

# Technical Guidance for K12 School Campuses Q&A Session – Oct. 19, 2022

## 1. So if there is one meter for the building and associated portables, do we include the portable square footage into the EUI calculation?

- If a Tier 1 building or building complex on a K12 campus shares energy meters with portables or other buildings on contiguous property, compliance can be pursued at an aggregate level of all associated buildings. In these cases, the EUI shall be calculated using the gross floor area (GFA) and all energy sources of all associated buildings. If compliance is to be pursued for just the Tier 1 building, the investment criteria shall be pursued or the buildings that are not interconnected through conditioned space shall be submetered and the EUI shall be calculated by deducting GFA and energy use of non-Tier 1 buildings.

## 2. So what do we do with the portable square footage if all campus is on one meter? Do we add deduct meters or add the portable square footage in?

- If a Tier 1 building or building complex on a K12 campus shares energy meters with portables or other buildings on contiguous property, compliance can be pursued at an aggregate level of all associated buildings. In these cases, the EUI shall be calculated using the gross floor area (GFA) and all energy sources of all associated buildings. If compliance is to be pursued for just the Tier 1 building, the investment criteria shall be pursued or the buildings that are not interconnected through conditioned space shall be submetered and the EUI shall be calculated by deducting GFA and energy use of non-Tier 1 buildings.

## 3. If the individual buildings are less than 220,000 sq ft, but the total when adding all buildings on the campus (portables) is greater than 220,000 sq ft, what is the compliance date?

- The compliance date for K12 campuses complying on the campus level will be based on the gross square feet of the floor area of the largest building or building complex on the campus. For example, if the largest building or building complex interconnected through conditioned space on a K12 campus is 125,000 square feet the compliance date would be June 1<sup>st</sup> of 2027.

A summary of compliance dates for Tier 1 buildings are as follows:

- June 1, 2026 - More than 220,000 sq. ft.
- June 1, 2027 - More than 90,000 sq. ft. but less than 220,001 sq. ft
- June 1, 2028 - More than 50,000 sq. ft. but less than 90,001 sq. ft

#### 4. Do any organizations provide free benchmarking?

- Energy Star Portfolio Manager is a free benchmarking software. They offer a series of [benchmarking webinars](#) that demonstrates the steps and navigate the software.
- In addition, below are links to accelerator programs that offer assistance with benchmarking and more:

[Avista Clean Buildings support](#)  
[City of Bellevue Clean Buildings Incentive Program](#)  
[Pacific Power Benchmarking program](#)  
[Pacific Power Clean Buildings support](#)  
[Puget Sound Energy Accelerator program](#)  
[Seattle Clean Buildings Accelerator](#)  
[Smart Buildings Center Help Desk](#)  
[SnoPUD Clean Buildings resources](#)  
[Tacoma Power Clean Buildings support](#)

#### 5. Will Commerce be offering financial assistance to school districts that do not have capital budget funding available to meet the standards?

- Commerce has a number of grant and incentive programs that school buildings may be able to participate in:
  - i. Clean Buildings Early Adopter Incentive Program [Clean Buildings - Early Adopter Incentive Program - Washington State Department of Commerce](#)
  - ii. Energy Retrofits for Public Buildings [Energy Retrofits for Public Buildings - Washington State Department of Commerce](#)
  - iii. Clean Energy Fund Building Electrification Program [Building Electrification Program - Washington State Department of Commerce](#)
- There are a number of funding opportunities available to K-12 schools through OSPI [Grants & Funding Resources \(non-SCAP\) | OSPI \(www.k12.wa.us\)](#)
- Commerce recommends K-12 schools reach out to their utility providers to learn more about incentive and rebate programs available in their service areas. Visit the [Clean Building Support and Resources page](#) for a list of utility programs that support compliance.
- K-12 schools that are able to document that they have pursued all options to finance compliance with the standard and are unable to do so may be able to apply for an exemption for financial hardship. This exemption may be granted by Commerce once a compliance cycle and will need to be reapplied for in future compliance cycles if funding is not able to be secured.

#### 6. The early adopter incentive is a reimbursement model correct? You have to meet the performance standard to get reimbursed?

- The incentive program is performance-based. An eligible building owner that demonstrates early compliance with the Clean Buildings Standard and either meets or exceeds the applicable Energy Use Intensity Target (EUI<sub>t</sub>) may receive a one-time base incentive payment of \$.85 per gross square foot of floor area, excluding parking, unconditioned, or semi-conditioned spaces. See the Early Adopter Incentive Program Guidebook and [webpage](#) for details and eligibility requirements.

**7. Will compliance with the Clean Building Performance Standard exempt K-12 Schools from compliance with Landmarks Preservation Board requirements as priorities are at odds (i.e. preserve single pane windows for their historical legacy vs. energy efficiency?)**

- The standard allows individual energy efficiency measures to be omitted from implementation where the measure compromises the historical integrity of the qualifying historic building.

The Clean Buildings Performance Standard states the following:

**Z6.6 Documentation of a building of historic significance (Form G).**

**Energy efficiency measure exemptions for historic buildings.** No individual energy efficiency measure identified by energy efficiency audits need to be implemented if it would compromise the historical integrity of a building or part of a building. Building owners seeking this exception shall provide the following documentation. Certified historic buildings are not exempt from the other requirements of this standard.

**Plan for compliance.** The owner of a qualifying historic building shall have the plan for compliance evaluated by a qualified historic preservationist, as defined in 36 C.F.R., Part 61, identifying any energy efficiency requirement that may compromise the historic integrity of the building or part of the building. Any element of the plan identified to compromise the historic integrity of the building or part of the building shall be omitted from the compliance plan. Evidence of this evaluation must be submitted to the AHJ for approval.

**Documentation of a historic building.** Building owners must provide documentation to the AHJ that proves its historic identification or eligibility. Valid documentation from any existing programs listed below is acceptable.

1. Examples of existing programs that verify historic property include:
  - The National Register of Historic Places;
  - The Washington heritage register;
  - Properties that are identified by the department of archaeology and historic preservation (DAHP) to be eligible for listing in either one of these registers; and
  - Properties which are listed in a local register of historic places; or
2. Other documentation approved by the AHJ.

**8. For early adopter, is the compliance reiterative? If after EEMs are applied and M&V runs for 15 months, and target is not met, what then?**

- The incentive program guidance provides 18 months (and an additional 6 or 12 months) for energy efficiency measures (EEM's) to be implemented once EEM's are completed the building has 18 months for measure and verification reporting. Buildings must provide 12 months of consecutive data verifying the building has met its applicable EUI. Review the [Early Adopter Incentive Program Guidebook](#) for further details.

**9. If the portable is metered separately, would it have its own EUI, or would they share an EUI with the tier 1 building on the same campus? What about if the portable is not metered separately?**

- Portables metered separately do not need to comply with the Clean Buildings Performance Standard because their floor area is not over 20,000 square feet. However, if a Tier 1 building or building complex on a K12 campus shares energy meters with portables or other buildings on contiguous property, compliance can be pursued at an aggregate level of all associated buildings. In these cases, the EUI shall be calculated using the gross floor area (GFA) and all energy sources of all associated buildings. If compliance is to be pursued for just the Tier 1 building, the investment criteria shall be pursued or the buildings that are not interconnected through conditioned space shall be submetered and the EUI shall be calculated by deducting GFA and energy use of non-Tier 1 buildings.

**10. The incentive of 85 cents for every square foot times 200,000 square foot equals \$170,000, what projects would be recommended to bring into compliance with Clean Building Performance Standards?**

- The incentive program requires a qualified energy auditor to perform the analysis. From the building assessment, the auditor should provide a list of energy efficiency measures that would achieve a building's Energy Use Intensity Target (EUI).

**11. Are there exemptions if HVAC units aren't at the "end of life" status yet? How does this come into play with the EUI?**

- Cost-effective energy efficiency measures not beyond their useful life can utilize phased implementation through conditional compliance with the standard to delay implementation until the equipment or system has reached the end of its useful life.
- Phased implementation shall be pursued through conditional compliance of the investment criteria and cannot be used when complying through meeting the EUI.
- Phased implementation requires a level II energy audit and life cycle cost analysis in accordance with Annex X of the standard identifying all cost effective energy efficiency measures and including any measure remaining useful life.
- Phased implementation shall be applied for through conditional compliance with a schedule for replacement.
- Phased implementation shall be documented in the energy and capital management plan requirements of the standard. See Z4.5 of the standard for details of phased implementation through conditional compliance. Conditional compliance shall be applied for a minimum of 180 days prior to the compliance date.

**12. What recommendations does Dept of Commerce have for talking with local taxpayers? I have had 3 of our 4 buildings benchmarked. One building is close, another building is 46 points off, the last building is 70 points off. As a small school district, 1400 students, in a rural community this will be impossible or close to impossible to reach.**

- Compliance with the standard for the buildings well above the EUIt may be most cost-effective through the investment criteria. Phased implementation of cost-effective energy efficiency measures (EEMs) identified by the investment criteria that are not beyond their useful life may be helpful in capital asset management planning. Phased implementation would allow the delay of implementation of EEMs until the end of their useful life and give districts time to plan for some the more capital-intensive EEMs required by the standard.

**13. Given that you have entered all the school buildings in the state, what do you anticipate would be representative examples of impacts to local districts to move buildings into compliance in terms of actions needed, costs anticipated, ability to meet timelines, etc.**

- Commerce has not evaluated the impacts of compliance with the standard on local school districts at this point in time. It is likely that K12 campuses with high EUIs would need to comply with the standard through the investment criteria because meeting the EUIt may not be cost-effective. These campuses would need to employ an ASHRAE Level II energy audit and life cycle cost analysis in accordance with Annex X of the standard to identify all cost-effective energy efficiency measures (EEMs). From this analysis, the district would develop a plan for implementing these EEMs which may include phased implementation of identified EEMs not beyond their useful life. See question 11 on this document regarding phased implementation for more details. Please also see question 5, notes on financial hardship exemption.

**14. For buildings in school districts that are not a K12 school (examples: transportation, maintenance, administration buildings), which building use(s) from Table 7-2a would you use? Would you use "9: Education: Other - Education?"**

- Buildings owned by a school district that do not meet the definition of K12 school subject to the Clean Buildings Performance Standard shall use the building activity type(s) defined by the standard that best suits the building's use or uses in the development of the buildings EUIt.
- For example, an administrative use would likely use the Office – Admin/professional office building activity type. Commerce has published a table listing all building activity types identified by the standard with correlating EUIt and definition ([Energy Use Intensity Targets & Building Activity Type Definitions](#)). If you need assistance in correctly identifying a building's activity type after reviewing this document, please reach out to Commerce directly.

69	Office	Office Admin/professional office		63	66	Office refers to buildings used for the conduct of commercial business activities. Gross Floor Area should include all space within the building including offices, conference rooms and auditoriums, kitchens used by staff, lobbies, fitness areas for staff, storage areas, stairways, and elevator shafts. If you have restaurants, retail, or services (dry cleaners) within the Office, you should most likely include this square footage and energy in the Admin/professional office building activity type. There are 3 exceptions to this rule when you should create a separate building activity type: • If it accounts for more than 25% of the property's GFA • If it is a vacant/unoccupied Office • If the shift normalization factor varies from the main building activity type.
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**15. It would be helpful if COM could put the entire list of funding available to school districts to work to meet this new law.**

- Thank you for this input. Commerce maintains a Clean Buildings [Support and Resources webpage](#). This page has a section for financing.

**16. Is there a checklist of how to get started? What the steps are you need to accomplish in order.**

- Commerce has not developed a checklist for compliance but has many step-by-step guidance documents and flow charts on its website. Visit the [Clean Building Document Library](#) to review these resources.

**17. What new funding programs are anticipated resulting from the recent Federal Inflation Reduction Act?**

- There are a number of energy-related provisions in the Inflation Reduction Act. There is planning and/or proposal development that will need to take place for funds to be available in Washington State, so it is too early to provide information on anticipated funding available for schools.

**18. Regarding end of life HVAC equipment - if pursuing phased implementation, how do you evaluate the 75% achievement of EEMs?**

- Buildings pursuing compliance through the investment criteria and utilizing phased implementation as a condition of conditional compliance will not be able to measure and verify compliance until delayed energy efficiency measures have been implemented for a minimum of 12 consecutive months. Conditional compliance can last until the next compliance cycle.

**19. How would that work if the HVAC & Controls are at end of life, however the roof has a few years left. But to get to the EUI target and current energy code insulation has to be added to the roof and to keep overall significant project costs down, the roofing needs to be done at some timing as Rooftop HVAC?**

- Phased implementation is employed as a condition of the investment criteria path and not of the EUI path. The EUI would not need to be met when pursuing the investment criteria. If the investment criteria deems the roof insulation as a cost effective measure along with HVAC and controls but the roof is not beyond its useful life sequencing of EEMs may be a concern. In this case phased implementation of the roof may not be effective in containing overall compliance cost down.

**20. Can I suggest that Department of Commerce and OSPI form a K-12 technical committee to provide guidance regarding establishing the criteria for this legislation**

- The Clean Buildings Law required Commerce to develop WA's performance standard based on ASHRAE Standard 100, which can be downloaded from the Clean Buildings webpage here: [Clean Buildings Performance Standard - Integrated Document - Washington State Department of Commerce](#). Much of the criteria for compliance is included in this nationally recognized standard.
- Commerce hosted a series of 15 public rulemaking workshops in 2020 and 2021 to develop the administrative procedures for this law. A summary of these workshops and public comments can be found here: [Clean Buildings Performance Standards - Washington State Department of Commerce](#)
- Stakeholders have the opportunity to provide input regarding the criteria for Tier 2 buildings. Tier 2 buildings are buildings 20,000 square feet or larger, including multifamily buildings. The first phase of this law is not a performance standard. It will require reporting on benchmarking, energy management plans, and operations and maintenance programs for Tier 2 buildings. Compliance

and reporting for this new tier is expected July 1, 2027. The notification letter for this will occur in the future. The expansion bill also included an incentive program with an additional \$150 million available for Tier 2 buildings at a rate of .30 cents per square foot. The new law requires Commerce to complete rulemaking by December 1, 2023. We hope you can join us during our upcoming stakeholder engagement sessions. Meetings will be announced through our Clean Buildings Bulletins and webpage.

**21. Is there a way to account for anomalies in metered energy use? Example, over the last two years, we have seen a rise in energy use as campuses are running HVAC 24/7 to provide maximum air exchanges in response to COVID. On the flip side, some campuses do not have consistent energy use data due to intermittent use with school shutdowns.**

- At this point, Commerce is not providing any allowances or exceptions to account for anomalies in building energy use due to the effects of ventilation rates due to the COVID-19 pandemic. Commerce will continue to evaluate these effects on compliance with the standard as we approach compliance dates. If building energy use patterns continue to be affected by the COVID-19 pandemic, Commerce will likely make the appropriate adjustment to compliance requirements through the use of a normalization factor to accommodate this situation.

**22. Can you please explain the need to begin in 2023 again? There is a two year review period or something?**

- There is no requirement to begin the compliance process in 2023. For larger buildings with a compliance date of 2026, it is highly suggested to start the process early. This is a process-oriented standard with long lead times to help keep compliance costs down. It is most cost-effective to start the compliance process early.
- The operations and maintenance program is required to be implemented one year prior to the compliance date. There are no other requirements prior to the compliance date