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GREENER, GREATER BUILDINGS PLAN

In December of 2009, New York City enacted a suite of four local laws (LL) aimed at supporting the energy initiatives set forth in PlaNYC 2030:

Benchmarking (LL 84)
New York City Energy Code (LL 85)

Audits and Retro-Commissioning (LL 87)

Lighting Upgrades and Sub-metering (LL 88)

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LOCAL LAW 84 COMPLIANCE

By David F. Bomke, Executive Director

Although many of the details are still being resolved as the Department of Buildings finalizes its formal rules implementing Local Law 84, owners of buildings exceeding 50,000 gross square feet are still required by May 1, 2011 to benchmark their building information and energy and water use in accordance with Portfolio Manager, the online benchmarking program of the United States Environmental Protection Agency (EPA).

This special edition of *Power Moves* has been developed as a resource for all large energy consumers in New York City to help ensure that members of the NYECC are able to comply with this legislation.



David F. Bomke, Executive Director

We begin with a list of Frequently Asked Questions that have surfaced as large consumers and their energy advisors have begun to drill down into the requirements of the Local Law. Next, we provide a brief summary of the Greener, Greater Buildings Plan as context for Local Law 84. We then continue with a list of NYECC members who would like to help consumer members meet their compliance obligations. Although we are not formally endorsing these resources, we note that their membership commitments reflect their focus supporting the needs of large energy consumers in New York City and Westchester County.

FREQUENTLY ASKED QUESTIONS

By Keena Hammond, Executive Managing Director, EnergyWatch, Inc.

How do I know if my building needs to be benchmarked for energy usage?

Local Law 84 defines Covered Buildings as any building greater than 50,000 gross square feet, two or more buildings on the same tax lot that together exceed 100,000 gross square feet, or two or more condominiums with the same board of managers that together exceed 100,000 gross square feet.

A list of Covered Buildings is provided at the following website - http://www.nyc.gov/html/planyc2030/downloads/pdf/benchmarking_covered_buildings.pdf

The square footage for an individual building can also be found at the following website - <http://nycprop.nyc.gov/nycproperty/nynav/jsp/selectbbl.jsp>

If a building is less than 50,000 gross square feet, but is listed as a Covered Building, a Request for Review of Property Value form must be filled out and submitted by March 15th, 2011. The form can be found at the following website - http://www.nyc.gov/html/dof/html/pub/pub_property_val.shtml

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FREQUENTLY ASKED QUESTIONS

continued

What energy information is required to benchmark?

All energy usage by the entire building, including all direct metered tenants, for calendar year 2010 must be entered into the Energy Star Portfolio Manager (<https://www.energystar.gov/istar/pmpam/>). This includes electricity, natural gas, fuel oil, and steam. The cost of energy does not need to be included, only the usage.

Does my building need to benchmark water usage?

This year most buildings will not need to benchmark water usage. Water usage needs to be benchmarked only if the department of environmental protection installed automatic meter reading equipment for the entirety of the calendar year 2010. However, this does not mean that water usage will never need to be benchmarked. It is likely that in upcoming years, water usage will need to be benchmarked along with energy usage for all buildings.

How do I obtain energy information for my building?

Building owners can use the information directly from Con Edison's bills. If the bills are not readily available or were not kept, usage information can be obtained by accessing the electricity accounts on Con Edison's website, www.coned.com. Click the "My Account" button and enter in the account number to view past usage.

Aggregate data can also be obtained by requesting it from Con Edison, which costs \$102.50 per building. Customers have to e-mail citybenchmarking@coned.com with their account number, the name on the account, and service address. If the request is on the behalf of another customer, a letter of authorization must also be included. The information will be provided within 15 days of the payment conformation.

How long do I need to keep back up documents?

All documents associated with energy benchmarking must be kept for three years. This includes the Non-residential Tenant Information Collection Forms filled out by the tenants, documentation about when the Non-residential Tenant Information Collection Forms were sent, and any documents used to obtain the energy usage entered into the Portfolio Manager. If the energy

usage was obtained from Con Edison's website, it is important to print a copy of that information. Con Edison's account information is updated monthly and only two years of past data is viewable.

Does the Energy Star score on the Portfolio Manager affect my energy benchmarking?

No. Local Law 84 only requires that the energy usage is entered into the Portfolio Manager. There is no minimum Energy Star score requirement. The Energy Star score shows the relative energy efficiency of a building when compared to other buildings of similar size. The Energy Star score can be used to determine if your building is in need of major or minor upgrades for efficiency. In addition, buildings that receive a score above 75 can apply for Energy Star recognition as a top efficiency performer, but once again, this is not a requirement of Local Law 84.

What are the deadlines for energy benchmarking?

The Non-residential Tenant Information Collection Form should have been sent to tenants between January 1 and January 31, 2011.

The tenants were required to complete the Non-residential Tenant Information Collection Form and return it by February 15, 2011.

If there is a dispute about the size of a building, the Request for Review of Property Value must be submitted by March 15, 2011.

Energy benchmarking for 2010 must be completed and submitted no later than May 1, 2011.

All benchmarking for future years must be completed by May of the following year.

What is the penalty for missing a deadline?

As of now, there are no stipulated penalties. Penalties will be determined soon.

Although there is no stipulated penalty for missing deadlines regarding the Non-residential Tenant Information Collection Form as of yet, it is important to complete them even if they are late because the form is still a requirement.

How do I submit my building for benchmarking completion?

There is no guideline as of yet how to officially complete the benchmarking process for 2010. There should be guidelines in the near future when the city finalizes the process. ➤

GREENER, GREATER BUILDINGS PLAN

New York City Energy Code

Ends the so-called 50% exclusion clause from the State's Energy Code. Energy Code went into effect on July 1, 2010.

Benchmarking

This legislation requires a benchmarking standard for all private buildings greater than 50,000 gross square feet or public buildings greater than 10,000 gross square feet. All City-government owned buildings greater than 10,000 gross square feet have now been benchmarked as required by the legislation.

Lighting Upgrades and Sub-metering

The legislation requires that lighting systems in commercial buildings over 50,000 gross square feet be upgraded to meet the requirements of the New York City Energy Conservation Code. The bill also requires that large commercial buildings sub-meter electricity usage in certain large tenant spaces and that building owners provide these tenants with a monthly statement showing electric consumption and the amount charged for electricity.

Audits and Retro-Commissioning

This legislation requires existing buildings over 50,000 gross square feet to undergo an energy audit and undertake retrocommissioning measures once every ten years.

In addition to the legislation, the Greener, Greater Buildings Plan includes two other PlaNYC initiatives:

- A workforce development working group of real estate, labor, and other representatives that identify the skills needed to ensure that sufficient training opportunities exist to fill the estimated 17,880 construction and building-related jobs the legislation will create.
- An innovative financing program that uses Federal stimulus money to provide loans for property owners to pay the upfront costs for the efficiency upgrades that will eventually pay for themselves. Currently funded at the level of \$37 million.➤

RESOURCES WITHIN THE NYECC COMMUNITY

The following NYECC members can help consumer members meet their compliance obligations. Their membership commitments reflect their focus on large energy consumers in New York City and Westchester County.

Energy Spectrum

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Lime Energy Company

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SourceOne

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ADDITIONAL RESOURCES AVAILABLE THROUGH NYSERDA

New York State Energy Research and Development Authority

Multifamily Performance Program - Participation in the Multifamily Performance Program (MPP) requires that owners work with approved energy consultants to benchmark their buildings' energy performance and perform in-depth energy audits to identify opportunities for energy efficiency improvements. The energy consultant will work with the building owner to develop an energy savings work scope that will utilize the most cost-effective strategies to reduce their building's source energy usage by 15% or more. The program provides incentives to offset the cost of the benchmarking, auditing and work scope development process. By meeting NYSEDA's requirements for benchmarking and auditing a building, owners will also be in compliance with the NYC Greener Greater Buildings legislation's benchmarking and auditing requirements and will receive incentives to help offset the cost of doing the work. Additional incentives are available if the building owner chooses to move forward with installation of the energy savings measures identified in their work scope.

Existing Facilities Program - The Existing Facilities Program offers financial incentives for commercial buildings pursuing energy efficiency capital upgrades, including lighting, motors, HVAC equipment, controls, and other measures. This assistance can help customers who would like to install measures identified as cost effective by their audit, upgrade lighting, or comply with the sub-metering requirement as part of an overall building management system installation or upgrade.

FlexTech Program - FlexTech provides funding for comprehensive, customized energy studies for commercial, industrial, institutional and government buildings. Energy studies are typically cost-shared 50%, up to \$1,000,000 per project. Customers may participate in FlexTech to receive 50% funding of benchmarking, energy audit and retro-commissioning studies. Participants may select a firm from NYSEDA's list of competitively selected FlexTech consultants or may use an independent consultant to deliver these services.

New Construction Program - NCP can support compliance with energy code and GGBP, primar-

ily as it applies to renovating new spaces within existing buildings:

- NYSEDA's New Construction Program (NCP) provides technical support and financial incentives for new or substantially renovated buildings or spaces within buildings.
- Residential buildings with 5 or more units are also eligible if they are pursuing LEED NC certification and are market rate.
- Substantial renovation projects are eligible so long as a licensed professional architect or engineer has prepared and certified building plans for:
 - A change of use and reconstruction of an existing building or space within;
 - Construction work where the building or space is vacated for at least 30 consecutive days.
- NYSEDA's technical assistance providers can prepare an energy model to show energy code compliance, but financial incentives will only be awarded to projects that exceed energy code by 3% or more.
- NYSEDA pays the first \$5,000 for technical assistance and cost shares the balance with the customer up to a total NYSEDA contribution of \$75,000.

Commercial Lighting Program - The Commercial Lighting Program trains designers and installers of quality, energy-efficient lighting systems. This pre-qualified listing of contractors, trained on designing to NYSEDA's The Right Light concept are a great resource to be utilized in any lighting job.

Greener, Greater Buildings Plan - Additional support is also available from NYSEDA. 

NYSEDA

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