

**Section B. Space Use Attributes for Building Type and Space**

Please note the following PRIOR to completing this section:

- For help choosing the appropriate building type, refer to the Portfolio Manager Help at [www.energystar.gov/benchmark](http://www.energystar.gov/benchmark) and click on “Space Type Definitions”.
- Some buildings may contain multiple space types within a single building (e.g., office, data center, and parking OR K-12 school and swimming pool). Select as many major space types as are applicable to your building and fill in their respective information as necessary.
- If your building has multiple tenants with the same space type, these spaces should be entered separately only when the number of weekly operating hours among tenants differs by more than 10 hours. For example, in a 100,000 square foot (SF) office building where 75,000 SF operates 60 hours a week and 25,000 SF operates 80 hours a week, please list as two separate spaces – one 75,000 SF space and one 25,000 SF space. As this is most common in office buildings, multiple office space fields are provided below to capture data for multiple tenants if necessary.

**Bank/Financial Institution:**

**Required:**

- \_\_\_\_\_ Gross floor area (SF)
- \_\_\_\_\_ Weekly operating hours
- \_\_\_\_\_ # of workers on main shift
- \_\_\_\_\_ # of personal computers
- \_\_\_\_\_ Percent of floor area that is air conditioned (>=50%, <50%, or none)
- \_\_\_\_\_ Percent of floor area that is heated (>=50%, <50%, or none)

**Data Center:**

**Required:**

- \_\_\_\_\_ Gross floor area (SF)
- \_\_\_\_\_ IT Energy Configuration – Select one from:
  1. Uninterruptible Power Supply (UPS) Meter supports only IT Equipment. (Preferred)
  2. UPS Meter includes non-IT load of 10% or less.
  3. UPS Meter includes non-IT load greater than 10%. Non-IT load is sub-metered.
  4. UPS Meter includes non-IT load greater than 10%. Non-IT load is not sub-metered.
  5. Facility has no UPS Meter.
  6. IT Energy is not current metered at this facility – Apply Estimates.
- \_\_\_\_\_ IT Energy Data – 12 months of measured energy consumption data is required from either the UPS or PDU Meter, depending on IT Energy Configuration

Meter Type (select 1): UPS Output or PDU Input			
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

**Optional (but recommended by DC):**

- \_\_\_\_\_ UPS System Redundancy (N, N+1, N+2, 2N, greater than 2N, none of the above)
- \_\_\_\_\_ Cooling System Redundancy (N, N+1, N+2, 2N, greater than 2N, none of the above)

<p><b>Courthouse:</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ Weekly operating hours</p> <p>_____ # of workers on main shift</p> <p>_____ # of personal computers</p> <p>_____ Percent of floor area that is air conditioned (&gt;=50%, &lt;50%, or none)</p> <p>_____ Percent of floor area that is heated (&gt;=50%, &lt;50%, or none)</p>	<p><b>Hospital (General Medical and Surgical):</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (&gt;20,000 SF)</p> <p>_____ # of staffed beds</p> <p>_____ # of MRI machines</p> <p>_____ # FTE workers</p> <p>_____ Maximum # of floors</p> <p>_____ Tertiary care facility – yes or no</p> <p>_____ Number of Buildings</p> <p>_____ Laboratory on-site – yes or no</p> <p>_____ Laundry facilities on site – yes or no</p> <p>_____ Ownership Status (non-profit, for-profit, government)</p>
<p><b>House of Worship:</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ Maximum seating capacity</p> <p>_____ # of Weekdays of operation</p> <p>_____ Hours of operation per week</p> <p>_____ # of personal computers</p> <p>_____ Presence of cooking facilities - yes or no</p> <p>_____ # of commercial refrigeration/freezer units</p>	

<p><b>Hotel:</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ # of rooms</p> <p>_____ # of workers on main shift</p> <p>_____ # of commercial refrigeration/freezer units</p> <p>_____ On-site cooking – yes or no</p> <p>_____ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Hours per day the guests are on-site</p> <p>_____ Number of guest meals served</p> <p>_____ Square footage of full-service spas</p> <p>_____ Square footage of gym/fitness center</p> <p>_____ Laundry processed at site (choose one: no laundry facility, linens only (e.g. bed/table linens), terry only (e.g. towels, bathrobes), both linens and terry)</p> <p>_____ Annual quantity of laundry processed on-site</p> <p>_____ Average Occupancy (%)</p>	<p><b>K-12 School:</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ # of personal computers</p> <p>_____ # of walk-in refrigeration/freezer units</p> <p>_____ High school - yes or no</p> <p>_____ Open weekends – yes or no</p> <p>_____ On-site cooking – yes or no</p> <p>_____ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Months of use</p> <p>_____ School District</p>
<p><b>Medical Office:</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ # of workers on main shift</p> <p>_____ Weekly operating hours</p> <p>_____ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)</p>	<p><b>General Office 1:</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ Weekly operating hours</p> <p>_____ # of workers on main shift</p> <p>_____ # of personal computers</p> <p>_____ Percent of floor area that is air conditioned (&gt;=50%, &lt;50%, or none)</p> <p>_____ Percent of floor area that is heated (&gt;=50%, &lt;50%, or none)</p>



**Multifamily Housing:**

**Required:**

- \_\_\_\_\_ Gross floor area (SF)
- \_\_\_\_\_ Common area (SF)
- \_\_\_\_\_ Total number of units
- \_\_\_\_\_ Total number of bedrooms
- \_\_\_\_\_ Maximum number of floors in the tallest building/tower
- \_\_\_\_\_ Percent of square footage devoted to common area
- \_\_\_\_\_ Number of laundry hookups in common area
- \_\_\_\_\_ Number of laundry hookups in each unit
- \_\_\_\_\_ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_\_\_ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_\_\_ Government subsidized housing (Yes or No)
- \_\_\_\_\_ Meter Configuration (which meters cover tenants only, common spaces only, or both)

**Optional:**

- \_\_\_\_\_ Total number of dishwashers in all units
- \_\_\_\_\_ Resident population type (No specific type, Dedicated Student, Dedicated Military, Dedicated Senior/Independent Living, Dedicated Special Accessibility Needs, Other Dedicated Housing)
- \_\_\_\_\_ Primary hot water fuel type

**General Office 2:**

**Required:**

- \_\_\_\_\_ Gross floor area (SF)
- \_\_\_\_\_ Weekly operating hours
- \_\_\_\_\_ # of workers on main shift
- \_\_\_\_\_ # of personal computers
- \_\_\_\_\_ Percent of floor area that is air conditioned (>=50%, <50%, or none)
- \_\_\_\_\_ Percent of floor area that is heated (>=50%, <50%, or none)

<p><b>Other:</b> <b>Required:</b></p> <p>_____ Gross floor area (SF) (must be less than 10% of gross building floor area in order for the building to be eligible for a rating)</p> <p>_____ Weekly operating hours</p> <p>_____ # of personal computers</p> <p>_____ # workers on main shift</p>	<p><b>General Office 3:</b> <b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ Weekly operating hours</p> <p>_____ # of workers on main shift</p> <p>_____ # of personal computers</p> <p>_____ Percent of floor area that is air conditioned (&gt;=50%, &lt;50%, or none)</p> <p>_____ Percent of floor area that is heated (&gt;=50%, &lt;50%, or none)</p>
<p><b>Parking:</b> <b>Required:</b></p> <p>_____ Gross floor area that is enclosed (SF)</p> <p>_____ Gross floor area that is unenclosed with a roof (SF)</p> <p>_____ Gross floor area that is open (no roof) (SF)</p> <p>_____ Weekly hours of access</p>	<p><b>Retail Store:</b> <b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ Weekly operating hours</p> <p>_____ # of workers on main shift</p> <p>_____ # of personal computers</p> <p>_____ # of cash registers</p> <p>_____ # of walk-in refrigeration/freezer units</p> <p>_____ # of open &amp; closed refrigeration/freezer cases</p> <p>_____ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Exterior entrance to the public – yes or no</p>

<p><b>Residence Hall/Dormitory :</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ # of rooms</p> <p>_____ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Computer lab on-site – yes or no</p> <p>_____ Dining Hall on-site– yes or no</p>	<p><b>Senior Care Facility</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ # of units</p> <p>_____ Average Number of Residents</p> <p>_____ Total Resident Capacity</p> <p>_____ # of workers on the main shift</p> <p>_____ # of PCs owned by the community (does not include PCs owned by residents)</p> <p>_____ # of commercial refrigeration/freezer units</p> <p>_____ # of commercial washing machines</p> <p>_____ # of residential washing machines</p> <p>_____ # of residential electronic lift systems</p> <p>_____ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)</p>
<p><b>Supermarket/Grocery Stores:</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ Weekly operating hours</p> <p>_____ Workers on main shift</p> <p>_____ On-site cooking – yes or no</p> <p>_____ # of walk-in refrigeration/freezer units</p> <p>_____ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ # of open or closed refrigeration/freezer cases</p> <p>_____ # of registers and/or personal computers</p>	<p><b>Swimming Pool:</b></p> <p><b>Required:</b></p> <p>_____ Swimming pool size, choose from:          Olympic (50 meters x 25 meters)          Recreational (20 yards x 15 yards)          Short Course (25 yards x 20 yards)</p> <p>_____ Indoor or outdoor</p> <p>_____ Months of use</p>

<p><b>Warehouse (unrefrigerated and refrigerated):</b></p> <p><b>Warehouse (Unrefrigerated):</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ Weekly operating hours</p> <p>_____ # of workers on main shift</p> <p>_____ # of walk-in refrigerators/freezer units</p> <p>_____ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)</p> <p>_____ Distribution Center – yes or no</p> <p><b>Warehouse (Refrigerated):</b></p> <p><b>Required:</b></p> <p>_____ Gross floor area (SF)</p> <p>_____ Weekly operating hours</p> <p>_____ # of workers on main shift</p>	<p><b>Wastewater Treatment Plant:</b></p> <p><b>Required:</b></p> <p>_____ Average influent flow (mgd)</p> <p>_____ Average influent biological oxygen demand (BOD<sub>5</sub>)</p> <p>_____ Average effluent biological oxygen demand (BOD<sub>5</sub>)</p> <p>_____ Plant design flow rate (mgd)</p> <p>_____ Presence of fixed film trickle filtration process – yes or no</p> <p>_____ Presence of nutrient removal process – yes or no</p> <p><b>Water Treatment and Distribution Utility:</b></p> <p><b>Required:</b></p> <p>_____ Average flow (mgd)</p>
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8/17/12 AOBA Comments - Amended 8/20/12

**District Energy Benchmarking of Existing Buildings  
Non-Residential Tenant Information Request Form (2010/2011 Data)**

**Date:** [INSERT]

**From:** [PROPERTY OWNER / PROPERTY MANAGEMENT REPRESENTATIVE]

[ADDRESS]

[CITY, STATE, ZIP]

[E-MAIL ADDRESS, IF APPLICABLE]

**To:** [TENANT]

[ADDRESS]

[CITY, STATE, ZIP]

[E-MAIL ADDRESS, IF APPLICABLE]

Dear Tenant:

The District Department of the Environment (DDOE) is pleased to announce a new citywide effort to monitor our building energy and water consumption and promote greater efficiency and savings. The District of Columbia's Green Building Act requires owners of large buildings to benchmark the energy and water consumption of their buildings each year using data from the previous calendar year. This law was passed so that owners and building tenants can more readily assess the performance of buildings when making leasing, purchasing, and management decisions. Building owners will be required to report benchmark results for the previous calendar year to DDOE annually. In order to comply with the law and to receive the most accurate results, we need to collect some basic utility and space use information from you, as the building owner does not have access to your space use or utility data. **District regulations require that non-residential tenants provide building owners with accurate and timely information upon request either directly or by authorizing the applicable utilities to submit the information to the building owner. ~~Noncompliance~~ Failure to provide the information to your building owner can lead to the imposition by the District of fines of up to \$100 per day.**

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We appreciate your compliance with this information request. All information you provide will be confidential and will be used solely for completion of the necessary benchmarking documentation. **Please fill out and return this form within thirty (30) days of receipt, making sure you complete all sections where the box is checked in both sections A and B.**

For 2012 only, for buildings over 200,000 gross square feet in size, the building owner must collect data for both 2010 & 2011. For buildings between 150,000 and 200,000 gross square feet, only 2011 data is being collected.

**District Energy Benchmarking of Existing Buildings  
Non-Residential Tenant Information Request Form (2010/2011 Data)**

**Years being collected:**     2010     2011

**Applicable building type section for utility and space use information:  
(owner: please check all applicable)**

- |   |   |
|---|---|
| <input type="checkbox"/> Bank/Financial Institution | <input type="checkbox"/> Retail Store               |
| <input type="checkbox"/> Data Center                | <input type="checkbox"/> Supermarket/Grocery Store  |
| <input type="checkbox"/> Hospital                   | <input type="checkbox"/> Residence Hall/Dormitory   |
| <input type="checkbox"/> Hotel                      | <input type="checkbox"/> Warehouse (Unrefrigerated) |
| <input type="checkbox"/> House of Worship           | <input type="checkbox"/> Warehouse (Refrigerated)   |
| <input type="checkbox"/> K-12 School                | <input type="checkbox"/> Senior care facility       |
| <input type="checkbox"/> Medical Office             | <input type="checkbox"/> Swimming Pool              |
| <input type="checkbox"/> Office                     | <input type="checkbox"/> Wastewater treatment plant |
| <input type="checkbox"/> Parking                    | <input type="checkbox"/> Other                      |

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**THE FOLLOWING SECTION SHOULD BE COMPLETED BY THE OWNER OR  
PROPERTY MANAGEMENT REPRESENTATIVE.**

**Please return the completed form to:**

[INSERT OWNER OR PROPERTY MANAGEMENT REPRESENTATIVE ADDRESS IF  
SEEKING PHYSICAL COPIES, OR INSERT OWNER OR PROPERTY MANAGEMENT  
REPRESENTATIVE E-MAIL ADDRESS IF SEEKING DIGITAL COPIES.]

For information on energy benchmarking in DC visit: <http://ddoe.dc.gov/energybenchmarking>.

For questions regarding this form, please contact

[INSERT OWNER OR PROPERTY MANAGEMENT REPRESENTATIVE CONTACT  
INFORMATION]

I [PROPERTY OWNER/PROPERTY MANAGEMENT REPRESENTATIVE] certify that the  
REQUEST FOR NON-RESIDENTIAL TENANT INFORMATION FORM was hand-delivered,  
mailed, or sent by electronic mail to [TENANT NAME] ON [DATE].

\_\_\_\_\_  
OWNER/PROPERTY MANAGEMENT REPRESENTATIVE SIGNATURE



**District Energy Benchmarking of Existing Buildings  
Non-Residential Tenant Information Request Form (2010/2011 Data)**

**Section A --- SECTION A SHALL BE COMPLETED BY THE TENANT.**

**Tenant Space Use Attributes:** Required for all *non-residential* tenants:

- **Owner/Property Management Representative:** please check the appropriate box or boxes.
- **Tenant:** please complete the checked sections and contact your building owner or property management representative with any questions you may have. For those of you familiar with Portfolio Manager, please note that many data fields that are generally optional are required in the District.

**Bank/Financial Institution**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ Weekly operating hours
- \_\_\_ # of workers
- \_\_\_ # of personal computers
- \_\_\_ Percent of floor area that is air conditioned ( $\geq 50\%$ ,  $< 50\%$ , or none)
- \_\_\_ Percent of floor area that is heated ( $\geq 50\%$ ,  $< 50\%$ , or none)

**Data Center**

*Required:*

- \_\_\_ Gross Square Feet
- \_\_\_ IT Energy Configuration – Select one from:
  1. Uninterruptible Power Supply (UPS) Meter supports only IT Equipment. (Preferred)
  2. UPS Meter includes non-IT load of 10% or less.
  3. UPS Meter includes non-IT load greater than 10%. Non-IT load is sub-metered.
  4. UPS Meter includes non-IT load greater than 10%. Non-IT load is not sub-metered.
  5. Facility has no UPS Meter.
  6. IT Energy is not currently metered at this facility – Apply Estimates.
- \_\_\_ IT Energy Data – 12 months of measured energy consumption data is required from either the UPS or PDU Meter, depending on IT Energy Configuration

**Meter Type (circle one):** UPS Output of PDU Input

Month	Start Date	End Date	Energy Consumption (kWh)
1			
2			
3			
4			

**District Energy Benchmarking of Existing Buildings**  
**Non-Residential Tenant Information Request Form (2010/2011 Data)**

5			
6			
7			
8			
9			
10			
11			
12			

*Optional (but recommended by DC):*

- \_\_\_ UPS System Redundancy (N, N+1, N+2, 2N, greater than 2N, none of the above)
- \_\_\_ Cooling System Redundancy (N, N+1, N+2, 2N, greater than 2N, none of the above)

**Hospital (General Medical and Surgical)**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ # of staffed beds
- \_\_\_ # of MRI machines
- \_\_\_ # of FTE workers
- \_\_\_ Maximum # of floors
- \_\_\_ Tertiary care facility – yes or no
- \_\_\_ # of buildings
- \_\_\_ Laboratory on-site – yes or no
- \_\_\_ Laundry facilities on site – yes or no
- \_\_\_ Ownership status (choose one: non-profit, for-profit, government)

**Hotel**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ # of rooms
- \_\_\_ # of workers on main shift
- \_\_\_ # of commercial refrigeration/freezer units
- \_\_\_ On-site cooking – yes or no
- \_\_\_ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Hours per day the guests are on-site
- \_\_\_ # of guest meals served
- \_\_\_ Square footage of full-service spas
- \_\_\_ Square footage of gym/fitness center
- \_\_\_ Laundry processed at site (choose one: no laundry facility, linens only (e.g. bed/table linens), terry only (e.g. towels, bathrobes), both linens and terry)
- \_\_\_ Annual quantity of laundry processed on-site
- \_\_\_ Average Occupancy (%)

**District Energy Benchmarking of Existing Buildings**  
**Non-Residential Tenant Information Request Form (2010/2011 Data)**

**House of Worship**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ Maximum seating capacity
- \_\_\_ # of weekdays of operation
- \_\_\_ Hours of operation per week
- \_\_\_ # of personal computers
- \_\_\_ Presence of cooking facilities – yes or no
- \_\_\_ # of commercial refrigeration/freezer units

**K-12 School**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ # of personal computers
- \_\_\_ # of walk-in refrigeration/freezer units
- \_\_\_ High school – yes or no
- \_\_\_ Open weekends – yes or no
- \_\_\_ On-site cooking – yes or no
- \_\_\_ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Months of use
- \_\_\_ School District

**Medical Office**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ # of workers on main shift
- \_\_\_ Weekly operating hours
- \_\_\_ Percent of floor area that is Cooled in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)

**Office**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ Weekly operating hours
- \_\_\_ Percent of floor area that is air conditioned ( $\geq 50\%$ ,  $< 50\%$ , or none)
- \_\_\_ Percent of floor area that is heated ( $\geq 50\%$ ,  $< 50\%$ , or none)
- \_\_\_ # of workers on main shift
- \_\_\_ # of personal computers

**Other**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ Weekly operating hours
- \_\_\_ # of personal computers

**District Energy Benchmarking of Existing Buildings**  
**Non-Residential Tenant Information Request Form (2010/2011 Data)**

\_\_\_ # of workers on main shift

**Parking**

*Required:*

- \_\_\_ Gross floor area that is enclosed (SF)
- \_\_\_ Gross floor area that is unenclosed with a roof (SF)
- \_\_\_ Gross floor area that is open without a roof (SF)
- \_\_\_ Weekly hours of access

**Residence Hall/Dormitory**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ # of rooms
- \_\_\_ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Computer lab on-site – yes or no
- \_\_\_ Dining Hall on-site – yes or no

**Retail Store**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ Weekly operating hours
- \_\_\_ # of workers on main shift
- \_\_\_ # of personal computers
- \_\_\_ # of cash registers
- \_\_\_ # of walk-in refrigeration/freezer units
- \_\_\_ # of open & closed refrigeration/freezer cases
- \_\_\_ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Exterior entrance to the public – yes or no

**Supermarket/Grocery Store**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ Weekly operating hours
- \_\_\_ Workers on main shift
- \_\_\_ On-site cooking – yes or no
- \_\_\_ # of walk-in refrigeration/freezer units
- \_\_\_ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ # of open or closed refrigeration/freezer cases
- \_\_\_ # of registers and/or personal computers

**Swimming Pool**

*Required:*

**District Energy Benchmarking of Existing Buildings**  
**Non-Residential Tenant Information Request Form (2010/2011 Data)**

- \_\_\_ Swimming pool size, choose from:
- \_\_\_ Olympic (50 meter x 25 meters)
- \_\_\_ Recreational (20 yards x 15 yards)
- \_\_\_ Short Course (25 yards x 20 yards)
- \_\_\_ Indoor or outdoor
- \_\_\_ Months of use

**Warehouse (Refrigerated)**

*Required:*

- \_\_\_ Gross floor area (sf)
- \_\_\_ Weekly operating hours
- \_\_\_ # of workers on main shift

**Warehouse (Unrefrigerated)**

*Required:*

- \_\_\_ Gross Floor Area (SF)
- \_\_\_ Weekly operating hours
- \_\_\_ # of workers on main shift
- \_\_\_ # of walk-in refrigerators/freezer units
- \_\_\_ Percent of floor area that is cooled in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Percent of floor area that is heated in 10% increments (10%, 20%, 30%, etc.)
- \_\_\_ Distribution Center – yes or no

**District Energy Benchmarking of Existing Buildings  
Non-Residential Tenant Information Request Form (2010/2011 Data)**

**Section B**

*For the Owner/Property Management Representative:*

please check appropriate box or boxes.

- Tenant Energy and Water Data Required (for selected energy and water utilities)**
- 2010 and 2011 Data Required (buildings over 200,000 gsf)**
- Only 2011 Data Required (buildings 150,000-200,000 gsf)**

*For the Tenant:*

Enter the utility use for your space where you directly pay the energy bills. Enter the information covering the period covering the calendar year or years you are benchmarking. Most bills will not begin on January 1, so please provide information that begins with the first bill that includes that year's usage only and extend through the next 12 (or 24) months of usage (this may run into part of the following year). Pepco, Washington Gas, and DC Water include usage for the last 12 months on each bill, so that may help you more easily identify your usage. More utility history is available online or by calling customer service. Utility account information can also be obtained electronically (**after registering for an account**) by visiting the following websites: (1) Pepco: <http://www.pepco.com>, (2) Washington Gas: <https://www.washgas.com>, and (3) DC Water: [www.dcwater.com](http://www.dcwater.com).

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Comment [n1]: DC WASA changed its name (and website address) to DC Water.

Field Code Changed

You may instead opt to fill out the Utility Data Release Authorization Form on the following pages, and provide that to your building owner or property management representative.



**District Energy Benchmarking of Existing Buildings  
Non-Residential Tenant Information Request Form (2010/2011 Data)**

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**District Energy Benchmarking of Existing Buildings  
Non-Residential Tenant Information Request Form (2010/2011 Data)**

**DC Official Code § 6-14501.03, Privately-owned buildings and projects.**

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(a) This section shall apply to all privately-owned buildings and projects with at least 50,000 square feet of gross floor area.

(b)(1) All new construction and substantial improvement of nonresidential projects, including projects involving real property acquired by a real property disposition by sale from the District or a District instrumentality to a private entity, and projects if less than 15% the project's total project cost was financed by the District or a District instrumentality, shall:

(A) Beginning January 1, 2009, as part of any building permit application, submit to DCRA a green building checklist documenting the green building elements to be pursued in the respective building's permit; and

(B) Be verified by an entity described in § 6-1451.04 as having fulfilled or exceeded the current edition of the LEED standard for commercial and institutional buildings at the certification level within 2 years of the receipt of a certificate of occupancy; provided, that a public school shall be verified as having fulfilled or exceeded the current edition of the LEED standard for commercial and institutional buildings at the gold level or higher if sufficient funding for the construction or renovation is provided.

(2) This subsection shall apply as of:

(A) January 1, 2010, for a project involving real property acquired by a real property disposition by sale, from the District or a District instrumentality to a private entity, that has submitted an application for the first building permit on or after January 1, 2010; and

(B) January 1, 2012, for a project that has submitted an application for the first building permit on or after January 1, 2012.

(3) The area of common space in a project shall be allocated to either residential or nonresidential square footage of a project based upon the percentage of gross floor area of the project occupied by each of the residential and nonresidential occupancies calculated after excluding the area of common space.

(4) An applicant for new construction or substantial improvement of a mixed-use space shall fulfill or exceed the current edition of the LEED standard for commercial and institutional buildings at the certified level for the nonresidential portion of the project. Any requirements set forth in § 6-1451.05 shall apply to the mixed-use space of the project. For the purposes of mixed-use space in this paragraph, the term:

(A) "LEED" also includes LEED for Commercial Interiors and LEED for Retail: Commercial Interiors; and

(B) "Certificate of occupancy" refers to the first certificate of occupancy issued for a usable, habitable space at grade or above grade for the mixed-use space of the project.

**(c)(1) This subsection shall apply to all buildings and projects that are of a building type for which Energy Star® tools are available.**

**(2)(A) The requirements for existing privately-owned buildings shall be as follows:**

**(i) The owner or a designee of the owner shall annually benchmark the building using the Energy Star® Portfolio Manager benchmarking tool; and**

**(ii)(I) benchmark and Energy Star® statements of energy performance for each building shall be made available to DDOE by April 1 of the respective following year. In 2011 only, the scores and statements shall be made available to DDOE no later than July 1.**

**(II) Upon receipt, DDOE shall make the benchmark and Energy Star® statements available to the public via an online database accessible through the DDOE website, beginning with the 2nd annual benchmarking data for each building.**

**(B) This paragraph shall apply as of:**

**(i) January 1, 2010, for a building with over 200,000 square feet of gross floor area;**

**(ii) January 1, 2011, for a building with over 150,000 square feet of gross floor area;**

**(iii) January 1, 2012, for a building with over 100,000 square feet of gross floor area; and**

**(iv) January 1, 2013, for a building with over 50,000 square feet of gross floor area, or more.**

**(C) Benchmarking data required in this paragraph shall include water consumption data as incorporated in the Portfolio Manager Benchmarking Tool.**

**(D) A building owner or tenant who fails to timely, accurately, and completely submit the benchmarking information required by this paragraph to DDOE or to the building owner shall be assessed a penalty by DDOE of no more than \$100 for each day during which the required submission has not been made. Civil infraction fines, penalties, and fees may be imposed as alternative sanctions for such failure, pursuant to Chapter 18 of Title 2. Adjudication of an infraction shall be pursuant to Chapter 18 of Title 2.**

**District Energy Benchmarking of Existing Buildings  
Non-Residential Tenant Information Request Form (2010/2011 Data)**

(3) An applicant for new construction or substantial improvement of a project who submits the first building permit after January 1, 2012, shall, prior to construction, estimate the project's energy performance using the Energy Star® Target Finder Tool.

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