

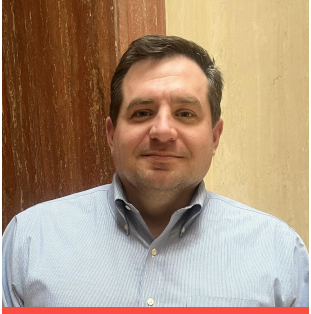
AIR POLLUTION CONTROL COMMISSION PUBLIC HEARING



June 11, 2025

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



Nick Gove
*Transportation
Department*



**Oliver
Sellers-Garcia**
*Environment
Department*



Eric Burkman
Commissioner At-Large



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



Paul Chan
*Commissioner
At-Large*

CITY OF BOSTON STAFF



Alice Brown

*Environment
Department*



Alyssa Farkas

*Environment
Department*



Claudia Diezmartinez, Ph.D.

*Environment
Department*



**Diana
Vasquez**

*Environment
Department*

Public Hearing

Parking Freeze Permit Applications

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.

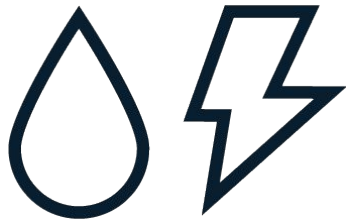
Public Meeting

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, streets, and parks, creating a complex geometric pattern.

Building Emissions Reduction and Disclosure Ordinance (BERDO)

Discussion & Potential Vote to Open Public Comment Period

BERDO Requirements for Building Owners



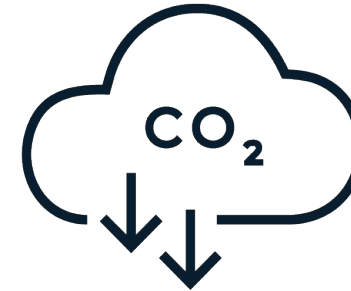
ANNUAL REPORTING

Report total energy and water use from the previous calendar year



THIRD-PARTY VERIFICATION

Third-party verify data for the first year of reporting and every "verification year" thereafter



EMISSIONS REDUCTIONS

Reduce annual emissions to stay under applicable emissions standard starting in 2025 or 2030.

BERDO Regulatory Structure



ORDINANCE

Local law that established BERDO and the key goals and requirements of the program. Adopted by City Council in 2021.



REGULATIONS

Specific rules to implement and enforce the objectives of the Ordinance. Adopted by the Air Pollution Control Commission (APCC).



POLICIES AND PROCEDURES

More detailed guidelines that clarify the Ordinance and Regulations. Policies and Procedures may be updated more frequently to respond to lessons learned during implementation and adapt to changes.



GUIDANCE

How-to guides and manuals directed at building owners to help them navigate BERDO and comply with reporting, third-party verification and emissions requirements. Developed by the Environment Department.

2025 BERDO Regulations Update Scope



ORDINANCE

REGULATIONS

POLICIES AND
PROCEDURES

GUIDANCE

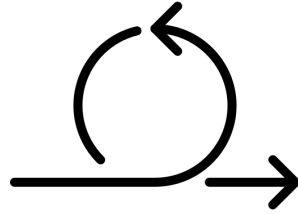
We are updating **Regulations** and **Policies and Procedures** related to:

- Flexibility measure application processes
- Third-party verification
- Clarifying language related to already existing BERDO procedures (e.g., reporting of buildings with shared systems, Campus reporting, emissions calculation formulas, etc.).

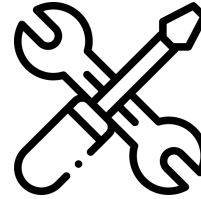
**OTHER SUBSTANTIAL CHANGES TO THE REGULATIONS
ARE NOT BEING CONSIDERED**

Why?

EQUITABLE IMPLEMENTATION



ITERATIVE
LEARNING



RECTIFY
UNFORESEEN
BURDENS AND
CHALLENGES



RESPONSIVE TO
COMMUNITY
NEEDS

We are seeking to respond to challenges and lessons learned we have identified through:

1. Help desk and day-to-day implementation of BERDO
2. BERDO Review Board meetings and processes
3. Virtual Building Consultations
4. In-Person BERDO Workshops

Proposed Draft Language

Key proposed changes in draft language



The Environment Department is proposing six key changes in the 2025 BERDO Regulations Update:

- 1. Streamlining requirements for third-party verification**
- 2. Modifying application deadlines for flexibility measures**
- 3. Enabling building owners to extend voting timelines for flexibility measures**
- 4. Removing requirement to record decisions related to flexibility measures in the Registry of Deeds for most flexibility measures**
- 5. Enabling the Review Board to grant exemptions on solar requirements without a Hardship Compliance Plan**
- 6. Delineating roles between the APCC, Review Board, and Environment Department**

1. Streamlining requirements for third-party verification

Key proposed changes in draft language

CURRENT REQUIREMENTS	PROPOSED CHANGES
In 2026 and every Verification Year thereafter, all building owners are required to provide a third-party verification of their reported data for the five calendar years prior .	<p>Section XII.c.</p> <p>For 2025 Buildings (35+ units; 35,000+ sq. ft.):</p> <ul style="list-style-type: none">• “[...] Owners shall provide a third-party verification of their 2025 calendar year data in 2026.• For every Verification Year thereafter, Owners shall provide a third-party verification for the five calendar years prior.” <p>For 2030 Buildings (15 - 34 units; 20,000 - 34,999 sq. ft.):</p> <ul style="list-style-type: none">• “[...] Owners are not required to provide third-party verification in 2026.• Owners shall provide a third-party verification of their 2030 calendar year data in 2031.• For every Verification Year thereafter, Owners shall provide a third-party verification for the five calendar years prior.”

Note: All Buildings would still be required to provide third-party verification for the first year of reporting.

2. Modifying application deadlines for flexibility measures

Key proposed changes in draft language

	CURRENT REQUIREMENTS	PROPOSED CHANGES
BUILDING PORTFOLIOS	September 1 of the previous year (e.g. to use a Building Portfolio in 2025, apply by Sep 1 2024)	Section XI.c. “Applications must be submitted by September 1 for Building Portfolios to be used that same year , provided that the Review Board may extend this deadline for a given year at its discretion. ” (e.g. to use a Building Portfolio in 2025, apply by Sep 1 2025)
INDIVIDUAL COMPLIANCE SCHEDULES	September 1 of the previous year	Section XII.c. “Applications must be submitted by September 1 to use the Individual Compliance Schedule in the same year , provided that the Review Board may extend this deadline for a given year at its discretion. ”
SHORT-TERM HARDSHIP COMPLIANCE PLANS	October 1 of the previous year (or during the same year only for unexpected circumstances)	Section XIII.h.i. “Applications for short-term Hardship Compliances Plans must be submitted by October 1 for the Hardship Compliance Plan to be used that same year, provided that the Review Board may extend this deadline for a given year at its discretion. ”
LONG-TERM HARDSHIP COMPLIANCE PLANS	April 1 of the previous year	Section XIII.h.ii. “Applications for long-term Hardship Compliances Plans must be submitted by July 1 for the Hardship Compliance Plan to be used that same year, provided that the Review Board may extend this deadline for a given year at its discretion. ”

3. Enabling building owners to extend voting timelines for flexibility measures

Key proposed changes in draft language

	CURRENT REQUIREMENTS	PROPOSED CHANGES
BUILDING PORTFOLIOS	Requirement to vote on an application within 45 / 60 / 90 Days from the Environment Department's finding of completeness.	Section XI.c. "Within 45 / 60 / 90 Days of the Environment Department's finding of completeness, or at a later date upon request of the Owner , the Review Board shall vote to approve [...] or deny an application."
INDIVIDUAL COMPLIANCE SCHEDULES	Requirement to vote on an application within 90 Days from the Environment Department's finding of completeness.	Section XII.e. "Within 90 Days of the Environment Department's finding of completeness, or at a later date upon request of the Owner , the Review Board shall vote on an application."
SHORT-TERM & LONG-TERM HARDSHIP COMPLIANCE PLANS	Requirement to hold hearing on an application within 45 Days from the Environment Department's finding of completeness.	Section XIII.h. "[...] the Review Board shall hold a public hearing on an application within 45 Days of the Environment Department's finding of completeness, or at a later date upon request of the Owner. "

4. Removing requirement to record decisions in the Registry of Deeds for most flexibility measures

Key proposed changes in draft language

	CURRENT REQUIREMENTS	PROPOSED CHANGES
BUILDING PORTFOLIOS	Required to record decisions related to approvals, modifications, and terminations.	Section XI. No recording required. Related language was removed.
INDIVIDUAL COMPLIANCE SCHEDULES	Required to record decisions related to approvals, modifications, and terminations.	Section XII. No recording required. Related language was removed.
SHORT-TERM HARDSHIP COMPLIANCE PLANS	Required to record decisions related to approval, modifications, and terminations.	Section XIII. No recording required. Related language was removed.
LONG-TERM HARDSHIP COMPLIANCE PLANS	Required to record decisions related to approvals, modifications, and terminations.	Section XIII. “Owners must record decisions that approve a long-term Hardship Compliance Plan with the Registry of Deeds and send proof of such recording to the Environment Department within 30 Days of issuance of the decision. This requirement does not apply to Deed Restricted Residential Buildings or City Buildings. [...]”

5. Enabling the Review Board to grant exemptions on solar requirements without a Hardship Compliance Plan

Key proposed changes in draft language

CURRENT REQUIREMENTS	PROPOSED CHANGES
<p>Building owners can use solar electricity or associated generation credits without MA Class I REC retirement if:</p> <ul style="list-style-type: none">• Solar is located in Boston; OR• Solar is located in Eversource Eastern MA territory; the system began operation before 2024; AND the Building began receiving electricity or net metering credits before 2024. <p>Building owners may apply for a Hardship Compliance Plan and request the Review Board’s approval to use solar systems that do not meet these requirements as an alternative compliance mechanism.</p>	<p>Section X.d. “Based on extenuating circumstances, Owners may request the Review Board to approve the use of electricity or associated generation credits without corresponding REC retirement from solar generating systems located in Eversource’s Eastern Massachusetts territory that do not meet [these requirements].”</p>

6. Delineating roles between the APCC, Review Board, and Environment Department

Key proposed changes in draft language

CURRENT REQUIREMENTS	PROPOSED CHANGES
Historically, Policies and Procedures have been presented alongside Regulations and adopted by the APCC at the same time.	Following the 2025 Regulations Update, Policies and Procedures should be adopted by the Review Board moving forward. (Language reflected throughout Regulations and Policies and Procedures)
Regulations often make reference to “guidance” adopted by the APCC or the Environment Department.	We are proposing to clarify that guidance is created by the Environment Department. (Language reflected throughout Regulations and Policies and Procedures)

In summary, the proposed changes would clarify that:

- **Regulations are adopted by the APCC**
- **Policies and Procedures are adopted by the Review Board**
- **Guidance is adopted by the Environment Department**

Additional Draft Language in Regulations

Regulations

SECTION III. DEFINITIONS

- **Fixed** typos and capitalization of terms.**

SECTION IV. REPORTING PROCESS

- **IV. Updated** language referring to ENERGY STAR Portfolio Manager to clarify that the Environment Department may designate an alternative reporting platform.**
- **IV.a. Energy and Water Use.** **Clarified** name of BCCE program and related language.**
- **IV.b. Calculation of Gross Floor Area (GFA).** **Clarified** that supporting documentation used to calculate GFA must be provided for purposes of third-party verification and/or upon request.
- **IV.c. Building Use Classifications.** **Updated** that Appendix A has been moved to Policies and Procedures.
- **IV.h. New Information.** **Clarified** that any new information reported by Owners after May 15 will be included in the annual disclosure as long as the updates are submitted by the Owner prior to September 30 of the relevant year.
- **IV.j. Requesting Alternative Reporting Dates.** **Clarified** language regarding deadlines to request reporting extensions.

SECTION V. OWNERSHIP CHANGES AND DESIGNATIONS

- **Added** that previous and new Owners may request the Environment Department to provide a notice of compliance status for a Building.

SECTION VI. BUILDINGS WITH SPECIAL CONDITIONS

- **VI.a. Buildings with Shared Energy or Water Systems.**
 - **Updated** language regarding reporting procedures for buildings with shared energy or water systems to align with existing guidance from the Environment Department.
 - **Updated** that the Review Board may approve alternative apportionment processes proposed by the Owner, instead of APCC.
- **VI.f. Buildings that Serve as Standalone Power Plants or Central Power Generation Facilities.** **Added** new section to set reporting procedures for buildings that serve as power plants based on already existing guidance from the Environment Department.

SECTION VII. THIRD-PARTY VERIFICATION

- **VII.c. Vacant Buildings.** **Removed** section because the same requirement is already covered by Section VI.e.

Additional Draft Language in Regulations

Regulations

SECTION VIII. EMISSIONS FACTORS

- **VIII.a.**
 - **Updated** deadline for Environment Department to publish annual Emissions Factors to April 15, instead of April 1.
 - **Added** that the Review Board may determine an alternative source to ENERGY STAR Portfolio Manager for Emissions Factors.**
 - **Updated** that Review Board may adopt Emissions Factors via Policies and Procedures, instead of the APCC.

SECTION IX. EMISSIONS STANDARDS

- **IX.a. Emissions Standards.** **Clarified** language regarding updates to Emissions standards due to a change of the primary Building Use.
- **IX.b. Blended Emissions Standards.**
 - **Updated** language to explicitly allow Owners to opt-in or opt-out of a blended Emissions standard upon change of ownership.
 - **Clarified** language regarding updates to blended Emissions standards due to changes of primary Building Uses.

SECTION XI. BUILDING PORTFOLIOS

- **XI.c. Application Process for Building Portfolios.** **Added** that a pending application for a new or modified Building Portfolio, or an appeal of a Review Board decision regarding a Building Portfolio, shall not stay an Owner's compliance obligations under the Ordinance or Regulations.
- **XI.e. Modifications of Approved Building Portfolios.** **Updated** language so that, following the modification of a Building Portfolio that is required to provide an Emissions standard compliance plan, the Owner will only be required to provide a short update in the next required annual progress report, instead of a new and separate modified Emissions standard compliance plan.

SECTION XII. INDIVIDUAL COMPLIANCE SCHEDULES (ICS)

- **XII.b. Applications for ICS for Individual Buildings.** **Added** that a pending application for a new or modified ICS, or an appeal of a Review Board decision regarding an ICS, shall not stay an Owner's compliance obligations under the Ordinance or Regulations.
- **XII.c. Applications for ICS for Building Portfolios.** **Added** that a pending application for a new or modified ICS, or an appeal of a Review Board decision regarding an ICS, shall not stay an Owner's compliance obligations under the Ordinance or Regulations.

Additional Draft Language in Regulations

Regulations

SECTION XIII. HARDSHIP COMPLIANCE PLANS

- **XIII.Modifications of Approved Hardship Compliance Plans.**
 - **Updated** that newly constructed Buildings, and new Buildings that begin zoning review or apply for a building permit after approval of a long-term Hardship Compliance Plan, may be added to a Building Portfolio with a Hardship Compliance Plan, provided that said Buildings meet their Building-specific Emissions standards every year regardless of any relief granted to the Building Portfolio in a Hardship Compliance Plan.
 - **Removed** the restriction that existing Buildings added to a Building Portfolio with a short-term Hardship Compliance Plan may not be subject to short-term Hardship Compliance Plans.

SECTION XVI. REVIEW BOARD

- **XVI.b. Selection of Review Board Members.**
 - **Removed** that nominations that are selected by the Mayor but not approved by the City Council within 3 months shall be presumed to have been approved.
 - **Clarified** language regarding vacancies.

- **XVI.c. Review Board Procedures.** **Updated** language so that, if any member should fail to attend 6 consecutive meetings or more than 50% percent of total meetings in a calendar year, their seat may be considered vacated.

SECTION XVII. EQUITABLE EMISSIONS INVESTMENT FUND

- **XVII. Funding Decisions.** **Clarified** that the requirement to hold a public hearing applies to vote on any final funding decision.

Additional Draft Language in Policies and Procedures



Regulations

SECTION 2. DEFAULT ENERGY USE VALUES

- **Fixed** reference to Regulations Section.

SECTION 3. THIRD-PARTY VERIFICATION

- **Fixed** reference to Regulations Section.
- **B. Added** Phius Certified Rater to list of credentials for third-party verifiers.

SECTION 4. SPECIAL CONDITIONS

- **4. Removed** Section because the same requirement is already covered by Section VI.e of the Regulations.

SECTION 4. EMISSIONS FACTORS (RENUMBERED)

- **A. Updated** that Emissions factor methodologies will be reviewed by the Review Board, instead of APCC.
- **B. Electric Grid Emissions Factors. Added** the Renewable Energy Portfolio Standard (RPS) Class I minimum annual requirements as part of the factors included in the calculations of the electric grid emissions factors.
- **C. Boston Municipal Aggregation Program. Clarified** name of BCCE program and related language.

SECTION 5. CALCULATING BUILDING EMISSIONS (RENUMBERED)

- **B - C. Added** procedures to calculate emissions from grid electricity consumption and BCCE.
- **D. Clarified** language related to Emissions intensity.
- **E. Added** that the Environment Department may provide additional guidance to calculate Building Emissions.

SECTION 6. BLENDED EMISSIONS STANDARDS (RENUMBERED)

- **G. Clarified** supporting documentation that can be used to verify primary Building Uses.

SECTION 8. BUILDING PORTFOLIOS (RENUMBERED)

- **A. Applications. Added** that the Environment Department may determine an alternative source to U.S. EPA for data related to asthma rates and the Air Toxics Respiratory Hazard Index.
- **B. Emissions Standard Compliance Plans and Progress Reports. Updated** language regarding annual progress report updates for modified Building Portfolios to align with proposed Regulations change.

Additional Draft Language in Policies and Procedures

Regulations

SECTION 9. ICS (RENUMBERED)

- **A. Data Sources for Baseline Year.** **Added** that the Review Board may determine an alternative source to ENERGY STAR Portfolio Manager for Emissions Factors.

SECTION 10. HARDSHIP COMPLIANCE PLANS (RENUMBERED)

- **A. Clarified** that the “Department” refers to the Environment Department.

SECTION 11. REVIEW BOARD POLICIES (RENUMBERED)

- **B. Designation of Community-Based Organizations.** **Updated** that the Review Board may updated the definition of Greater Boston as it relates Community-Based Organizations, instead of the APCC.

APPENDIX A. BUILDING USE CLASSIFICATIONS

- Moved Appendix A from Regulations to Policies and Procedures.
- Added new property types from ENERGY STAR Portfolio Manager.

APPENDIX B. PROJECTED GRID EMISSIONS FACTORS (RENUMBERED)

- Updated Projected Grid Emissions Factors to be applicable for 2027 - 2050.



Updated Projected Emissions Factors

YEAR	OLD PROJECTIONS [Average Emissions Factors] (kg/MWh)	UPDATED PROJECTIONS [Semi-Residual Emissions Factor]* (kg/MWh)
2025	249	**
2026	242	**
2027	235	265
2028	227	265
2029	220	264
2030	213	259
2031	206	254
2032	199	249
2033	192	243
2034	185	237
2035	178	231
2036	171	224
2037	163	217
2038	156	211
2039	149	204

YEAR	OLD PROJECTIONS [Average Emissions Factors] (kg/MWh)	UPDATED PROJECTIONS [Semi-Residual Emissions Factor]* (kg/MWh)
2040	142	198
2041	135	192
2042	128	187
2043	121	182
2044	114	177
2045	107	173
2046	99	168
2047	93	163
2048	85	159
2049	78	155
2050	71	150

* Updated projections use a “semi-residual” emissions factor approach that “takes out” the MA RPS Class I load to avoid double counting of renewable energy in MA. This aligns with the methodology used to calculate BERDO’s annual grid emissions factors.

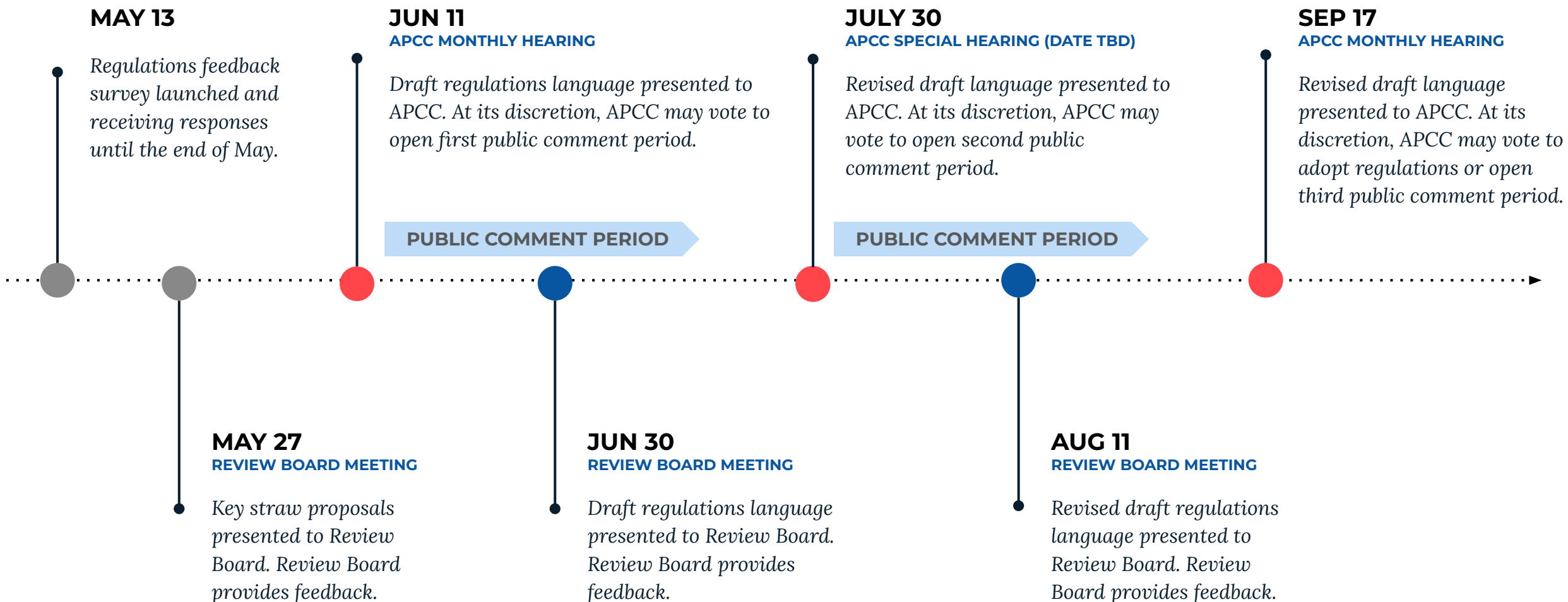
** In compliance with Section 4.b.i of Policies and Procedures, 2025 and 2026 projected emissions factors have not been updated as any new projections shall be published at least 2 years prior to use.

Proposed Next Steps

- The BERDO Team formally requests that the APCC votes to open a **public comment period** on the draft language for BERDO Regulations and Policies and Procedures from **June 13 to July 15, 2025**.
- If the public comment period is opened, the BERDO team will work to analyze public comments and make revisions to the draft language accordingly.
- Revised draft language would be presented to the APCC on **July 30, 2025**.

2025 BERDO Regulations Update Tentative Timeline

Timeline subject to change at the discretion of the Air Pollution Control Commission (APCC)



The background of the slide is a dark blue aerial view of a city, overlaid with a white line-art map showing building footprints and street layouts. The map is centered and covers the entire background.

Commission Q&A

Commissioners may discuss and ask staff questions.

The background of the slide is a dark blue aerial view of a city, overlaid with a white line-art map showing building footprints, streets, and parks. The map is centered and covers the entire background.

Public Q&A

The public may discuss and ask staff questions.

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. The perspective is from a high angle, looking down on the city.

Commission Motion & Vote

Open public comment period on draft regulations revisions

Status of the Parking Freeze



General Parking Freeze Update

Status as of 6/11/2025



	East Boston	South Boston	Downtown Boston
Spaces allocated	702 park-and-fly 2,610 rental car	27,484	31,109
Spaces in bank	N/A	2,233	4,447
2022 Renewals	4/4 permits renewed	121/126 permits renewed (96%)	252/271 permits renewed (93%)
2023 Renewals	4/4 permits renewed	120/124 permits renewed (97%)	253/272 permits renewed (93%)
2024 Renewals	4/4 permits renewed	119/124 permits renewed (96%)	257/273 permits renewed (94%)
2025 Renewals	2/4 permits renewed	14/124 permits renewed (11%)	48/280 permits renewed (17%)

- Only publicly-owned facilities outstanding for past renewal cycles
- 1 Downtown permit (500 Albany St) was created administratively in May for parking that existed prior to the Freeze, including 25 commercial spaces from the bank.

The background of the slide is a dark blue aerial view of a city, rendered in white line art. The map shows a dense urban layout with numerous rectangular blocks of varying sizes, representing buildings and city blocks. A prominent curved road or highway runs through the center of the map. The overall style is architectural and modern.

Administrative Updates

Permit Renewal Updates

- All privately-owned facilities have been renewed for the 2024 renewal cycle
- The 2025 renewal cycle began on June 1st
 - **64 facilities (16%) have completed the 2025 renewal so far**

Acceptance of the Meeting Minutes



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Commission Motion & Vote

Acceptance of the March 12, 2025 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. The perspective is from a high angle, looking down on the city.

Commission Motion & Vote

Acceptance of the May 14, 2025 Meeting Minutes

Adjourn

Thank you for your participation!

