



## Climate, Energy and Environment Policy Committee (CEEPC)

### MEETING SUMMARY: JANUARY 25, 2017

**CEEPC MEMBERS IN ATTENDANCE:** (\*) Indicates participation by phone

- Hon. Penny Gross, Fairfax County (Chair)
- Hon. Mary Lehman, Prince George's County
- Hon. Julie Palakovich Carr, City of Rockville\*
- Hon. Del Pepper, City of Alexandria
- Hon. Daniel Sze, City of Falls Church
- Dr. Kambiz Agazi, Fairfax County
- Dyan Backe, City of Gaithersburg
- Nick Bonard, National Capital Planning Commission (NCPC)
- Maribeth DeLorenzo, District Department of Energy and Environment (DOEE)\*
- Megan Goold, EPA Region 3\*
- Véronique Marier, Bethesda Green\*
- Dale Medearis, Northern Virginia Regional Commission (NVRC)
- Scott Pomeroy, DowntownDC BID
- John Settles, Capital Sustainability\*
- Dr. Dann Sklarew, George Mason University
- Tim Stevens, Virginia Sierra Club
- Ted Trabue, DC Sustainable Energy Utility (DCSEU)
- Glenna Tinney, ACPAC Chair
- Michelle Vigen, Montgomery County\*

**ADDITIONAL PANELISTS AND ATTENDEES:**

- Alan Brewer, Loudoun County\*
- Bernard Devlin, Town of Edmonston
- Alleyn Harned, Virginia Clean Cities Coalition
- Dr. Lisa Heinzerling, Georgetown Law
- Mike Hunninghake, University of Maryland
- George Nichols, DC Sustainable Energy Utility (SEU)
- Sarah Reed, National Association of Regional Councils (NARC)
- Dave Robbins, US Army Corps of Engineers
- Chris Somers, Arlington County
- Leslie Wollack, NARC

**COG STAFF IN ATTENDANCE:**

- Chuck Bean, COG Executive Director
- Steve Walz, COG Environmental Programs Director
- Leah Boggs, COG Environmental Programs
- Amanda Campbell, COG Environmental Programs
- Maia Davis, COG Environmental Programs
- Jeff King, COG Environmental Programs
- Tanya Spano, COG Environmental Programs
- Michael Truax, COG Environmental Programs

## 1. CALL TO ORDER, WELCOME, AND INTRODUCTIONS

Chair Gross called the meeting to order at 10:08 am. New and continuing members in the room and on the phone introduced themselves. Chair Gross remarked on regional achievements such as meeting the 2012 greenhouse gas emission reduction goal, developing the first electric vehicle readiness plan, streamlining utility data collection, a solar market development effort leading to \$45M in renewable energy investment across the region, and recent EIA data showing energy-based greenhouse gas emission reductions between 2000 to 2014 in all three states.

The meeting summary was approved with no changes.

*Chuck Bean, COG Executive Director's orientation remarks*

Mr. Bean provided an overview of COG programs and initiatives in transportation, public safety, planning, and the environment. CEEPC is one of COG's key policy committees that advises the board on climate, energy, and environmental issues. CEEPC will be invited to present its priorities to the COG Board this year.

## 2. COMMITTEE REPORTS

### A. Built Environment Energy Advisory Committee (BEEAC) (*Michelle Vigen, Chair*)

In October, BEEAC addressed reducing greenhouse gases in the built environment, including hearing from the District of Columbia's Department of Energy and Environment, Philadelphia's Office of Sustainability, and San Francisco's Department of the Environment on their respective climate action plan initiatives. BEEAC participated in reviewing the CEEPC Action Plan and the dashboard. In December, BEEAC addressed financing tools for energy efficiency projects in state and local governments, including Qualified Energy Conservation Bonds (QECBs) and the Warehouse for Energy Efficiency Loans (WHEELs). The February meeting will focus on implementing green building improvements on historic preservation properties.

Chair Gross said that the committee will want to hear more about financing given the changes in new administration.

### B. Air and Climate Public Advisory Committee (ACPAC) (*Glenna Tinney, Chair*)

ACPAC sent a draft of the Environmental Justice (EJ) toolkit to COG staff to review. BEEAC, CEEPC and other environmental justice advocates will help review the first draft. The Toolkit has a section on financing. ACPAC is considering the Climate and Energy Leadership Awards categories and process, and will present a proposal for this year's awards program soon.

ACPAC focused on transportation at the last meeting, addressing COG's transportation performance analysis of the long-range transportation plan and a tool that identifies low income and minority communities in the region to measure any disproportionate impacts on those communities. The final tool will be made available on the COG website.

Election of officers will take place at the next ACPAC meeting. As this is Ms. Tinney's last meeting as ACPAC Chair, she expressed gratitude for the opportunity to serve. Chair Gross thanked Ms. Tinney for her service and her work on the EJ Toolkit, and expressed interest in the equity emphasis areas tool. Mr. Walz said that CEEPC could hear a presentation on equity when the EJ Toolkit is covered.

### C. Member Updates

- Chair Gross shared the overview of the CEEPC meeting schedule and proposed topics for the year, and asked if there are additional topics that should be addressed.
- Scott Pomeroy reported that the DowntownDC Business Improvement District (BID) is working to showcase best practices for reducing the energy, water, and waste in the built environment through partnerships with DOEE, GSA, and DGS. Downtown DC BID is participating in global cities team challenge initiatives, including the upcoming supercluster.

- DC SEU reported that they are expanding services to low income residents, serving those with 80% or less of area median income (formerly 60%). DC SEU usually invests \$5M/year in energy efficiency and renewables services for low income single family and multi-family buildings. DC SEU set a goal this year to install over 1MW of solar capacity, four times more than last year.
- Dan Sze, reported that the Falls Church Environmental Sustainability Council adopted COG's climate goals. Members of the planning commission are calling for a neighborhood cottage development to be zoned net zero. Mr. Sze asked for anyone with expertise in this area to reach out to assist the developer. Also, Falls Church is purchasing FLIR thermal imaging devices – a gadget that hooks onto cell phone to transform it into a thermal camera – that can be checked out of the library. It can be used to detect leaks in a building's thermal envelope.
- NCPC reported that on January 19, NOAA released global sea level rise estimates that updated the high scenario from 2m to 2.5m (6.6 ft. to 8.2 ft.). The report also presented a new way of characterizing the scenarios, using percentage probability rather than low, medium and high. NOAA is offering a coastal resilience grant; proposals are due in March.

#### **D. Staff Updates and Announcements**

Due to time constraints, staff said they will send any updates to the committee in a follow-up email.

### **3. MULTI-SECTOR WORKING GROUP – FINAL RECOMMENDATIONS**

*Steve Walz, COG Environmental Programs Director*

The Multi-Sector Working Group (MSWG) looked at additional activities that can be implemented across the region to help reach our greenhouse gas goals. Initial analysis found that current policies have begun to turn the business as usual curve down. Additional actions modeled will help to continue a downward trend in emissions, but we would need additional federal activities to reach the goals.

A policy group developed a set of recommendations, and identified consensus strategies that could either be implemented across the region, implemented locally in some jurisdictions, or that could be implemented by state or federal entities. Consumer education and outreach was important for all the measures. Measures address building energy efficiency, renewable energy, waste, non-road engines, enhancing tree cover, and transportation enhancements.

The COG Board accepted the final recommendations, recognizing the progress that is being made, and recommending that COG committees support implementation. The Board asked to hear periodic status reports. Additional material is on the website. The recommendations will be reflected in the CEEPC Climate Action Plan.

Chair Gross added that in recent years, we've developed a lot of momentum in climate and energy in the region, and it's important that we keep doing what we can at the local level. We can accomplish a lot independent of federal government action.

### **4. 2017 LEGISLATIVE AND REGULATORY OUTLOOK**

#### Federal Outlook

*Lisa Heinzerling, Georgetown Law Professor*

On the federal legislative front, there has been a trend towards passing cross-cutting laws that make federal regulation more difficult to implement, such as establishing more hurdles for agencies, and efforts to cut back on environmental regulations. There have been executive orders on the oil

pipelines, promoting manufacturing, streamlining of environmental review, freezing grants and hiring in EPA, and memos restricting civil servants from speaking on social media or to the press.

Almost all our laws on the environment allow state and local governments to do more than the federal government. What happens at the state and local level is even more important in this context.

There are three rules of thumb to think about in understanding how policies may change: the posture or status of the policy, the formality of the policy, and facts and law. The posture of the rule has to do with whether the rule has been issued in final form or if it is tied up in legal actions. Any regulations that are still in draft form or in the courts will be easier for the administration to target. For example, the Clean Power Plan was stayed by the Supreme Court last year, effective until the Supreme Court denies review of a ruling from below or accepts review and issues a judgement. The new administration could ask the court to send the rule back to EPA for reconsideration. A number of other rules are being reviewed by lower courts; the new administration could decide not to defend those rules. Environmental groups may still defend the rules.

It is harder to undo final rules and final agency actions. If the agency has undergone public comment and issued a final rule, then it must undergo the same procedural formality to undo the rule. The agency has some discretion – it could shorten comment periods and explain the changes more briefly. If guidance was issued through memoranda, then the guidance could go through an equally informal process to be revoked.

Agencies need to consider facts and follow the underlying law when instituting policies. EPA could change its view of the facts, but it needs to provide an explanation. Sometimes the scientific literature is so robust that it would be difficult to circumvent, such as the finding that greenhouse gases endanger public health and welfare (the so-called ‘endangerment finding’). However, the presentation of the facts has always depended upon the ability of career staff to tell those in power where the facts point. If staff find it more difficult to express their opinions in the current administration, it would be a worrisome weakening of that check on administrative power.

If a law is ambiguous, then deference is given to the agency in interpreting it as long as it is reasonable, which has its basis in the Chevron ruling. There is a bill in the House that would eliminate the Chevron rule, which would give the administration more leeway to change policy choices. One example is the Clean Power Plan, the agency could decide to take a different view in interpreting its statutory provisions. It remains to be seen how the agencies react and whether and how they change their interpretive choices.

Gross: In local jurisdictions, we can all support a climate that encourages staff to feel free to tell policymakers what they know, and to ask for thorough explanations.

### Discussion

Q: How might federal changes trickle down to the region?

R: If the government continues the freeze on grants, that may affect what is done. If all the states and localities stand together, it is harder for the federal government to stand down.

Q: Could providing comments be one way to increase the consideration of facts?

R: it would be useful to provide comments that are fact-based; the agency does have to respond to it.

It was noted that it is very important to not be silent on the state and local level. States and local governments can step forward and fill in the performance gap. The hope is that local governments won't be intimidated or forced not to say anything.

## State Outlook

In the interest of time, the state legislative presentation was canceled.

## CEEPCLegislative Committee

Mr. Walz listed the members of the CEEPC legislative committee continuing on from last year.

DC: Mary Cheh of the DC Council (Nicole Rentz participates as her representative), Eric Shaw of the Office of Planning, and Emil King of the Department of Energy & Environment.

MD: Roger Berliner of Montgomery County, Erica Bannerman of Prince George's County, Konrad Herling with Leta Mach as alternate from Greenbelt, and Delegate Carr from the Maryland House of Delegates.

VA: Jay Fisette of Arlington County, Robert Lazaro of NVRC, and Dan Sze of Falls Church.

Chair Gross asked that if anyone else wanted to serve on the Legislative Committee, to contact staff.

## **5. OPPORTUNITIES TO SUPPORT LOW EMISSION MOBILITY**

*Jeff King, COG Energy and Climate Programs Chief*

*Alleyn Harned, Virginia Clean Cities Coalition Director*

*Leslie Wollack, National Association of Regional Councils (NARC) Executive Director*

*Leah Boggs, COG Principal Planner*

Mr. King shared that light duty vehicles emit 22 million metric tons of carbon dioxide in the region. Hybrids and electric vehicles (EVs) now comprise about 3% of the region's vehicles. Federal policies to increase corporate fleet efficiency standards will provide significant emission reductions over the next several years, although the standards may change under the current administration. Fleet turnover is a critical factor in reducing emissions from this sector.

COG applied for funds from the Volkswagen (VW) settlement to install electric vehicle charging stations and conduct education and outreach in the region. COG proposed to help coordinate the east coast deployment of charging stations. COG has identified over 120 partner organizations with 1,500 identified charging station needs. COG proposed that Clean Air Partners and Clean Cities Coalitions conduct the education and outreach piece.

Additional funds available to states (appendix D) will probably be used for vehicles including heavy duty fleet vehicles, and some infrastructure funding.

Ms. Davis thanked CEEPC members for their support with the VW grant application and noted that COG will be following up on additional information needed as part of the VW survey.

Mr. Harned reported that there is a \$10,000 per vehicle incentive to help Virginia localities with the costs of alternative fuel vehicles. Information is available on the Virginia Clean Cities Coalition's website at <http://www.vacleancities.org/>. Additionally, the Commonwealth of Virginia is now engaging in public private partnerships with auto manufacturers and potential charging site hosts, including government properties. One of the partners is Tesla Motors, which has a 'Destination Charger Program' that provides a Tesla or standard charger. Details are available on the Tesla website. Virginia has reached out to identify potential sites and to promote the program. Similarly, in 2015, Nissan Motors partnered with Virginia to deploy 25 DC fast chargers. Another potential opportunity is to install an adequate charging station network to support electrification of taxicabs. Virginia has also engaged in public education to reduce the soft costs of EVs, and engaged in a group buy that reduced the cost of Nissan Leaf vehicles.

Ms. Wollack shared that the NARC has worked with COG on several projects including the Department of Energy's Solar Ready II grant, and now the Fleets for the Future grant. The purpose of

Fleets for the Future is to reduce financing, procurement, and regulatory barriers to alternative fuel vehicles (propane, electric, and natural gas-fueled vehicles). NARC, in partnership with Clean Cities Coalitions and five regional councils, is helping develop a regional procurement and later, a national procurement program, as well as an education initiative. The Fleets for the Future website showcases best practices created in collaboration with technical experts.

Ms. Boggs described the local efforts on the Fleets for the Future project. COG is collaborating with the Mid-Atlantic Purchasing Team. The initiative is creating both a cooperative purchase of vehicles and infrastructure. The Delaware Valley Regional Planning Commission is participating in the Fleets for the Future project with COG. The bulk purchase will buy down the cost of the vehicles for a variety of alternative fuel types. If COG receives VW funds, then that might also go towards reducing the costs. COG is conducting education and training to promote and is distributing best practices. A survey showed that 7,200 vehicles are slated for replacement among public fleets which indicates the potential for replacement with alternative fuel vehicles. The contract bid will be issued in mid-May, with awards announced at the end of August, 2017. More information is available at <http://www.fleetsforthefuture.org/metropolitan-washington/>

Dr. Agazi shared that Fairfax County is requiring new buildings to install EV-ready parking spaces.

## **6. U.S. ARMY CORPS COASTAL STORM RISK MANAGEMENT STUDY**

*Dave Robbins, U.S. Army Corps of Engineers Project Manager and Planner, Baltimore District*  
*Tanya Spano, COG Regional Water Quality Management Chief*

Ms. Spano reviewed the purpose of the study which will provide information and analysis to help guide work in stormwater and water resources management in coastal areas.

Mr. Robbins said that the DC area was identified as one of several areas vulnerable to flooding in the post-Sandy North Atlantic Coast Comprehensive Study, warranting further analysis. The Army Corps of Engineers has been allocated funding to execute a three-year study. COG is serving as the non-federal sponsor to coordinate the study and to secure matching funds from non-federal partners. The study extent includes all the areas along the tidal Potomac and Anacostia Rivers in the region. The region's critical infrastructure and systems are vulnerable to a coastal storm risks, and climate change adds additional risks. The study will include a flood risk study and evaluate potential solutions. The work will build on existing analysis and collaborate with existing initiatives. The next step, after establishing a need for the study, is to identify cost-sharing partners and develop the scope of work.

Dr. Agazi said it was a great opportunity. Would be helpful if COG could marshal it forward.

Dr. Sklarew asked that natural capital be considered in the study.

## **7. ADJOURNMENT**

The next CEEPC meeting is scheduled for March 22, 2017.