

AIR POLLUTION CONTROL COMMISSION PUBLIC HEARING



January 12, 2022

Members of the public may submit any comments or questions by “raising their hand” or by typing in the chat box,
via email at apcc@boston.gov,
or tweeting @BostonEnviro with the hashtag #APCCHearing.

AIR POLLUTION CONTROL COMMISSION



**Bradley
Gerratt**

*Interim
Transportation
Commissioner
(ex officio)*



**Alison
Brizius**

*Environment
Commissioner
(ex officio)*



**Julien
Farland**

*Boston Public
Health
Commission
(ex officio)*



**Richard
Davey**

*Commissioner
At-Large*



**Russell
Preston**

*Commissioner
At-Large*

CITY OF BOSTON STAFF



Kat Eshel

*Environment
Department*



Lynh Chau

*Environment
Department*

Parking Freeze Permit Applications

An aerial view of a city grid rendered as a white wireframe on a dark blue background. The buildings are represented by simple rectangular outlines, creating a complex, geometric pattern.

**Continued to an
upcoming hearing**

CONTINUED TO AN UPCOMING HEARING

Continued: Application for a Modified East Boston Parking Freeze Permit from VHB on behalf of Cargo Ventures LLC for 575 park and fly spaces. This permit is to relocate spaces from a surface lot at 320 McClellan Highway to a new parking garage at 440 McClellan Highway. Modification of the permit would have no effect on the East Boston parking freeze bank.

Continued: Application for a Modified East Boston Parking Freeze Permit from VHB on behalf of Cargo Ventures LLC for 127 park and fly spaces. This permit is to relocate spaces from a surface lot at 380 McClellan Highway to a new parking garage at 440 McClellan Highway. Modification of the permit would have no effect on the East Boston parking freeze bank.

Public Meeting

BERDO

Building Emissions Reduction and Disclosure Ordinance



Regulations Process

Proposed phased approach



- **Phase 1: early 2022**
 - *Reporting and data verification requirements*
 - *Enable reporting and disclosure in 2022*
- **Future phase(s): 2022-2023**
 - *Review Board regulations*
 - *Emissions Standards regulations (hardship compliance plans, individual compliance schedules, custom emissions factors, etc.)*
 - *Equitable Emissions Fund regulations*
 - *Additional regulations as needed to implement and enforce the ordinance*

NOTE: If anyone has feedback on regulations content or process at any time, they may use the following feedback form: bit.ly/berdo-regs-feedback

Feedback from Dec. 1st Listening Session

Full notes are posted on boston.gov/berdo

Topics to be covered in Phase 1:

- Questions about reporting through Portfolio Manager and other means
- Third party verification
 - *Who will be a qualified professional?*
 - *Need for clarity on requirements of verification process and schedule*

Topics to be addressed in guidance and engagement:

- Need for transparency on process and clearly communicated reporting requirements
- Desire for opportunities to engage
- Challenges obtaining data
 - *Utility data requests*
 - *Tenant and condo account data*

Topics raised that will be covered in future phases:

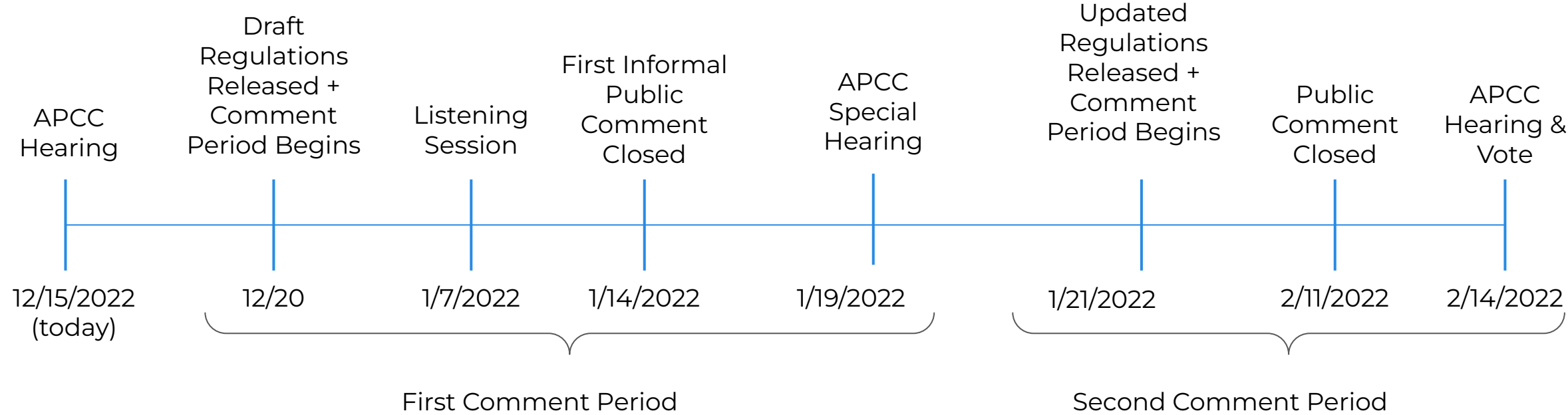
- Reporting and complying with emissions standards as a portfolio
- How to use renewable energy to comply with emissions standards
- Emissions factors
 - *Future electricity emissions*
 - *Using custom factors*
- Review Board
 - *Nomination process*
 - *Processes for individual & hardship compliance*

NOTE: If anyone has feedback on this content, prior to any draft content being released for public comment, or at any other time, they may use the following feedback form: bit.ly/berdo-regs-feedback



Phase 1 Timeline (Planned)

Over the next few months there will be two comment periods to hear and incorporate feedback in phase 1 of regulations before they are promulgated



Note: The APCC previously planned to hold a hearing on Wednesday, February 9, 2022 at 11 a.m. Staff recommend that the hearing be shifted to Monday, February 14, 2022 at 11 a.m., in alignment with the BERDO regulations development timeline.

Headers and Subheaders for Phase 1 Regulations

Draft outline, subject to change

- 1. Introduction**
- 2. References**
- 3. Definitions**
- 4. Reporting Process**
 - a. Energy and Water use
 - b. Calculation of Gross Floor Area
 - c. Building Use Classifications
 - d. Vacant Space
 - e. Buildings without Whole-Building Data
 - f. Contextual Information
 - g. New Information
- 5. Obligation to Request and Report Information from Building Tenants**
 - a. Delegating reporting duties to a single tenant
 - b. Tenant non-response
- 6. Requesting Alternative Reporting Dates**
- 7. Special Conditions**
 - a. Multiple Buildings on Single Tax Lot
 - b. Buildings on Multiple Tax Lots that Share Systems.
 - c. Newly Constructed Buildings
 - d. Change of Ownership
- 8. Third-Party Data Verification**
 - a. Qualified Energy Professionals
 - b. Data to verify
 - c. Corrections to Report
- 9. Preservation of Records**
- 10. Disclosure of Records and Information**
- 11. Enforcement and Penalties**
 - a. Penalties

Main changes from BERDO 1.0 Regulations

What's roughly the same

- Reporting Energy and Water Consumption
- When an Owner Does not Obtain Whole Building Data
- Tenant Reporting Obligations
- Special Conditions

What's new in Phase 1

- Removes:
 - *Energy Assessment and Energy Action requirements*
 - *Procedures to apply for an exemption for EAA*
- Adds:
 - *Third-party verification*
 - *Building use classifications*

Forthcoming Guidance Documents and Support

The City will make every effort to provide transparent information and support to building owners with BERDO compliance.

Guidance documents will detail at a minimum:

- *Step-by-step instructions to report through Portfolio Manager and through the supplemental reporting form*
- *How to obtain utility data*
- *Specific guidance for condo buildings and buildings with tenants*
- *How to report renewable energy purchases and exempt energy uses*
- *Specifics on data verification process and requirements, including verifier checklist*

- *Emissions factors to be used for planning purposes*
- *FAQs*

City will provide additional support for building owners:

- *Optional 6-month extension on 2022 reporting*
- *Webinars on reporting*
- *Drop-in office hours for reporting help*
- *Retrofit Resource Hub*
- *One-on-one assistance (email energyreporting@boston.gov)*

Feedback from Jan. 7 Listening Session

Full notes to be posted on boston.gov/berdo

- **Third-party Verification**

- Requests for qualified in-house staff to be able to complete verification
- Support for allowing same third-party company to do reporting and verification
- Recommendations for additional credentials to be considered
- Concern about cost

- **Backup Generation**

- Limited data capture
- Typically track fuel deliveries

- **Default Values**

- How were default values determined?

- **Square Footage**

- Tax assessment data is not always accurate
- Campuses, condos, and data centers may have specific challenges

- **Utility Data Requests**

- Some data requests are delayed
- Questions about how to access data

- **New Construction**

- Clarify whether Certificate of Occupancy includes temporary CoO

Feedback from Jan. 7 Listening Session cont.

Full notes to be posted on boston.gov/berdo

- **Additional questions we heard**
 - *When do buildings need to comply?*
 - *Has the energy action or assessment been phased out?*
 - *Can multiple extensions be applied for?*
 - *Will there be a covered buildings list for 2022?*
 - *Can campuses report in aggregate?*
 - *How can renewable energy purchases be reported?*
 - *What are the plans for data disclosure?*
 - *How to apply for the 6-month extension? Is Review Board approval required?*
 - *How can tenants be more engaged in reporting and compliance?*
 - *What is the difference between BERDO and the ZNC zoning process?*
 - *Does the City have enough staff capacity?*
 - *Will already high performing buildings be penalized under BERDO?*
 - *Will BERDO be expanding to other parts of the state?*

BERDO Proposed Next Steps

- **Mailed notice to all buildings that are required to report in 2022**
- **Informal Public Comment Period on Phase 1 Regulations**
 - December 20 - Released draft Phase 1 Regulations
 - January 7 - Listening Session
 - January 14 - First informal public comment closed
 - January 19 - APCC Special Hearing
- **Proposed Formal Comment Period**
 - Jan. 21 - Feb. 11 - **Proposed** Formal Comment Period on revised Phase 1 regulations
 - February 14 - **Proposed** APCC Hearing and possible Vote
- **Goal of promulgating Phase 1 Regulations after two comment periods by mid-February**

Note: The APCC previously planned to hold a hearing on Wednesday, February 9, 2022 at 11 a.m. Staff recommend that the hearing be shifted to Monday, February 14, 2022 at 11 a.m., in alignment with the BERDO regulations development timeline.

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The lines are white and light blue, creating a complex geometric pattern.

Commission Q&A

Commissioners may discuss and ask staff questions.

Downtown Boston Parking Freeze Inventory



PARKING FREEZE BACKGROUND

Downtown

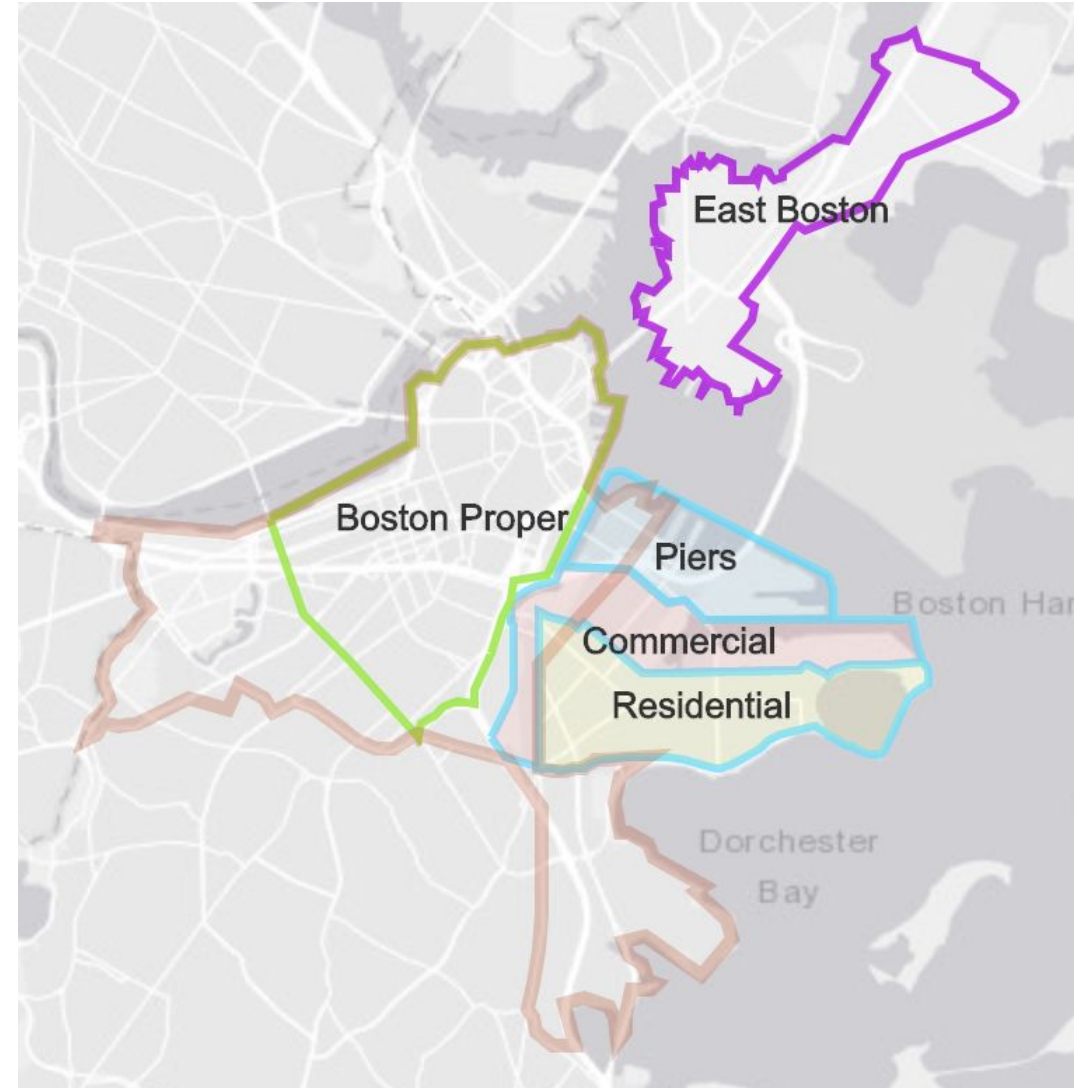
- Created in 1976 under rules set by EPA and DEP
- Maximum of 35,556 commercial spaces
- Residential parking excluded
- No annual renewal process

South Boston

- Created in 1993 under rules set by DEP
- Mitigating air pollution from CA/T project
- Maximum of 30,389 off-street parking spaces

East Boston

- Created in 1989 under rules set by DEP
- Caps park-and-fly and rental vehicle spaces only

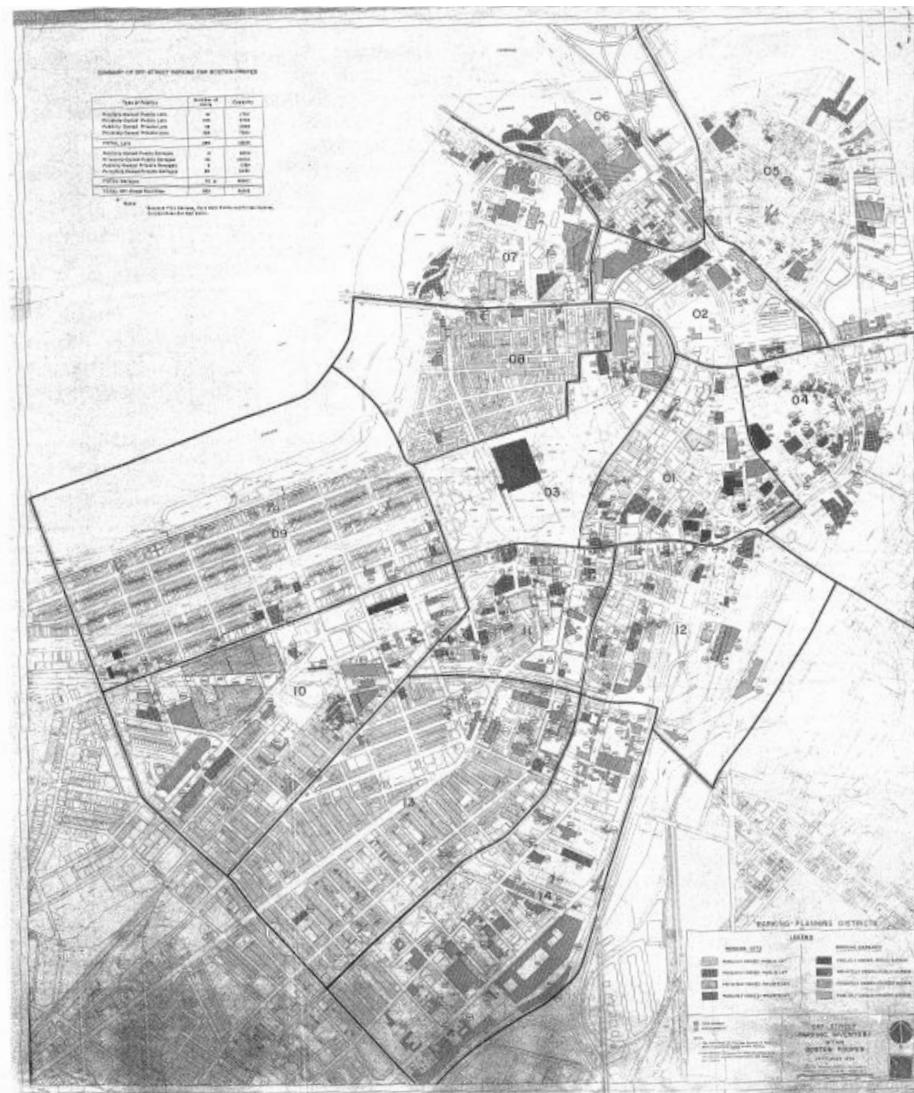


DOWNTOWN FREEZE INVENTORIES

Previous inventories:

- Original inventory completed in 1976, published in 1977 (map released 1979)
 - *Established the 35,556 freeze cap and original permit list*
- 1987 inventory
- Incomplete inventory attempts in 2012 (WPI), 2015 (Nelson\Nygaard)

2019-2021 inventory: site visits carried out by HSH and APCC staff in 2019, letters sent to permit holders in February 2020, ongoing outreach and data validation

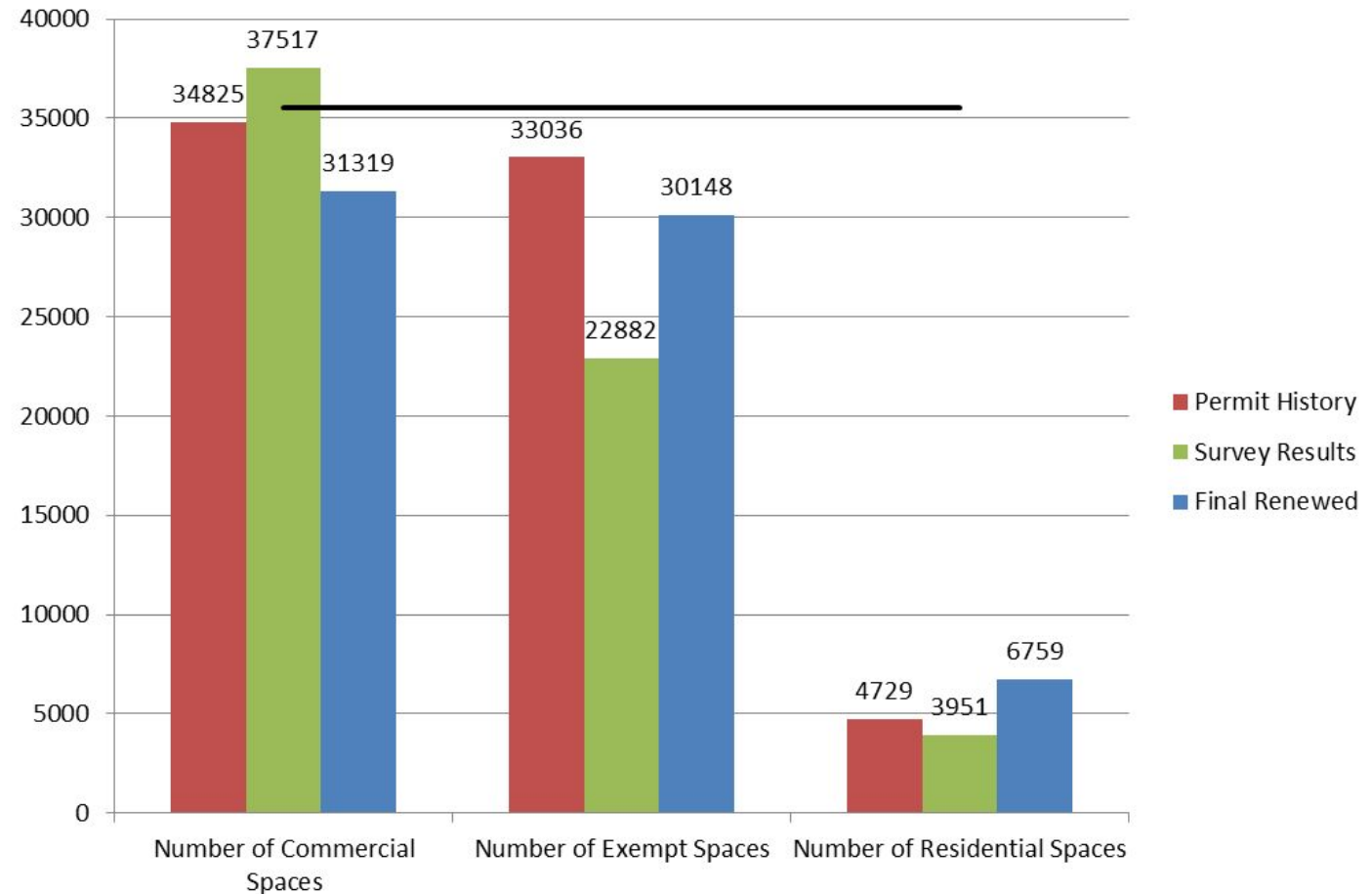


DOWNTOWN PARKING FREEZE INVENTORY



Final results as of December 29, 2021 (subject to change)

- **80% of spaces confirmed**
 - Via confirmation of survey results or permit renewal (renewal form asks how members of the public are excluded from using exempt spaces)
 - NB: 65% of permits renewed
- **Summary statistics**
 - 277 permits and/or exemption certificates
 - Almost 90% of freeze spaces allocated
- **Notes**
 - ~140/343 of 1977 permits eliminated
 - Changing uses and redevelopment, including C/AT project
 - Some projects constructed with less parking than originally permitted
 - NB: fully residential facilities excluded



NEXT STEPS

- **Continued verification as part of the 2021 renewal cycle of Downtown permits and exemption certifications**
- **Site visits and documentary research to verify space counts**
- **Release of online database**
 - *Similar to existing online East Boston and South Boston databases*
 - *Including: APCC and historic permit number, address, parcel ID(s), number of commercial, exempt and residential excluded spaces, date of most recent APCC approved permit*
- **Development of online map dashboard**

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Acceptance of the Meeting Minutes



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Commission Motion & Vote

Acceptance of the November Meeting Minutes

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The map is centered and covers the entire area.

Commission Motion & Vote

Acceptance of the December Meeting Minutes

Adjourn

Thank you for your participation!

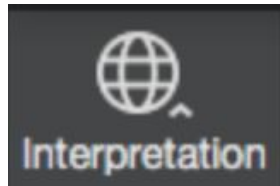


Interpretación

Language access in Spanish



Para escuchar a la reunión en español, por favor seleccione el icono de globo y seleccione “Spanish”.



Habrà una oportunidad para comentarios pùblicos. Por favor silencia su micrófono hasta ese momento.



NOMBRE

*Spanish
interpreter*