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August 28, 2025

Air Pollution Control Commission  
Boston City Hall  
Environment Department, ROOM 709  
Boston, MA 02201

### **RE: A Better City's Second Comments on Proposed Updates to BERDO's Regulations and Policies and Procedures**

Dear Commissioners:

On behalf of A Better City's 130 businesses and institutions, please see the second round of comments on proposed updates to BERDO regulations and policies and procedures that relate to the flexibility measure application processes, third-party verification, and clarification of language to already existing BERDO procedures.

Thank you for taking the comments from the first comment period into consideration in updating the draft regulations and policies and procedures. Updates like removing the unnecessary requirement to record long-term Hardship Compliance Plans in the Registry of Deeds, will have a significant impact on building owners. Also, ensuring your commitment to the use of the EPA ENERGY STAR Portfolio Manager for reporting purposes has been important for building owners who understand that establishing an alternative reporting platform will make compliance more costly and complicated and will disproportionately impact the property owners that are already struggling with the BERDO compliance process.

Our second round of comments specifically relate to: allowing all solar SMART projects, no matter where they are located in the Commonwealth, or who the utility is, to offset onsite load in BERDO-covered buildings if *An Act Relative to Energy Affordability, Independence, and Innovation* is passed; and that compliance with either old or new electric grid emissions factors be allowed through 2030 to allow building owners time to update their capital plans.

Thank you for your ongoing leadership.

Sincerely,

*Y. L. Torrie*

Yve Torrie  
Director of Climate, Energy, & Resilience



## BERDO Proposed Regulations Updates

### ***Enabling the Review Board to Grant Exemptions on Solar Requirements without a Hardship Compliance Plan:***

- In our previous comments we highlighted a current bill, H. 4144, *An Act Relative to Energy Affordability, Independence, and Innovation*, that would require all behind-the-meter solar projects in Massachusetts to apply for SMART, meaning that all RECs would go to the utilities. If this is the case, we asked that all solar SMART projects, regardless of the specific utility or location within the Commonwealth, be exempt from the REC retirement. A Better City agrees that waiting until we know if the Act passes makes sense, but wants to reinforce that the city understands the provision in the current bill could complicate investment in onsite renewable energy across Massachusetts in the future. Building portfolios that could more cost-effectively install onsite solar outside of Boston or the Eastern Eversource Massachusetts territory for the purpose of BERDO compliance by using RECs from those installations for buildings lacking adequate roof space to offset onsite load within BERDO-covered areas, would be limited from doing so.
  - **A Better City recommends that if this Act is passed, the City allows all solar SMART projects, no matter where they are located in the Commonwealth, or who the utility is, to offset onsite load in BERDO-covered buildings.**

## BERDO Proposed Policies and Procedures Updates

### ***Updating Projected Electric Grid Emissions Factors Using a "Semi-Residual" Emissions Factor Approach:***

- In our previous comments, A Better City expressed support for updating projected electric grid emissions factors using a semi-residual emissions factor approach to avoid double counting of renewable energy. However, although projected electric grid emissions factors would not be updated in 2025 and 2026 because "any new projections must be published two years prior to use," according to current policies and procedures, we have continued to hear from members that they need long-term certainty on emissions factors. The fact that emissions factors are completely outside of the control of building owners and are regionally determined by building portfolio standard jurisdiction by building portfolio standard jurisdiction is problematic enough for them. Given that resources have already been expended in capital planning based on the current methodology of calculating projected grid emissions factors, two years is not enough time to update that planning. Additional renewable power purchasing for RECs, for example, may prove to be advantageous but the process to create such an agreement takes a minimum of two to three years with a community of buyers.
  - **A Better City recommends that compliance with either old or new electric grid emissions factors be allowed through 2030, to allow building owners time to update their capital plans.**