

City of Boston BERDO Review Board  
Public Meeting Minutes  
Zoom Virtual Meeting  
June 12, 2023 at 4:30 pm  
[View recording here](#)

**Motion to Nominate Acting Chair**

Environment staff, Diana Vasquez, led the vote for Acting Chair. Board Member Kai Palmer-Dunning motioned to nominate Board Member Lee Matsueda to serve as Acting Chair. Board Member Gail Latimore seconded. The motion for Board Member Matsueda to serve as Acting Chair in the absence of an appointed Board Chair carried.

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**Call Meeting to Order**

A meeting of the Building Emissions Reduction and Disclosure Ordinance, hereafter referred to as (BERDO), within the Air Pollution Control Commission, hereafter referred to as (APCC) was called to order by Acting Chair Matsueda on June 12 at 4:35 pm. This meeting was held virtually.

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**Roll Call**

The following BERDO Review Board members were in attendance:

- Acting Chair Lee Matsueda
- Rashida Boyd
- Lovette Jacobs
- Gail Latimore
- Jack Nelson
- Kai Palmer-Dunning.

The following Environment Department staff were in attendance:

- Diana Vasquez
- Claudia Diezmartinez
- Aidan Callan
- Aladdin Joroff

Others: Approximately 50 members of the public attended this meeting.

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**First Agenda Item: Review and discussion on BERDO regulations development, feedback received during the informal comment period regarding preliminary proposals on the following flexibility measures: Building Portfolios and Individual Compliance Schedules**

C. Diezmartinez and D. Vasquez reviewed what has been completed with BERDO since Fall of 2021 and informal comments received regarding preliminary regulation proposals for BERDO flexibility measures: building portfolios and individual compliance schedules.

Board Q&A Session on Building Portfolios and staff responses if applicable:

- L. Matsueda: There is a lot to BERDO - need to figure out how we get this information to building owners in an accessible way. Excited there is a budget and staff dedicated to this.
- L. Matsueda: A community-owned microgrid project is taking place in Chinatown - will be interesting to see if there is a way this relates to BERDO and Building Portfolios.
- J. Nelson: Do applicants have to apply by this September 1 for building portfolios and will those applications be reviewed?
  - C. Diezmartinez: Proposals right now state that applications will be received on a rolling basis with a deadline of September 1 of 2024 if they want it to be reflected for 2025. After September, it would reflect in the year after the next. For example, if they apply in October of 2024, it would reflect in 2026.
- J. Nelson: As the standard gets more stringent, an applicant can submit in advance of any compliance year?
  - C. Diezmartinez: Yes, an applicant can apply for a Building Portfolio any year.
- K. Palmer-Dunning: There should be a way to encourage and make it advantageous for building owners who would utilize Pathways 1 and 2 for Building Portfolios to submit optional information on plans to achieve compliance. This would help board members see how they're thinking about complying with BERDO.
- J. Nelson: Are all of the requirements to apply for a Building Portfolio defined in this presentation or will there be more details of what needs to be submitted for building portfolio applications down the line?
  - C. Diezmartinez: These are preliminary proposals, additions/edits could be made depending on feedback we receive during comment periods.
- J. Nelson: When will official application requirements be published?
  - C. Diezmartinez: We aim to present regulation language to the Air Pollution Control Commission in July. There is not an exact date, but the goal is to have things finalized in December of 2023.

- G. Latimore: Goal is to finalize all regulations by the end of this year, and regulations take effect by January 2024. How will we educate the public about compliance plan deadlines when applying for a building portfolio?
  - C. Diezmartinez: As proposed right now, a building owner with buildings in EJ communities would have to submit a compliance plan two years after being approved as a Building Portfolio. They have the option to present information at the time of application if they wish.
- G. Latimore: Is there a timeline for educating the public about overall BERDO deadlines?
  - C. Diezmartinez: At the moment, we don't have a schedule. We can come back and present ideas to the Board when we have a better sense of timeline.

Board Q&A Session on Individual Compliance Schedules and staff responses if applicable:

- G. Latimore: People who apply for a Building Portfolio can also apply to an Individual Compliance Schedule?
  - C. Diezmartinez: Correct, the Ordinance states a Building Owner with a Portfolio can apply for an Individual Compliance Schedule. The proposal we are making is that if you have an Individual Compliance Schedule for a Portfolio, it must apply to all buildings in the Portfolio.
- J. Nelson: Does a Building Owner have to show a linear reduction of emissions for an Individual Compliance Schedule.
  - C. Diezmartinez: The Individual Compliance Schedule requires a 50% emissions reduction by 2030 and it must be linear or better. A Building Owner must reduce emissions over time.
- J. Nelson: A Building Owner could then not show that they plan to do a major retrofit in 2048 for example because it would not be linear?
  - C. Diezmartinez: Correct, it is my understanding that the reduction for an Individual Compliance Schedule would have to be linear or have a better-basis.

Public Comment Period and staff responses if applicable:

Acting Chair Matsueda opened the public comment period.

- Member of the Public: Could you discuss further the basis for and future process to develop an understanding of special EJ interest / value for buildings?
  - C. Diezmartinez: The list of buildings we identified as having an environmental justice interest are based on conversations with our Community Advisory Group and based on community priorities identified during earlier phases of the Ordinance. There was concern about high-emitting buildings like power plants and for the potential for little to zero investment to decarbonize residential buildings in environmental justice neighborhoods or buildings that are at least 50% deed restricted affordable housing.
- Member of the Public via Zoom Chat: Will the slides be available?
  - D. Vasquez: Yes, slides and recording of the meeting will be available at [boston.gov/departments/environment/berdo-review-board](https://boston.gov/departments/environment/berdo-review-board).
- Member of the Public via Zoom Chat: Where on the website will they be available?
  - D. Vasquez: Listed under “Meeting Minutes and Agendas”. This is the first meeting so there are no previous slides or recordings yet.
- Member of the Public via Zoom Chat: Will there be an email with the slides and video?
  - D. Vasquez: The slides will be online, but if people are interested in BERDO Review Board news, they can sign up for a newsletter on the [BERDO Review Board website](#).
- Member of the Public: Can you explain the rationale behind an institution not being able to combine Institutional Master Plans?
  - C. Diezmartinez: The rationale behind that proposal is that we heard from our Community Advisory Group concern about institutions combining Institutional Master Plans which could result in non-equitable investments of buildings throughout the City. We are open to feedback.
- Member of the Public: Applicants need to provide documents of efforts that have been made since the baseline year for an Individual Compliance Schedule, is that correct? If so, institutions plan at an institutional level. Not allowing for combined master plans results in a disconnect from how institutions perform decarbonization activities and plans. How are you hoping for a large organization to split their plans apart for each individual compliance schedule?

- C. Diezmartinez: To clarify, Owners that have buildings that are a part of an Institutional Master Plan are still allowed to make a Building Portfolio if they prove that the buildings have a shared ownership.
- C. Diezmartinez: The idea behind the requirement for Individual Compliance Schedule applicants to include information on past emission reduction efforts is meant to have a narrative of what has happened with the buildings in the past. Individual Compliance Schedules can be good for building owners who already took emission reduction actions before BERDO and it can make sense to select a baseline year based on their past work.
- Member of the Public: If there is an organization that has one emission-based or one climate-based action plan, but they have multiple institutional master plans required by the City, you would be creating a situation where an institution may be submitting the same documents over and over again.
  - C. Diezmartinez: We are open to feedback, but we are interested in finding a process that works for all potential building portfolio applicants (anyone with two or more buildings can apply for a building portfolio).
- Member of the Public: Knowing there are several communities that are interested in coming together for community solar and other community projects. Has there been thought about how environmental justice communities can apply for a building portfolio or individual compliance schedule, even if they don't share parcels but perhaps are adjacent to one another?
  - C. Diezmartinez: Community solar is a pathway allowed for a building owner.
- Member of the Public: Is there an opportunity for building owners to create a co-op where they could for example apply for an Individual Compliance Schedule as a group so they can work together to procure community solar or future heating/cooling technology?
  - A. Joroff: This is an interesting idea. We encourage comments on any ideas here. The City is interested in encouraging buildings to comply - perhaps group purchasing of solar is an option.
- K. Palmer-Dunning: Have you considered how adjacent property as well as community land trusts and community-wide projects can comply with BERDO?
- L. Matsueda: How can a community-wide microgrid help communities comply with BERDO? Specifically, the Chinatown community land trust has established a b-corp to own a microgrid for buildings that have agreed to be connected even though

they are not adjacent from one another. There is no shared ownership, but there is an agreement to be connected under the same banner project. Is there somehow this can relate to BERDO?

- Member of the Public: A microgrid could be invested in by any number of parties as a project and it could be similar to all building owners that currently get their energy from MATEP. Is it possible to have building owners say that their cooling/heating is coming from a microgrid and have the GHG profile from the microgrid versus ISO New England grid?
  - C. Diezmartinez: We welcome feedback on how we can best make this happen.

Acting Chair L. Matsueda closed the public comment period.

- G. Latimore: At the August 16 APCC hearing, the City hopes to have regulation language on all Phase 3 topics. Is that the end of the comment period after the 21-day period following the August meeting?
  - C. Diezmartinez: There will be plenty of time to submit comments. Usually, the APCC does two public comment periods, but we believe that between August and November, there will be multiple comment periods, and therefore opportunities to provide feedback.

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## **Second Agenda Item: Updates and discussion on BERDO implementation and reporting processes**

A. Callan presented updates on BERDO reporting and disclosure processes.

Board Member Q&A Session and staff responses if applicable:

- L. Matsueda: For 2022, how are we doing on data reporting? Of the buildings that we know are applicable to BERDO, do you have a sense how many have requested extensions?
  - A. Callan: I do not have the numbers in front of me right now, but we had a sizable portion report by the May 15 deadline. Last year was a big lift for most folks, now it should just be a matter of reporting versus having to report and verify. I can follow up with the numbers if appropriate.
- R. Boyd: Is there a cap on extensions, given that there is a limited number of third-party verifiers?

- A. Callan: August 15, 2023 is likely our final extension. My recommendation is that if nears mid-August and people are still having trouble getting across the finish, keep in contact with us at [energyreporting@boston.gov](mailto:energyreporting@boston.gov) so that we're aware that they're working on it.
- D. Vasquez: The City will be able to offer a more detailed report at our next meeting regarding disclosure.

Public Comment Period and staff responses if applicable:

Acting Chair L. Matsueda opened the public comment period.

- Member of the Public via Zoom Chat: Where can the public find the reporting?
  - A. Callan: Reporting will be available at [boston.gov/berdo](https://boston.gov/berdo) on the data disclosure section of that webpage. There will be a link to Analyze Boston, which has the reported data for years prior as well. The BERDO team will be reaching out through the BERDO newsletter with a link to exactly where it can be viewed.
- Member of the Public: What are the next steps for building owners that are not in compliance with reporting their 2021 energy use?
  - A. Callan: Those properties will be marked out of compliance, requesting them to report as soon as possible. We will keep the data disclosure updated in real-time. Next steps are telling building owners to get their data in as soon as possible.
  - A. Joroff: One of the upcoming topics in Phase 3 is enforcement and we'll definitely welcome comments when we develop regulation on fines and enforcement.

Acting Chair L. Matsueda closed the public comment period.

- K. Palmer-Dunning: If there are any buildings out of compliance for 2021 or 2022, will there be any additional penalties to encourage them to catch up with reporting?
    - A. Joroff: That will be part of what we're soliciting advice/thoughts on when we work on regulations regarding fines and enforcement. What will that look like? Will it require catching up on late reporting, or what else should be included in the range of options for enforcement?
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**Administrative Updates**

Next BERDO Review Board meeting is tentatively scheduled for June 26, 2023.

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**Meeting Adjournment**

Board Member G. Latimore motioned to adjourn the meeting. Board Member L. Jacobs seconded. All board members were in favor and the motion carried at 6:19 pm.