

AIR POLLUTION CONTROL COMMISSION PUBLIC HEARING



March 16, 2022

Members of the public may submit any comments or questions by “raising their hand” or by typing in the chat box, via email at apcc@boston.gov, or tweeting @BostonEnviro with the hashtag #APCCHearing.

AIR POLLUTION CONTROL COMMISSION



**Bradley
Gerratt**

*Interim
Transportation
Commissioner
(ex officio)*



**Alison
Brizius**

*Environment
Commissioner
(ex officio)*



**Julien
Farland**

*Boston Public
Health
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(ex officio)*



**Richard
Davey**

*Commissioner
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Kat Eshel

*Environment
Department*



**Hannah
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*Environment
Department*



Lynh Chau

*Environment
Department*

Parking Freeze Permit Applications

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 of rectangular shapes and heights. The overall aesthetic is modern and architectural.

**Continued to an
upcoming hearing**

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

Status of the Parking Freeze



General Parking Freeze Update

Status as of 3/14/2022

- **East Boston**

- 702 park-and-fly and 2,856 rental car spaces allocated, no spaces available in freeze bank
- 5/5 permits renewed

- **South Boston**

- 29,209 spaces allocated and 1,180 spaces in freeze bank
- 102/125 permits renewed (82%, +11% since December meeting)

- **Downtown Boston**

- 31,229 spaces allocated and 4,327 spaces in freeze bank
- 202/275 permits renewed (73%, +15% since December meeting)

Summary of 2021 YTD

Status as of 12/13/2021

2019: 103 invoices sent, 102 renewed, 1 unpaid

2020: 129 invoices sent, 121 renewed, 8 unpaid

2021: 413 invoices sent, 307 renewed, 96 unpaid

Breakdown of notices sent:

- First Past Due: 296 permits
- Second Past Due: 228 permits
- First Violation Notice: 218 permits
- Second Violation Notice (sent 12/1): 122 permits
- Third Violation Notices (sent 1/5/22): 74 permits
- Final Violation Notices (sent 2/11/22): 56 permits

Enforcement timeline

Past Dues:

- 60 days → 1st past due
- 35 days → 2nd past due

Violations:

- 30 days → 1st violation
- 30 days → 2nd violation
- 30 days → 3rd violation
- 30 days → final violation

BERDO

Building Emissions Reduction and Disclosure Ordinance



Regulations Process

Proposed phased approach

- **Phase 1: early 2022**
 - *Reporting and data verification requirements*
 - *Enable reporting and disclosure in 2022*
- **Phase 2: 2022**
 - *Review Board regulations*
- **Phase 3: 2022**
 - *Emissions Standards regulations (hardship compliance plans, individual compliance schedules, custom emissions factors, etc.)*
 - *Equitable Emissions Fund regulations*
 - *Additional regulations as needed to implement and enforce the ordinance*

Progress to Date

Phase 1 Regulations



- **Informal public comment period**
 - *December 20, 2021 - January 19, 2022*
- **1st Notice of Rulemaking and formal public comment period**
 - *Public comment period: Jan. 21, 2022 - Feb. 11, 2022*
 - *Feb. 14, 2022 APCC voted to revise regulations based on public comments*
- **2nd Notice of Rulemaking and formal public comment period**
 - *Public comment period: Feb. 18, 2022 - March 11, 2022*
- **Additional engagement**
 - *Initial listening session on Dec. 1*
 - *Letter sent to all building owners the first week of Jan.*
 - *Regular email newsletters on process*

Revisions included in last update

- **Update default values methodology in Appendix B**
 - *Revise methodology to more accurately account for fuel oil, district heat, and district cooling.*
 - *Include methodology*
- **Move Default Energy Values and Qualified Energy Professional Credentials into BERDO Policies and Procedures**
 - *The regulations intend for these to be updated by the Commission as new information becomes available.*
- **Simplify preservation of records**
 - *Change preservation period to ten years.*
- **Add clarifying language**
 - *Make minor revisions to language in section 1.07 a to clarify alignment with Portfolio Manager guidance*
 - *In 1.04 h, clarify that new data must be reported if “whole building” data changes “over the period of one (1) year” by 2% or more.*

Written Comments Received on Phase 1 Regs, Version 2

The following individuals and organizations submitted written comments by Friday, March 11, 2022 at 12:00 pm

- Gretchen May, Longwood Medical Energy Collaborative
- Tom Yardley, MASCO
- Sofia Owen, Alternatives for Community and Environment (ACE)
- Alan Issokson, building owner

Topics covered in written comments

- Third-party verification
 - *Comment supporting independent data verification*
 - *Comment raising concern of difficulty and cost to small building owners*
- Comment requesting moving QEP credentials and default values for buildings without significant partial data back into regulations.
- Comment supporting data transparency
- Comment supporting requirement for owner to request data from non-residential tenants.
- Preservation of records
 - *Requesting clarification on types of records to be preserved*
 - *Comment supporting requirement of 10 years*
- Comment supporting methodology for reporting buildings without whole-building data
- Request to develop guidelines for the Commission to approve an alternative apportionment process for buildings with shared meters that don't use Portfolio Manager's campus reporting method

Comments and questions on draft supplemental reporting form

The following topics were raised in questions and comments on the supplemental reporting form.

- Power Purchase Agreements
- Backup generation
- Campus reporting
- EV charging
- Estimating end use square footage
- Obtaining data from utilities
- Deadline extension
- How to calculate emissions

We will respond to each of these questions and comments in the staff summary response document that we will be publishing after this meeting.

BERDO Proposed Next Steps

- **If regulations and policies and procedures were to be approved, we would move forward with the following:**
 - *Recommend suspending May 15 deadline and setting a June 15 deadline per ordinance to allow 90 days between promulgation and reporting deadline.*
 - *Open extension request form (would enable 6-month extension to December 15, 2022).*
 - *Publish updated reporting guidance including the supplemental reporting form on boston.gov/berdo.*
 - *Send newsletter announcing changes and send letter to building owners notifying them of regulations and new reporting deadline.*
- **Supportive actions:**
 - *Host webinars on reporting, building electrification, and MassSave incentives*
 - *Issue Request for Information for third-party verification*
 - *Continued building owner support through energyreporting@boston.gov*

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 light blue, creating a technical, architectural feel.

Commission Q&A

Commissioners may discuss and ask staff questions.

Public Comment

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Commission Motion & Vote

BERDO Phase I Regulations



Acceptance of the Meeting Minutes



The background of the slide is a dark blue aerial wireframe map of a city, showing building footprints and street layouts in a light blue color. A semi-transparent dark blue horizontal band is overlaid across the middle of the image, containing the text.

Commission Motion & Vote

Acceptance of the February 14th Meeting Minutes

Adjourn

Thank you for your participation!

