

AIR POLLUTION CONTROL COMMISSION PUBLIC HEARING



February 14, 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
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Commissioner
(ex officio)*



**Alison
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*Environment
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**Julien
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*Boston Public
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**Richard
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*Commissioner
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CITY OF BOSTON STAFF



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*Environment
Department*



**Hannah
Payne**

*Environment
Department*



Lynh Chau

*Environment
Department*

Parking Freeze Permit Applications



**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*

Progress to Date



- **Informal Public Comment Period on Phase 1 Regulations**

- *December 20 - Released draft Phase 1 Regulations*
- *January 7 - Listening Session*
- *January 12 - APCC Hearing*
- *January 14 - First informal public comment closed*
- *January 19 - APCC Special Hearing*

- **Notice of Rulemaking**

- *Noticed on Jan. 21, 2022*
- *21-day public comment period, public comments accepted until 5:00 pm on Feb. 11, 2022*

- **Additional engagement**

- *Initial listening session on Dec. 1*
- *Letter sent to all building owners the first week of Jan.*
- *Regular email newsletters on process*

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

Written Comments Received on Phase 1 Regs

The following individuals and organizations submitted written comments by Friday, Feb. 11, 2022 at 5:00 pm

- Jeff Larson, Aegean Capital LLC
- Patricia McMullin, Conference of Boston Teaching Hospitals (COBTH)
- Rick Dimino, A Better City
- Tamara Small, NAIOP Massachusetts
- Gretchen May, Longwood Medical Energy Collaborative
- Tom Yardley, MASCO
- Sofia Owen, Alternatives for Community and Environment (ACE)
- Francis Stone, Jamaica Plain resident
- Julia Sullivan, Northeastern student
- Caroline Fraser, Northeastern student
- Kara Orsini, Northeastern student
- Steven Munn, Northeastern student

Topics raised in comments

- **Third-party verification**
 - *Comments for and against allowing in-house verifiers*
 - *Suggestion to create a QEP collaborative*
 - *Clarification of enforcement language*
- **Working with utilities on automatic data upload**
- **Requests for additional extensions for all buildings**
- **Clarification of garage and utility rooms in gross floor area calculations**
- **Threshold of percent change of building energy use that would require that data be re-submitted to the City**
- **Deadline for first report to be submit by buildings constructed after the ordinance was adopted**
- **Default values**
 - *Use of a multiplier for application of default energy uses for spaces with unknown energy use*
 - *Methodology and accuracy of the default energy use values in Table B (Appendix B)*
- **Clarification on reporting requirement for campuses**
- **General comments about the policy**
 - *Timeline for review of public comment*
 - *Cost of reporting and third-party verification*
 - *Additional guidance documents.*

Third Party Verification

Summary of data to be verified

Required in 2022

1. Confirm square footage and allocation to appropriate building use is correct in Portfolio Manager
2. Confirm unit count is accurate in Portfolio Manager (*residential only*)
3. Confirm all energy usage is accounted for in Portfolio Manager
 - *All meters are reported and all delivered fuels are accounted for*
4. Verify all energy use is accurately reported

Optional for 2022*

1. Confirm eligibility of any RECs
2. Confirm eligibility of any PPAs
3. Confirm use of any backup generation to be exempt from emissions standards.
4. Confirm any EV charging station usage to station usage to be exempt from emissions standard.

**Note: Future regulations will specify what needs to be verified for compliance with emissions standards. We anticipate that at a minimum the four steps above will be required if they are used by a building.*

Proposed Regulation Revisions

Staff recommendations for revisions to draft phase 1 regulations.

- **Update default values methodology in Appendix B**
 - *Revise methodology to more accurately account for fuel oil, district heat, and district cooling.*
 - *Include methodology in Appendix*
- **Move Appendices B and C into APCC policy documents**
 - *The regulations intend for the APCC to update these appendices from time to time as new information becomes available.*
- **Add clarifying language**
 - *Make minor revisions to language in section 1.07 a to clarify alignment with Portfolio Manager guidance*
 - *In 1.04 h, clarify that new data must be reported if “whole building” data changes “over the period of one (1) year” by 2% or more.*

BERDO Proposed Next Steps

- **Revise draft regulations to reflect modifications requested by Commission**
- **Publish revised draft and issue Notice of Rulemaking**
 - Feb. 18 – Mar. 11 – **Proposed** Formal Comment Period on revised Phase 1 regulations
 - March 16 – APCC Hearing and possible vote
 - *This revised schedule would push the reporting deadline to June 15th (6-month extension deadline would be December 15th)*
- **Supporting Actions**
 - Release draft guidance on supplemental reporting and third party verification
 - Engage with stakeholders on concept of a QEP cooperative
 - Staff continue to engage with utilities on streamlining data access and improving data quality



Commission Q&A

Commissioners may discuss and ask staff questions.

Public Commnet

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The background of the slide is a dark blue aerial view of a city, overlaid with a white wireframe pattern that highlights the outlines of buildings and streets.

Commission Motion & Vote

Acceptance of the January 12th Meeting Minutes

Acceptance of the Meeting Minutes



The background of the slide is a dark blue aerial view of a city grid, rendered in white line art. The lines represent building footprints and streets, creating a complex, geometric pattern. A semi-transparent dark blue horizontal band runs across the middle of the image, serving as a backdrop for the text.

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Commission Motion & Vote

Acceptance of the January 19th Meeting Minutes

Adjourn

Thank you for your participation!

