

# AIR POLLUTION CONTROL COMMISSION PUBLIC HEARING



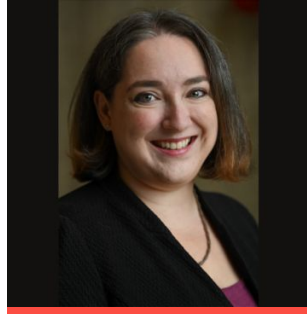
*November 16, 2022*

This public hearing will include opportunity for public comment. During public comment periods, members of the public may submit any comments or questions by “raising their hand” or by typing in the chat box.

# AIR POLLUTION CONTROL COMMISSION



**Bradley Gerratt**  
*Transportation  
Department*



**Alison Brizius**  
*Environment  
Department*



**Julien Farland**  
*Boston Public Health  
Commission*



**Eric Burkman**  
*Commissioner At-Large*



**Russell Preston**  
*Commissioner At-Large*



**Irmak Turan**  
*Commissioner At-Large*

# CITY OF BOSTON STAFF



**Kat Eshel**

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*Environment  
Department*



**Hannah  
Payne**

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*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 dense urban 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

# Discussion regarding next steps for parking facilities past due for 2021 renewal





# FY2022 Renewal Cycle

The following permits and exemptions have not been renewed:

- 2 Downtown permits and 3 exemption certifications: 34 Cooper St, 500 Atlantic Ave, 128 Dartmouth St, 140 Clarendon St (ongoing renovation with no onsite parking in program), 399 Boylston St
- 2 South Boston permits: 330 C St (vacant with proposed redevelopment with no onsite parking in program), 9 Broadway

Summary of outreach:

- Mail, including all violation notices and revocation notices sent via certified mail (at least 5 mailers)
- Hand delivery of final violation notice and notice of revocation
- Email engagement where possible

**Proposed next step:** Final revocation notice (email, certified mail and hand delivery) and addition to December 14, 2022 agenda

# Commission Q&A

*Commissioners may discuss and ask staff questions.*

# BERDO

*Building Emissions Reduction and Disclosure Ordinance*





# Phase 2 Community Engagement Process

Main components to date

## Community Leads Meetings

**Series of special meetings with community partners**

- Action 4 Equity
- Allston Brighton Health Collaborative (ABHC)
- Alternatives For Community & Environment (ACE)
- Boston Climate Action Network (BCAN)
- Chinese Progressive Association (CPA)
- Fairmount Indigo CDC Collaborative (represented by CSNDC)
- Mothers Out Front

## Technical Working Sessions

**Public meetings on Zoom Technical experts invited**

- Working session #1 on blended emissions standards and clarifying regulations (September 7, 2022)
- Working session #2 on grid emissions factors and renewable energy purchases (September 14, 2022)
- Working session #3 on district energy systems (September 21, 2022)
- District Energy Working Session (November 3, 2022)

## Focus Groups

**Special meetings to go deep into specific topics**

- Higher education focus group
- Cultural institutions focus group
- Healthcare focus group
- Longwood Medical Area focus group
- A Better City focus group
- MACDC focus group
- Affordable housing focus group

## Air Pollution Control Commission

**Public meetings on Zoom**

- APCC Special Hearing (September 28, 2022)
- APCC Hearing (October 19, 2022)

**Staff are available to meet with additional groups over coming weeks to discuss draft regulations.**

# Public Comment Period

Public comment period ran from October 20, 2022 through November 10, 2022



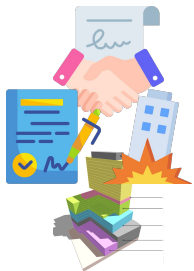
## We received over 40 distinct comment letters

- 1 joint letter from 21 community-based organizations
- 21 identical comment letters from the Action Network



## Most substantive comments were related to Emissions Factors and Renewable Energy Purchases.

- We will need additional time to review and determine appropriate next steps.



## Comments on other topics were relatively minor or straightforward.

- We will present revised regulations on these topics today.

# Public Comment Period

List of organizations and individuals who sent comment letters

1. A Better City
2. Ania Camargo (MOF Member)
3. Bloom Energy
4. Boston Climate Action Network (21 individual letters)
5. Bridge Energy
6. Cedar Investors LLC
7. Christina Knapp (Sierra Club Member)
8. Competitive Energy Services
9. Conference of Boston Teaching Hospitals
10. David Heimann
11. Greater Boston Chamber of Commerce
12. Greater Boston Physicians for Social Responsibility
13. Greater Boston Real Estate Board
14. Green Energy Consumers Alliance
15. Green Ribbon Commission Higher Education Working Group
16. H. Parker James
17. Icetec Energy Services
18. Institute for Market Transformation
19. Institute of Contemporary Art (ICA)
20. International District Energy Association
21. Isabella Gardner Museum
22. Joint letter from 21 community organizations
23. Karen Conway, ICA Trustee
24. Longwood Collective
25. Longwood Medical Energy Collaborative
26. Martyn Roetter and Michael McCord
27. Maryellen O'Donnell
28. Mass General Brigham
29. Massachusetts Historical Society
30. Mike Moran, Boston Properties
31. Mothers Out Front (MOF)
32. Museum of Fine Arts Boston
33. NAIOP MA
34. Neighborhood Association of Back Bay
35. Power Options
36. Robert and Richard Boch
37. Suzanne Nadeski, Harry Miller Co.
38. The Most Worshipful Grand Lodge of Ancient Free and Accepted Masons (MA)
39. Vicinity Energy
40. Avalon Bay (*received after deadline*)
41. Court Square Press Building Condominium Trust (*received after deadline*)
42. WattTime (*received after deadline*)

# Regulations Process

Proposed Update



## Phase 1

- **Adopted in March 2022**
- Reporting and data verification requirements

## Phase 2

- Review Board
- Blended emissions standards, designating tenant as owner, and other clarifying regulations as needed
- Renewable energy purchases
- Emissions factors

## Phase 3

- Hardship compliance plans
- Individual compliance schedules
- Portfolio compliance
- Equitable Emissions Investment Fund regulations
- Additional regulations as needed to implement and enforce the ordinance

# Regulations Process

Proposed Update



## Phase 1

- **Adopted in March 2022**
- Reporting and data verification requirements

## Phase 2

### **Phase 2a**

- Review Board
- Blended emissions standards, designating tenant as owner, and other clarifying regulations as needed

### **Phase 2b**

- Renewable energy purchases
- Emissions factors

## Phase 3

- Hardship compliance plans
- Individual compliance schedules
- Portfolio compliance
- Equitable Emissions Investment Fund regulations
- Additional regulations as needed to implement and enforce the ordinance



# Revised Contents of Regulations

*Phase 2a topics are marked in red and Phase 2b topics are marked in blue*

- I. Introduction**
  - II. References**
  - III. Definitions**
  - IV. Reporting Process**
  - V. Ownership Changes and Designations**
  - VI. Special Conditions**
  - VII. Third-Party Data Verification**
  - VIII. Emissions Factors (Reserved)**
  - IX. Emissions Standards**
  - X. Additional Compliance Mechanisms (Reserved)**
  - XI. Preservation of Records**
  - XII. Disclosure of Records and Information**
  - XIII. Review Board**
  - XIV. Enforcement and Penalties**
- Appendix A Building Use Classifications**

# Proposed Revisions to Regulations

## General revisions

- Renumbering of regulations

## IV. Reporting Process

- Clarify when and how Gross Floor Area calculations can be used.

## V. Ownership Changes and Designations

- Update change of ownership notification from 14 to 30 days.

## VI. Special Conditions

- Establish a process for the Environment Department to grant approval to report on a basis other than the building level when there are extenuating circumstances.

## IX. Emissions Standards

- Add clarification that third-party verification is required whenever a Blended Emissions Standard is updated.

## XIII. Review Board

- Allow Community-Based Organizations to nominate any number of individuals to the Review Board, but limit the number of seated Review Board Members nominated by same CBO to a maximum of two.
  - *Exception when a seated member nominated exclusively by the same CBO is serving as a holdover after their term of appointment has expired and until a qualified individual has been nominated by a separate CBO to fill the open seat.*
- For the two non-CBO nominated, non-City Council Review Board members, add that preference will be given to nominees with expertise and other criteria listed in policy, and clarify that nominations can be made by individuals or organizations.

# Revised Contents of Policies and Procedures

*Phase 2a topics are marked in red and Phase 2b topics are marked in blue*

1. INTRODUCTION
2. DEFAULT ENERGY USE VALUES
3. THIRD-PARTY VERIFICATION
4. SPECIAL CONDITIONS
5. EMISSIONS FACTORS (Reserved)
6. CALCULATING BUILDING EMISSIONS
7. BLENDED EMISSIONS STANDARDS
8. ADDITIONAL COMPLIANCE MECHANISMS (Reserved)
9. REVIEW BOARD POLICIES

# Proposed Revisions to Policies and Procedures

## 3. Third-party Verification

- Add Greenhouse Gas Verification professional to table of credentials.

## 4. Special Conditions

- Add clarification to documents to prove that a building is vacant.

## 7. Blended Emissions standards

- Update the Blended Emissions Standard formula to clarify units.

## 9. Review Board Policies

- Clarify that compensation rates for members may be updated from time to time by the Commission.
- Define Greater Boston as:
  - “Greater Boston area” shall be defined as the municipalities in the Metropolitan Area Planning Council’s Inner Core Committee subregion.
- Add question “How long has the organization been active in Boston?” to application for Community-Based Organizations.
- Add policies on Working Groups, including:
  - Directing the Review Board to convene a working group focused on healthcare institutions connected to district energy systems and a commercial real estate working group within 90 days of being seated.
  - Clarifying that working groups should include individuals with relevant expertise and that Boston residency is not required.
  - Working group meetings shall be open to the public.
  - Working groups shall provide updates to the Review Board and Environment Department periodically.

# General Comments of Phase 2b Topics

*These are core themes we have identified, but it is not an exhaustive list of all comments we received.*

## **Emissions Factors**

- **Grid electricity**
  - *Concerns with interaction between forward-looking emissions factor for planning purposes and annual emissions factors for compliance purposes.*
  - *Need clarification of timeline for forward-looking emissions factors for planning purposes.*
- **Time-of-use (TOU) emissions factors**
  - *Support for allowing TOU emissions factors, but recommendations to further specify the methodology and reporting requirements.*
- **District Energy Systems**
  - *Concerns with double counting of emissions from large independent district energy systems that provide electricity to the grid.*
  - *Support for requiring third-party verification for emissions factors provided by independent district energy systems.*
  - *Need clarification of the methodology to calculate emissions factors for independent district energy systems.*
  - *Need clarification of the requirements of independent district energy systems versus campus district energy systems.*
  - *Support for classifying thermal energy provided via renewable fuels as a recognized zero carbon energy source.*

## **Renewable Energy Purchases**

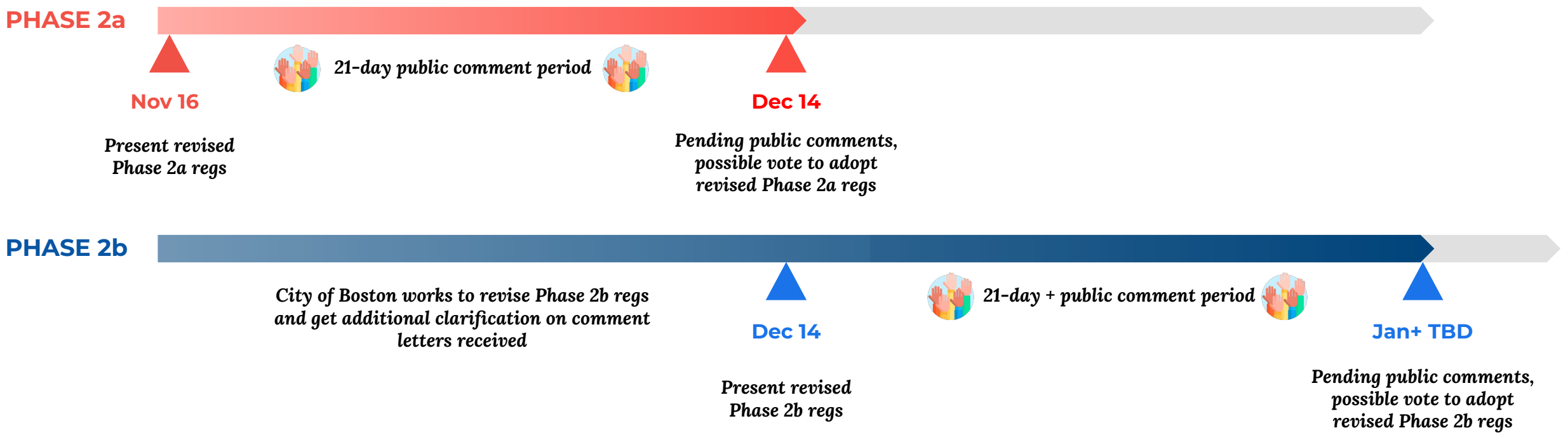
- **Solar energy and Renewable Energy Credits (RECs)**
  - *Concerns with double counting of RECs generated by local solar energy.*
  - *Need clarification regarding net-metering credits.*
- **Power Purchase Agreements (PPAs)**
  - *Concerns with geographic requirements of PPAs.*
  - *Concerns with additionality requirements of PPAs*
  - *Need clarification regarding PPAs for building portfolios.*

An aerial wireframe map of a city, rendered in a light blue color against a darker blue background. The map shows a dense grid of buildings and streets, with a prominent curved road or highway cutting through the center. The overall style is technical and architectural.

# Next Steps

# BERDO Proposed Next Steps

- **Open a comment second comment period on Phase 2a regulations.**
  - *December 14 Hearing - at Commission's discretion possible vote to adopt Phase 2a regulations and possible vote to open a new comment period on Phase 2b regulations.*



# Commission Q&A

*Commissioners may discuss and ask staff questions.*



# Public Q&A

*Members of the public may submit any comments or questions by “raising their hand” or typing in the chat box.*

The background of the slide is a dark blue aerial wireframe map of a city, showing building footprints, streets, and parks in a light blue/white line-art style.

# Commission Motion & Vote

*BERDO Phase 2A Regulations*

A nighttime photograph of a city street, likely in Berkeley, California, featuring a prominent clock tower in the background and buildings adorned with string lights. The scene is dimly lit, with the primary light sources being the streetlights and the decorative lights on the buildings. People are seen walking along the sidewalk, and a man in the foreground is taking a photo with his smartphone. The overall atmosphere is festive and urban.

# BERDO Update on Reporting

# Reporting and Compliance Outreach and Support



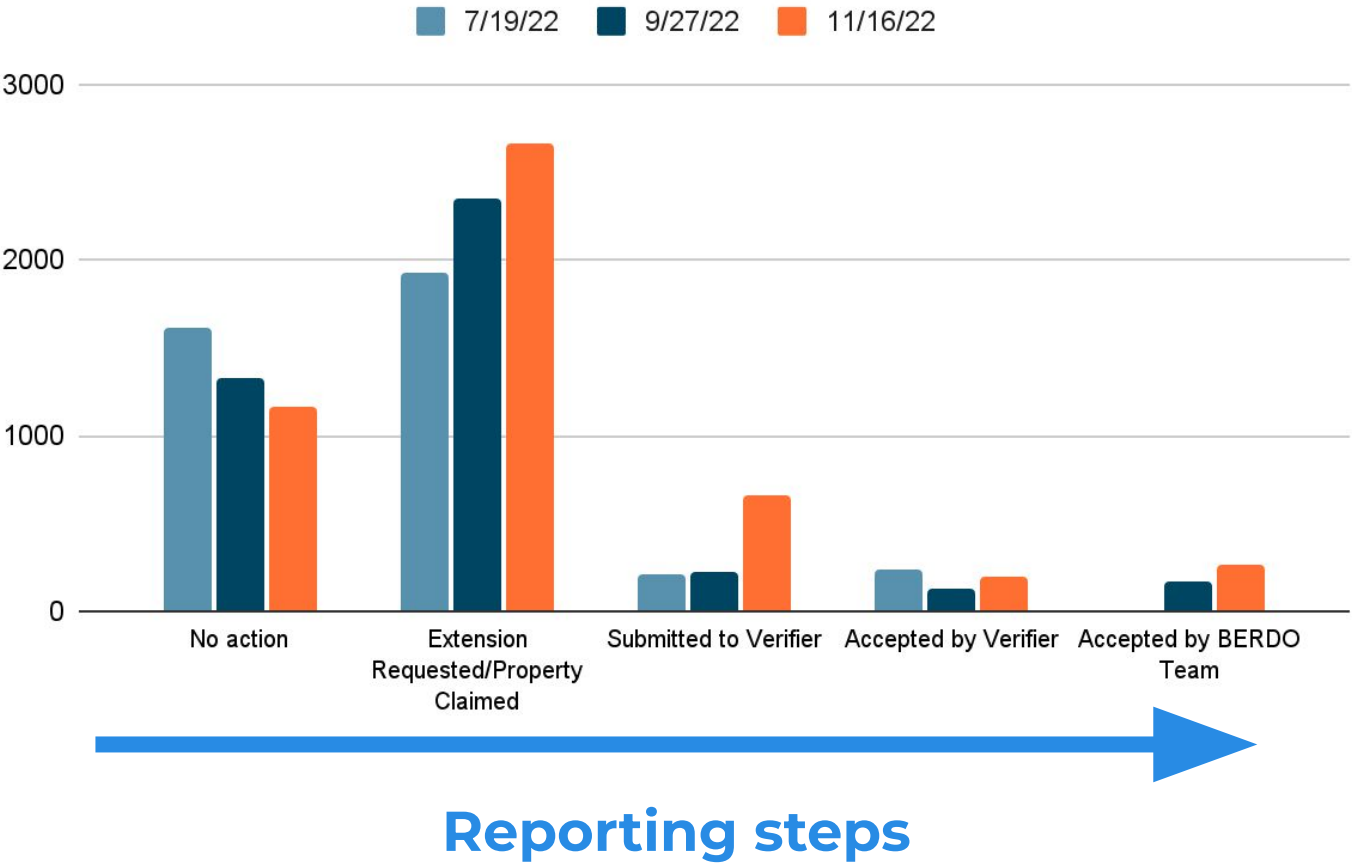
- **Fielding numerous daily helpdesk calls and emails**
  - *Up to 16 calls a day*
  - *Dozens of emails per day*
- **Weekly BERDO reporting office hours**
- **Scheduled two in-person reporting sessions for after Thanksgiving**
- **Providing one-on-one support over the phone.**
- **Outreach to building owners**
  - *Letter sent to condo owners in September and October*
  - *Letter sent to all other owners who have yet to initiate reporting in early November.*
  - *Met with Office of Neighborhood Services*
- **Online resources**
  - *How to Report Guide*
  - *Third-party Verification Guide*
  - *Step-by-step reporting videos*
  - *Recorded webinars*



# Reporting Progress

- **This year is an outlier**
  - *Thousands of newly covered building*
  - *New reporting requirements*
  - *Third-party verification*
- **Reporting Numbers (as of 11/16)**
  - 3,992 properties (parcels)
  - 71% have initiated reporting (up from 59% in July)
- **Challenges in meeting Dec. 15 deadline**
  - *Utility data delivery delays*
  - *Third-party verifiers facing high demand with limited time*

Reporting Metrics July, September, November 2022



# Extensions for extenuating circumstances

Section V(j) of adopted Phase 1 regulations:

*A request for an alternative reporting date to that otherwise required by Section 7-2.2(e)(ii) must explain the extenuating circumstances that make an Owner unable to complete the report or third-party data verification by the deadline and must be submitted prior to the applicable deadline. **Such requests must comply with** any procedures created by the Review Board or **guidance documents issued by the Commission**. The Commission may grant a request for an alternative reporting date and/or third-party verification deadline for a period not to exceed six months. In 2022, the Commission may grant a request for an alternative third-party verification deadline beyond the one-time, six-month extension allowed by the Ordinance.*

Staff propose to develop guidance documents for building owners to request alternative reporting dates, for review by the Commission during the December meeting.

The background of the slide is a dark blue aerial view of a city, rendered as a white wireframe or line-art style. The buildings are represented by simple rectangular outlines, creating a dense urban grid. The perspective is from a high angle, looking down on the city.

# Acceptance of the 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 lines are light blue and create a complex, geometric pattern.

# Commission Motion & Vote

*Acceptance of the September 28, 2022 Meeting Minutes*



The background of the slide is a dark blue aerial wireframe map of a city, showing building footprints and street layouts in a light blue color. A semi-transparent dark blue horizontal band is overlaid across the middle of the image, containing the text.

# Commission Motion & Vote

*Acceptance of the October 19, 2022 Meeting Minutes*

# Adjourn

*Thank you for your participation!*

