

BERDO REVIEW BOARD PUBLIC MEETING



July 10, 2023

This public meeting 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.



BERDO REVIEW BOARD



Rashida Boyd
Board Member



Lovette Jacobs
Board Member



Gail Latimore
Board Member



Lee Matsueda
Board Member



Jack Nelson
Board Member



Kai Palmer-Dunning
Board Member

CITY OF BOSTON STAFF



**Diana
Vasquez**

*Environment
Department*



**Claudia
Diezmartinez**

*Environment
Department*



**Aladdine
Joroff**

*Environment
Department*

Approval of Meeting Minutes

Board votes on approving previous meeting's minutes.

The background of the slide is a dark blue wireframe illustration of a city skyline, showing various building shapes and structures from an aerial perspective.

Phase 3 BERDO Regulations Update

Review Board, Timeline, Regulation Proposals.



Review Board Updates

- **7 members seated**
 - *Rashida Boyd, HERS Energy Rater Trainee at New Ecology*
 - *Lovette Jacobs, Electrical Worker, IBEW Local 103*
 - *Kendra Lara (or her designee), City Councilor District 6, Environmental Justice, Resiliency, and Parks Chair*
 - *Gail Latimore, Executive Director of Codman Square Neighborhood Development Corporation*
 - *Lee Matsueda, Executive Director of Community Labor United*
 - *Jack Nelson, P.E., CEM Partner at CMTA engineering consulting firm*
 - *Kai Palmer-Dunning, Director of Equitable Building Transition at Home Energy Efficiency Team (HEET)*
- **2 member passed by City Council, yet to be sworn in**
 - *Stephen Ellis, Director of Data Analytics at Boston University Sustainability*
 - *Matt O'Malley, Chief Sustainability Officer at Vicinity Energy*

Phase 3 Regulations: Topics to Address



BUILDING PORTFOLIOS

- *Two or more Buildings with the same Owner or that are part of an approved Institutional Master Plan may comply with BERDO through a Building Portfolio. Building Portfolios are approved by the Review Board.*



INDIVIDUAL COMPLIANCE SCHEDULES

- *Alternative emissions standard reduction schedules based on a baseline year. Individual Compliance Schedules are approved by the Review Board.*



HARDSHIP COMPLIANCE PLANS

- *Alternative emissions reduction targets and/or timelines. Available for buildings that experience a hardship in complying with BERDO. Hardship Compliance Plans are approved by the Review Board*



EQUITABLE EMISSIONS INVESTMENT FUND

- *New investment fund that will collect all Alternative Compliance Payments (ACPs) and penalties made to BERDO and invest them in local building carbon abatement projects that prioritize environmental justice communities in Boston.*



FINES AND ENFORCEMENT

- *Fines and penalties for non-compliance.*



COMPLIANCE WITH EMISSIONS STANDARDS

- *Compliance rules for buildings in special circumstances (e.g., vacant buildings, demolitions)*

Phase 3 Progress and Activities Thus Far

- **Launched Phase 3 with Listening Session held on Zoom (3/6/23).**
 - *Slides and notes available on boston.gov/berdo-regulations.*
- **Held two public technical working sessions focused on Building Portfolios (3/29/23) and Individual Compliance Schedules (4/5/23).**
 - *Slides and notes available on boston.gov/berdo-regulations.*
- **Held six Community Advisory Group meetings.**
 - *Next community advisory group meeting scheduled for July 12, 2023.*
 - *Optional 'office hours' on July 26, 2023.*

Phase 3 Progress and Activities Thus Far

- **Focus groups on *Hardship Compliance Plans* with the following stakeholders:**
 - *Affordable housing (6/7/23)*
 - *Longwood hospitals (6/20/23)*
 - *Healthcare (6/27/23)*
 - *Historic Preservation (7/6/23)*
 - *Upcoming: Green Ribbon Commission's Cultural Institutions Working Group (7/11/23)*
- **Selected a technical consultant to support the development of regulations regarding technical *Hardship Compliance Plans*.**
- **Starting discussions on *Hardship Compliance Plans* with Community Advisory Group.**
- **Additional community meetings, technical working sessions, and focus groups planned for the summer.**

Tentative Timeline and Next Steps

On Building Portfolios and Individual Compliance Schedules

- **Informal comment period on preliminary proposals closed on **June 16**.**
 - Summary of feedback presented to [Review Board on June 26](#).
 - BERDO team working on refining regulations based on feedback.
 - Comment letters, staff responses, and revised draft language will be available on boston.gov/berdo-regulations after July 19.
- **BERDO team will present updated language to APCC at **July 19** public hearing.**
 - At its discretion, the APCC may open a formal public comment period for 21 days.
- **After reviewing comments received during the formal public comment period, BERDO team will revise regulations language.**
 - Revised regulations will be presented to APCC at **August 16** public hearing.
 - At its discretion, the APCC may open a second formal public comment period for 21 days or vote to approve the regulations.

Tentative Timeline and Next Steps

On Remaining Phase 3 Topics

Hardship Compliance Plans

- Currently drafting regulations proposals on hardship compliance plans based on CAG conversations, focus groups, and technical assistance from contractor.
- Current tentative goal is to present preliminary regulations proposals to APCC at **August 16** public hearing.

Equitable Emissions Investment Fund

- Starting to think through questions related to the Fund with CAG.
- Current tentative goal is to present preliminary regulations proposals to APCC during **August 16** public hearing.

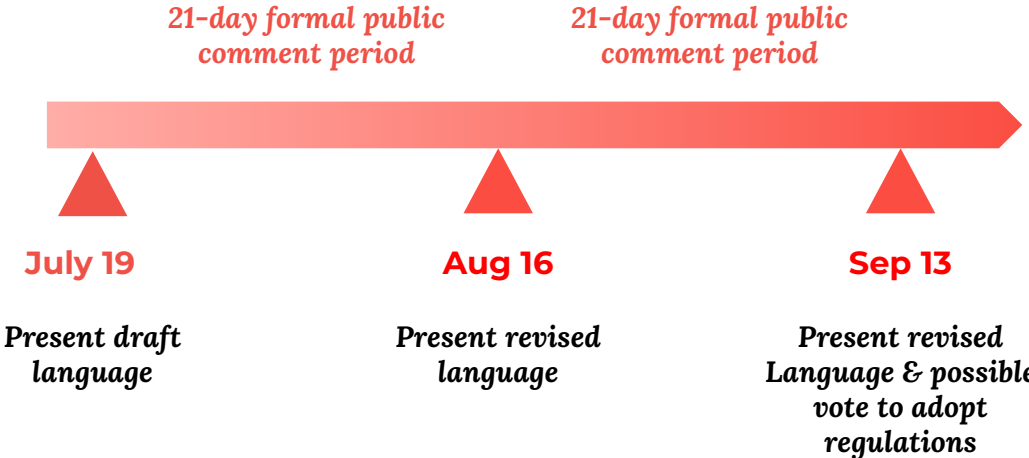
Fines and Enforcement

- Starting to think through questions related to fines and enforcement.

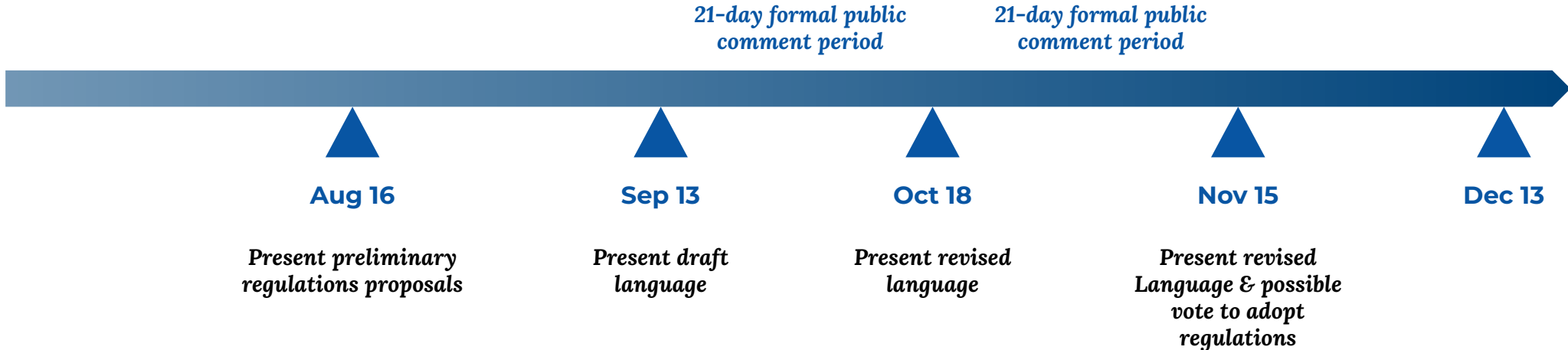


Tentative Timeline for APCC Hearings

Building Portfolios & Individual Compliance Schedules



Other Phase 3 topics





Comments and revisions to draft regulations

Letters from Informal Public Comment Period

Summary of feedback presented to Review Board on June 26.

All comment letters have been shared with Review Board members. We received feedback from the following institutions and organizations:

- A Better City
- Action for Equity
- Conference of Boston Teaching Hospitals
- Green Ribbon Commission's Higher Education Working Group
- Jamaica Plain NDC
- Joint letter from Alternatives for Community & Environment, Clean Water Action, GreenRoots, Greater Boston Physicians for Social Responsibility, Allston-Brighton Health Collaborative, New England United for Justice, Union of Concerned Scientists, Planning Office for Urban Affairs, Boston Climate Action Network, Action for Equity, and Sierra Club Massachusetts
- Longwood Medical Energy Collaborative
- Longwood Collective
- Mass General Brigham

Draft Application Process for Building Portfolios



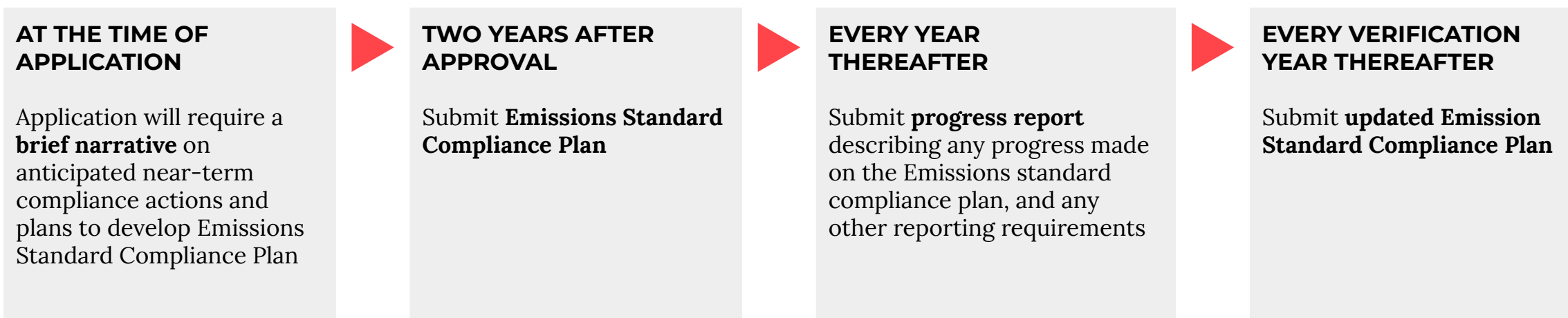
Potential revisions for discussion

	WHO?	APPLICATION REQUIREMENTS	APPLICATION REVIEW PROCESS
PATHWAY 1	For Building Portfolios without Buildings that trigger an environmental justice review.	<ul style="list-style-type: none"> • Confirmation of eligibility criteria • List of Buildings 	<ul style="list-style-type: none"> • Rolling applications • No hearing needed • Approval based on whether the applicant meets the eligibility criteria for Building Portfolios
PATHWAY 2	For Building Portfolios with Buildings that trigger an environmental justice review.	<ul style="list-style-type: none"> • Confirmation of eligibility criteria • List of Buildings • Map with EJ criteria • Brief narrative description of any near-term actions and preliminary ideas for developing Emissions Standard Compliance Plan 	<ul style="list-style-type: none"> • Rolling applications • Review Board may request hearing • Regulations will address decision-making criteria
PATHWAY 3	For Building Portfolios that (i) do not meet eligibility criteria or (ii) are concurrently applying for an Individual Compliance Schedule (ICS). Building Portfolio may or may not contain Buildings that trigger an environmental justice review.	<ul style="list-style-type: none"> • List of Buildings • Explanation of why applicant cannot meet eligibility criteria, if applicable • Requirements for ICS, if applicable • Map with EJ criteria, if applicable • Brief narrative description of any near-term actions and plans to develop Emissions Standard Compliance Plan, if applicable 	<ul style="list-style-type: none"> • Rolling applications • Review Board shall hold hearing • Regulations will address decision-making criteria

Environmental Justice Review Requirements

Potential revisions for discussion

For Building Portfolios that trigger environmental justice review (Pathway 2 and 3):



- We are currently working on defining more detailed requirements for each stage.
- We invite feedback on potential reporting requirements for progress reports or conditions of approval. We welcome ideas on information that can be reliably provided by Owners and without privacy concerns for tenants.

For Your Consideration

We invite feedback from on these topics

Application Timelines

- Building Portfolio and Individual Compliance Schedules

Environmental Justice Review

- Reporting requirements for progress reports and/or as part of conditions of approval.

Application Decision-Making Criteria

- Defining relevant criteria to evaluate and decide when an application for a Building Portfolio or Individual Compliance Schedule should be approved, denied, or approved with conditions.

Potential Standard Conditions of Approval

- Defining potential default or standard conditions that could be set for the approval of a Building Portfolio or Individual Compliance Schedule

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Board Q&A

Board members may discuss and ask staff questions.

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Public Q&A

The public may discuss and ask staff questions.

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Additional Administrative Updates

Staff presents administrative updates.

Adjourn

Thank you for your participation!

