

# BERDO REVIEW BOARD MEETING

*April 27, 2026*



# BERDO REVIEW BOARD



**Jessica Boatright**  
*Board Chair*



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*Board Member*



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**Reginald Stovell Jr.**  
*Board Member*



**Councilor Brian Worrell**  
*City Councilor, D4*



**Hannah  
Payne**

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*Director,  
Carbon Neutrality*



**Diana  
Vasquez**

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*Senior Policy  
Manager*



**Dr. Claudia  
Diezmartinez**

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*Deputy Director,  
Policy and  
Programs*

# Agenda

*Today's Meeting*



## **Public Hearing**

- 1.** *Hardship Compliance Plan Application*

## **Public Meeting**

- 2.** *Discussion on Proposed BERDO Regulations Update*
- 3.** *Approval of Meeting minutes*
- 4.** *Administrative Updates*
- 5.** *Adjournment*

# Hardship Compliance Plan Application

*Public Hearing*

# What are Hardship Compliance Plans (HCP)?

## A Hardship Compliance Plan is a flexibility mechanism that:

- ✓ Can provide relief and flexibility with complying with BERDO emissions limits by providing **alternative emissions standards** and/or **timelines for complying with emissions standards**.
- ✓ Is available to owners with buildings that have an **“eligible hardship” to meet default emissions standards**.
- ✓ Must be approved by the BERDO Review Board, who may set conditions on the approval.

## A Hardship Compliance Plan is not:

- ✗ An exemption to complying with emissions standards.
- ✗ An exemption from annual reporting and third-party verification requirements.

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The lines are white and create a complex, geometric pattern.

# Institute of Contemporary Art

*Short-Term Hardship Compliance Plan*



# Short-Term Hardship Compliance Plan

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## Institute of Contemporary Art (ICA)

**BERDO ID: 103885**

25 Harbor Shore Drive, Boston, MA



Presented by:  
**Atlas Real Estate Consulting**

Date: April 27, 2026

# Presenter and Applicant Organization

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## Presenter:

- James Regis, Atlas Real Estate Consulting

## About ICA:

- Nonprofit cultural institution (since 1936)
- 315,000+ annual visitors
- Mission-driven: Arts access; education, community engagement
- Equal Opportunity Employer committed to diversity & inclusion
- Proactive climate change and resiliency response (VHB study 2025)

## Building Overview:

- 65,000 SF Seaport waterfront museum (Opened 2006)
- Multi-use: galleries, theater, community art space, retail, food services, offices
- 24/7 climate-controlled certified environment
- HVAC requirements subject to rigorous standards and certification for art storage and viewing



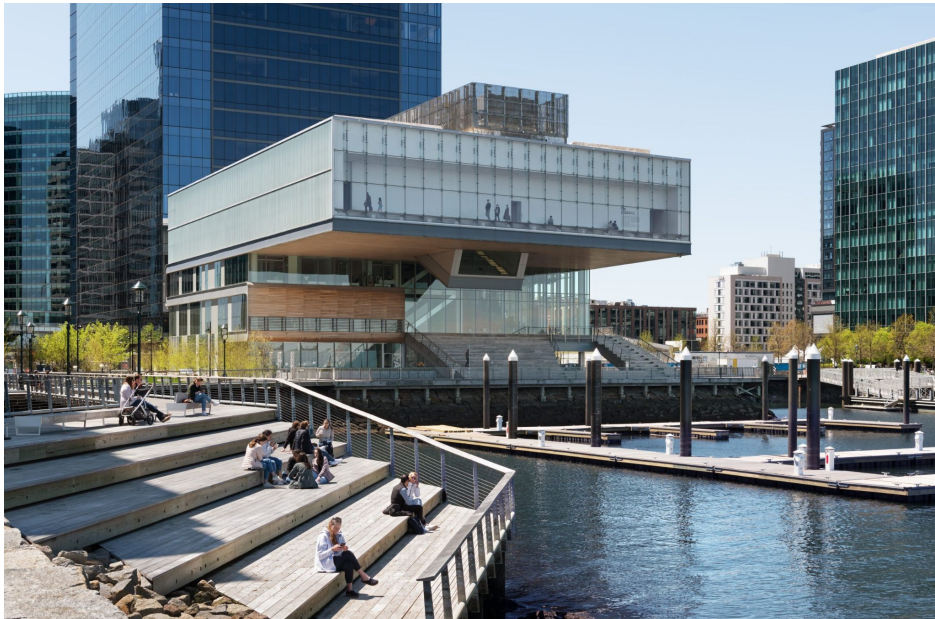
# Sustainability Efforts to Date

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- **2024:** Andelman and Lelek Technical Assistance Study (Eversource and ICA Comissioned) - Final Report: February 2024; General plan with focus areas
- **2025:** New Building Automation System (BAS) installed (\$250K+)
  - a. MassSave collaboration (Eversource, National Grid); Initial step to address operational waste and increase sustainable operational efficiency
- **2026:** Engaged BR+A, a national leader in BAS controls and decarbonization planning to initiate a master plan for HVAC capital replacements, decarbonization road-map, and BAS system commissioning findings. Initial report due June 30, 2026. BR+A is a Mass Save approved vendor providing technical assistance and other planning services on possible future incentives.
  - a. Additional BAS commissioning and optimization (ongoing)
  - b. 22% reduction in electricity usage during initial testing period
- Lighting enhancements - LED retrofit ongoing
- Lighting system controls in place - Upgrade under study
- HVAC Variable Speed Drives - Confirmed to be in use

# Unique Building Circumstances

- ICA operates under preservation, not comfort standards
  - Comfort Range: Temp. 68-76 degrees; Relative Humidity 30-60%
  - Museum Requirement: 70°F ± 2°F and 50% RH ±3%.
- Museum climate control certification  
*International Council of Museums (ICOM), the Department of Interior (DOI) or by contractual agreement of loaned art*
- 24/7 HVAC operation (no setbacks possible)
- Waterfront exposure (humidity, corrosion + resiliency needs)



# Eligible Hardships - Unique to the ICA

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## Building Operational Constraints

Artwork requires museum certification of air quality:

- 70°F ±2°
- 50% humidity ±3%

Zero system redundancy: an existing condition requiring correction and adds to the complexity for decarbonization solutions as systems age-out

Exhibition Schedule: locked in 3–5 years in advance

Operation 24/7 required

## Financial Constraints

- 83.6% revenue = donations - restricted use
- Fund raising required for decarbonization
- Upgrades estimated: ~\$26.6M + \$5M electrical  
Per the WB Consulting Engineering report of 2025



# Eligible Hardship Summary

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## *Overcoming Constraints requires time and funding...*

- Complex HVAC demands based on building use
- Systems are near the end-of-life
- Decarbonization requires full system redesign
- Fundraising will be required to implement plan
- Short Term vs. Long Term Compliance Plan



# Requested Relief

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## Relevant - Eligible Hardships

- **Financial:** High capital costs with limited funding flexibility
- **Technical:** Museum-grade systems require specialized solutions
- **Operational:** Upgrades cannot disrupt exhibitions
- **Public Impact:** Serves 300K+ visitors and critical community programming

| Proposed Relief (KgCO2e/Sq Ft/Year) |       |      |      |
|-------------------------------------|-------|------|------|
|                                     | 2025  | 2026 | 2027 |
| <b>Proposed Alternative</b>         | 11.3* | 11.3 | 11.3 |
| <b>Default</b>                      | 7.8   | 7.8  | 7.8  |

\*Note: 11.3 represents the ICA average consumption for the past three years.

# Environmental Justice Commitments

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| Category of Commitment                   | Commitment   | Timeline          |
|--|--|-------------------|
| Cultural Access and Education            | Participation in City of Boston “Boston Family Days” program providing free access to Boston school-aged children, Pre-K students, and up to two family members on designated days | 2025-Indefinitely |
| Waterfront Access & Community Engagement | Participation in the Coalition for a Resilient and Inclusive Waterfront (CRIW), including hosting 3–4 community events annually to improve waterfront accessibility and inclusion  | Ongoing           |

# Environmental Justice Commitments



| Category of Commitment               | Commitment  | Timeline            |
|--------------------------------------|---|---------------------|
| Cultural Access & Public Programming | Ongoing free and publicly accessible programming including HarborWalk Sounds, Friday concerts, Seaport Studios, and Watershed Museum, serving thousands of residents annually | Ongoing             |
| Emissions Reduction & Sustainability | Commitment to develop a decarbonization strategy to support BERDO compliance and long-term carbon reduction goals   | 2025 - 2026         |
| Climate Resilience                   | Incorporation of flood risk considerations into capital planning, including mechanical system upgrades and generator relocation in alignment with Article 25A standards       | Immediate & Ongoing |

# Compliance Plan Promises

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## **Ongoing: Accountability, Performance Enhancement & Collaboration**

- Annual BERDO reporting and review
- Enhanced building monitoring of energy performance (daily, weekly, monthly)
- Continued operational acuity and proactivity
- Continued collaboration with MassSave on incentives and opportunities
- Evaluate Equity Emissions Investment Fund possibilities

## **2026: Stabilization and Emissions Reduction**

- Complete BAS Commissioning
- Implement BAS optimization and system improvements
- Target 15%+/- reduction year-over-year

## **2026-2027 Engineering & Capital Plan**

- Work with BR+A, ICA's decarbonization engineer, on detailed/phased HVAC capital plan
- Execute initial HVAC and infrastructure changes, including, but not limited to isolated cooling for high demand back-of-house spaces (IT, Security, etc.) reducing chiller run time off-season

## **Late 2026 Energy Procurement Strategy**

- Pursue energy purchasing options including renewables (BCCE may not apply based on 2025 consumption)

## **Mid-2027 Evaluate need for Long-Term Compliance Plan**

The background of the slide is a dark blue wireframe illustration of a city skyline, viewed from an elevated perspective. The buildings are represented by white and light blue lines, 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.

# Staff Comments

*Environment Department shares staff comments*

# Staff Comments

## **STAFF COMMENTS:**

This application was originally submitted September 20, 2025. Staff found the application incomplete and recommended revisions. The applicant resubmitted February 6, 2026 and submitted final materials on March 23, 2026.

The ICA demonstrated significant operational and technical constraints tied to its specialized use as a nonprofit art museum. Continuous, strict climate control requirements for art preservation must be in place from loading dock to the galleries. These requirements and high capital costs limit near-term feasibility of completing significant emissions reductions. Immediate full upgrades would disrupt operations for the museum and conflict with the institution's public and cultural mission.

The applicant has outlined a long-term commitment to emissions reduction through a four-year plan, indicating that the requested short-term HCP is intended to support a long-term phased approach toward decarbonization and compliance with BERDO requirements.

## **STAFF RECOMMENDATIONS:**

Staff recommend approving with standard conditions and recommended special conditions (next slide).

# Staff Recommended Special Conditions

## *Reporting Updates on Commitments*

- 1. By March 1, 2027:** The ICA will share updates regarding Phases 1 - 2 of their “Phased Commitments”, including:
  - Building operating system (BAS) improvements, HVAC controls commissioning, and individual conservation efforts.
  - Results from studies exploring on-site renewable energy production.
  - Results from climate resiliency flood elevation study and associated elevation survey.
  - Results from engineering assessments, plans, and specifications for initial equipment replacements and relocation and/or flood protection measures for the emergency generator (and main electrical room).
- 2. March 1, 2028:** The ICA will share updates regarding Phases 1 - 3 of their “Phased Commitment” including:
  - Initial steps for comprehensive chiller and/or mechanical systems replacements with museum-grade environmental control.
- 3. If applicable, after Hardship Compliance Plan extension, by March 1, 2029:** The ICA will share updates on their enhanced compliance monitoring and the feasibility of reaching a 7.8 kgCO<sub>2</sub>e/sq ft emissions standard by 2030.

## *Acting on Stated Commitments*

- 4. For the duration of the Hardship Compliance Plan:** The ICA must demonstrate good faith efforts towards the implementation of stated commitments or demonstrate good faith efforts to pursue similar commitments in the following categories:
  - Emissions reduction
  - Climate resilience

The background of the slide is a dark blue aerial wireframe illustration of a city, showing various building footprints and street layouts in a light blue color.

# Board Q&A

*Board Members may discuss and ask staff questions*

The background of the slide is a dark blue aerial wireframe map of a city, showing the outlines of buildings, streets, and parks. The map is rendered in a light blue color, creating a technical and urban aesthetic.

# Public Comment Period

*Members of the public may provide public comment*

The background of the slide is a dark blue aerial view of a city, rendered as a white wireframe. The buildings are represented by simple rectangular outlines, creating a complex, geometric pattern. The perspective is from a high angle, looking down on the city blocks.

# Board Motion & Vote

*Institute of Contemporary Art*



A nighttime photograph of a city street, likely in Berkeley, California, featuring a prominent building with a dome and a street lined with trees decorated with white lights. The scene is dimly lit, with the primary light sources being the streetlights and the decorative lights on the trees. A semi-transparent dark blue banner is overlaid across the middle of the image, containing the main title and subtitle.

# BERDO Regulations Update

*Public Meeting*

# Background

MA Class I RECs are intended to provide an option for building owners to come into compliance with emissions standards during the BERDO reporting season.

**Regulations set requirements for when MA Class I RECs can be generated and retired for a given compliance year**

*For 2025 emissions compliance, MA Class I RECs must be generated any time between Q1 2024 and Q4 2025.*



**NEPOOL sets specific trading periods for when MA Class I RECs can be bought and retired from the market**

*Q4 2025 RECs (the last RECs that are eligible for 2025 emissions compliance) can be traded from April 15 to June 15, 2026.*



**REC brokers usually need to receive REC orders in advance of trading periods to set aside enough RECs for their clients**

*For Q4 2025 RECs, building owners need to purchase RECs from brokers by March 1 under our MA Class I REC Connector Program*

*These conditions do not feasibly allow building owners to buy MA Class I RECs during the annual reporting season*



# MA Class I REC Requirements Comparison

What MA Class I RECs can be used for 2025 emissions compliance?

| DATE OF GENERATION | NEPOOL ISSUANCE DATE (FIRST DAY A REC CAN BE RETIRED IN NEPOOL) | NEPOOL TRADING DEADLINE (LAST DAY A REC CAN BE RETIRED IN NEPOOL) | CURRENT ELIGIBILITY |
|--------------------|---|---|---------------------|
| Q1 2024            | July 15, 2024   | September 15, 2024  | Yes                 |
| Q2 2024            | October 15, 2024  | December 15, 2024   | Yes                 |
| Q3 2024            | January 15, 2025  | March 15, 2025  | Yes                 |
| Q4 2024            | April 15, 2025  | June 15, 2025   | Yes                 |
| Q1 2025            | July 15, 2025   | September 15, 2025  | Yes                 |
| Q2 2025            | October 15, 2025  | December 15, 2025   | Yes                 |
| Q3 2025            | January 15, 2026  | March 15, 2026  | Yes                 |
| Q4 2025            | April 15, 2026  | June 15, 2026   | Yes                 |
| Q1 2026            | July 15, 2026   | September 15, 2026  | No                  |
| Q2 2026            | October 15, 2026  | December 15, 2026   | No                  |
| Q3 2026            | January 15, 2027  | March 15, 2027  | No                  |
| Q4 2026            | April 15, 2027  | June 15, 2027   | No                  |

← Under MA Class I REC Connector Program, Q4 2025 RECs needed to be bought by March 1

# Proposed Solution



- We proposed draft regulations language that extends when MA Class I RECs can be generated and retired for a given compliance year by six months.

# Proposed Draft Regulations Language



## Section X. Additional Compliance Mechanisms

### a. Renewable Energy Certificates.

- (i) Owners that utilize unbundled or bundled RECs, including local Power Purchase Agreements that generate RPS Class I RECs pursuant to 225 CMR 14.05, as a method of compliance shall provide documentation demonstrating that the RECs comply with the conditions in Section 7-2.2(m)(b), provided that, notwithstanding anything to the contrary in the Ordinance:
  - (a) RECs may be generated ~~either with~~ in ~~(1)~~ the twelve (12) months before the compliance year, ~~or (2)~~ ~~with~~ in the compliance year, **or in the six (6) months following the compliance year** in which they are used, and
  - (b) Owners must demonstrate that RECs are retired no later than ~~six (6)~~ **twelve (12)** months after the end of the compliance year in which they are used.
    - (i) Pursuant to section IV.h., Owners who acquire RECs after May 15 or the alternative reporting deadline for the applicable year shall submit proof of REC purchase **within thirty (30) Days of said purchase.**
    - (ii) Pursuant to section IV.h., Owners who do not have proof of REC retirement by May 15 or the applicable alternative reporting deadline shall submit proof of REC retirement by the earlier of (a) thirty (30) Days from retirement and (b) December 31 of the year the REC was retired.
  - (c) **The Review Board may extend the REC generation and retirement deadlines for a given year based upon changes to the annual reporting deadline pursuant to Section IV.j., changes to the availability of RPS Class I RECs, unforeseen circumstances related to the RPS Class I REC market, or other extenuating circumstances.**

Extends MA Class I REC generation and retirement timeline requirements

Clarifies reporting for RECs bought and retired after reporting deadlines

Gives BERDO Review Board flexibility to react to unforeseen changes and adjust requirements

This provision supersedes Sections 7-2.2(m)(b)(iii) and (iv).



# MA Class I REC Requirements Comparison

What MA Class I RECs can be used for 2025 emissions compliance?

| DATE OF GENERATION | NEPOOL ISSUANCE DATE (FIRST DAY A REC CAN BE RETIRED IN NEPOOL) | NEPOOL TRADING DEADLINE (LAST DAY A REC CAN BE RETIRED IN NEPOOL) | CURRENT ELIGIBILITY | PROPOSED CHANGES |
|--------------------|---|---|---------------------|------------------|
| Q1 2024            | July 15, 2024   | September 15, 2024  | Yes                 | Yes              |
| Q2 2024            | October 15, 2024  | December 15, 2024   | Yes                 | Yes              |
| Q3 2024            | January 15, 2025  | March 15, 2025  | Yes                 | Yes              |
| Q4 2024            | April 15, 2025  | June 15, 2025   | Yes                 | Yes              |
| Q1 2025            | July 15, 2025   | September 15, 2025  | Yes                 | Yes              |
| Q2 2025            | October 15, 2025  | December 15, 2025   | Yes                 | Yes              |
| Q3 2025            | January 15, 2026  | March 15, 2026  | Yes                 | Yes              |
| Q4 2025            | April 15, 2026  | June 15, 2026   | Yes                 | Yes              |
| Q1 2026            | July 15, 2026   | September 15, 2026  | No                  | Yes              |
| Q2 2026            | October 15, 2026  | December 15, 2026   | No                  | Yes              |
| Q3 2026            | January 15, 2027  | March 15, 2027  | No                  | No               |
| Q4 2026            | April 15, 2027  | June 15, 2027   | No                  | No               |

← Under MA Class I REC Connector Program, Q2 2026 RECs will be able to be bought as late as Oct 31

# Next Steps

- The Commission voted to open a public comment period on the proposed draft regulations language.
  - ◆ *The public comment period is open until **Friday, May 8, 2026 at 12:00 p.m.***

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# Board Q&A

*Board Members may discuss and ask staff questions*



# Approval of Meeting Minutes

*Board votes on approving previous meeting's minutes*



# Administrative Updates

*Staff presents administrative updates*

# ADMIN UPDATES



## ONE IN-PERSON WORKSHOP REMAINING

- [May 5, 2026](#) from 3 - 6pm at Bruce C. Bolling Building
  - 2300 Washington St. Roxbury, MA 02119

## EQUITABLE EMISSIONS INVESTMENT FUND INFORMATION SESSIONS

Slides and recordings on [boston.gov/berdo-fund](https://boston.gov/berdo-fund)

- **April 15, 2026 from 10:00 - 11:00 am**
  - [Slide deck](#) and [recording](#)
- **May 6, 2026 from 10:00 - 11:00 am**
  - [Event page](#)

## EXTERNAL EVENTS

- **May 7 [Mass Apartment Association Expo](#)**
  - BERDO team plans to join BE+ at an exhibitor table



# 2026 Review Board Meeting Schedule

Second and fourth Mondays of each month starting at 4:30pm



**Zoom:** Meetings are virtual via Zoom: [register in advance here](#)

| HEARING DATES |              |
|---------------|--------------|
| January 12    | July 13      |
| January 26    | July 27      |
| February 9    | August 10    |
| February 23   | August 24    |
| March 9       | September 14 |
| March 23      | September 28 |
| April 13      | October 12   |
| April 27      | October 26   |
| May 11        | November 9   |
| May 26*       | November 23  |
| June 8        | December 14  |
| June 22       |              |

\*On a Tuesday due to a Holiday

A nighttime photograph of a city street, likely in New Orleans, featuring a prominent building with a dome and arched windows. The scene is illuminated by warm streetlights and strings of white lights draped over trees and buildings. People are seen walking on the sidewalk, and a man in the foreground is taking a photo with his smartphone. The overall atmosphere is festive and urban.

# Board Questions

*Admin Updates*

# Adjourn

Thank you! A recording and slide deck for this meeting will be available at [boston.gov/berdo-review-board](https://boston.gov/berdo-review-board).

