

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

Board Members in Attendance: Rashida Boyd, Stephen Ellis, Lovette Jacobs, Gail Latimore, Lee Matsueda, Jack Nelson, Matt O'Malley, Kai Palmer-Dunning

Board Members not in Attendance: Councilor Kendra Lara

Staff Present: Hannah Payne, Claudia Diezmartinez

Others: Approximately 9 members of the public attended this meeting.

Motion to Nominate Acting Chair

4:33 pm: Environment staff H. Payne, led a vote for Acting Chair. Board Member K. Palmer-Dunning made a motion to nominate Board Member L. Matsueda to serve as Acting Chair. Board Member G. Latimore seconded the motion. All Board Members in attendance (8) were in favor. The motion carried at 4:34 pm.

Call Meeting to Order

4:34 pm: A meeting of the Building Emissions Reduction and Disclosure Ordinance, hereafter referred to as (BERDO), within the Air Pollution Control Commission, was called to order on December 4 at 4:34 pm. This meeting was held virtually.

Roll Call

4:36 pm: The following BERDO Review Board members were in attendance: Acting Chair Lee Matsueda, Rashida Boyd, Stephen Ellis, Lovette Jacobs, Gail Latimore, Jack Nelson, Matt O'Malley, Kai Palmer-Dunning.

The following Environment Department staff were in attendance: Hannah Payne, Claudia Diezmartinez

Others: Approximately 9 members of the public attended this meeting.

First Agenda Item: Approval of Meeting Minutes

4:38 pm: The Review Board voted on approving [November 20 Meeting Minutes](#). Board Member M. O' Malley made a motion to approve the meeting minutes. Board Member L. Jacobs seconded the motion. Seven (7) Board Members voted in favor and one (1) abstained.

The motion carried at 4:40 pm.

Second Agenda Item: Open Discussion on Regulations Development and Implementation & Reporting

4:41 pm: H. Payne reviewed questions that Review Board members [sent ahead of the meeting](#). H. Payne first responded to a question inquiring why the BERDO team uses ISO New England electricity data versus federal data.

4:46 pm: S. Ellis sought to confirm that the City is pulling Kilowatt-hour data from ISO New England and then using that data to calculate Emissions Factors.

- H. Payne confirmed that this was correct. Rather than using Portfolio Manager Emissions Factors, which is a national platform, the City calculates a Boston-specific Emissions Factor for electricity.

4:48 pm: H. Payne responded to a question asking what the regulations timeline looks like after Phase 3.

4:54 pm: Board Q&A Session

- G. Latimore asked a clarifying question whether the Review Board can recommend the Air Pollution Control Commission (the Commission) reopen a regulations comment period.
 - H. Payne clarified that the Review Board can make recommendations to the Commission. She mentioned that the intention is that the end of Phase 3 will set the rules for building owners, but if there are major pain points that arise during implementation, the Review Board will have discretion to identify problems within regulations and make recommended changes to the Commission.
- S. Ellis requested clarification on whether there is a timeframe for Board Members to make recommended changes to BERDO regulations. S. Ellis also asked what the first few months of the new year is going to look like for the Review Board.
 - H. Payne described that starting in January, she believes applications for flexibility measures may come before the Review Board. She also mentioned the deadline for Hardship Compliance applications is July and Building Portfolios and Individual Compliance Schedules is September. She believes applications will roll in throughout the year.

- L. Matsueda asked a clarifying question regarding the Equitable Emissions Investment Fund. Should the Review Board set the date for opening an application cycle for the Fund?
 - H. Payne responded that the regulations do not give a specific date for when the Fund application cycle opens. She believes that the BERDO team would like to open the Fund earlier in the new year.
 - C. Diezmartinez added that evaluating a project review form at a public hearing will have to happen before the opening of the Fund application cycle.
- M. O'Malley asked about staffing for the Equitable Emissions Investment Fund. He inquired if there were plans to hire someone to manage the Fund. He suggested tapping into the new City Council to try to share the opportunity and develop partnerships.
 - H. Payne shared that the team is currently in the process of hiring someone to be the Review Board Assistant and help the Review Board Manager with Review Board administration, including the Fund.
- K. Palmer-Dunning asked whether feedback received during the informal comment period is reflected in the current draft of the Hardship Compliance Plan and Equitable Emissions Investment Fund regulations.
 - H. Payne shared that the current revised draft that is open for comment reflects feedback received from both the informal and formal comment periods where possible.
- L. Matsueda requested a review of the full BERDO team and their work areas.
- K. Palmer-Dunning mentioned that at their discretion, the Review Board can request a payment for outside consulting when reviewing Hardship Compliance Plan applications. He asked if the BERDO team could provide clarification on when the Review Board may need to seek outside consulting.
 - H. Payne clarified that the BERDO team is thinking that should an applicant bring forward a technical reason for applying for a Hardship Compliance Plan, the Review Board may need outside expertise to make a determination. An applicant may refuse to make a payment for the outside consultant, but without adequate expertise to review a heavily technical application, it may be challenging for the Review Board to make a determination. The City is

also working on building up additional technical services for the Review Board.

- M. O'Malley asked what restrictions the Review Board had in terms of reviewing applications ahead of a meeting without violating Open Meeting laws. He asked if it would be possible to have someone from the Law Department review what is allowable.
 - H. Payne shared that she will look into that suggestion.
- L. Matsueda asked if there is a plan in place for designing materials to communicate BERDO to a wider audience.
 - H. Payne shared that the team will use the usual channels: working with partner organizations, using the BERDO newsletter, and the website. The BERDO team is also in the contracting phase of hiring a design firm to help create user-friendly resources.
- S. Ellis stated that the Review Board needs to schedule 1) a date for the tenant-focused public meeting and 2) the opening of the Equitable Emissions Investment Application cycle. Ellis asked if there was anything else the Review Board needed to schedule to keep in mind for the new year.
 - H. Payne did not have anything that came to mind.
- M. O'Malley asked when the establishment of a chair of the Review Board was going to be made.
 - L. Matsueda clarified that it is an appointment process by the Mayor.
 - H. Payne confirmed the appointment process and did not have any updates to share. She also mentioned that the new chair of the City Council's Environmental Justice Committee, or their designee, will be the new Board member once those are established.

Third Agenda Item: Administrative Updates

5:26 pm: H. Payne reviewed the 2024 Review Board meeting dates. H. Payne mentioned that a meeting was tentatively scheduled for December 18 but proposed to forgo this meeting given the special Air Pollution Control Commission hearing scheduled for December 20. The Review Board was in favor.

The following meeting is scheduled for January 8, 2024.

Meeting Adjournment

5:29 pm: Board Member M. O'Malley made a motion to adjourn the meeting. Board Member K. Palmer-Dunning seconded. All Board Members in attendance (8) were in favor and the motion carried at 5:30 pm.