The Watertown Environment and Energy Efficiency Committee working group BERDO met remotely via Zoom at 5:00 PM on Thursday, July 25th, 2024.

The following members and staff were present: Brian Hebeisen (chair), Silas Fyler (Energy Manager), Pat Rathbone, Jocelyn Tager, Ernesta Kraczkiewicz

Others present:

The meeting started with a quorum at 5:00 with Brian Hebeisen presiding.

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1) Announcements

2) Review of the BERDO Draft Regulations working with version 1.4 7/4/24 version

Next Steps

1. Silas to update language in section 12.2 to include "hardship or deferral" after "create
2. Silas to remove sections 12.2.2.F and 12.2.2.G
3. Silas to rewrite 12.4 to clearly define hardship and deferral compliance plans separately
4. Silas to remove section 12.5.7 regarding environmental justice issues
5. Silas to update 12.7.1.B to say "at least every 5 years" instead of "every 5 years
6. Silas to remove section 12.7.2 regarding special conditions for distribution of benefits
7. Silas to remove section 12.8.2.A regarding the 2026 application deadline
8. Silas to remove section 12.8.3 regarding prioritization of applications
9. Brian to write up language for section 9.1.2 for next meeting

Summary

The team discussed the scheduling of their next meeting, and the complexities of long-term leases and compliance costs. They also deliberated on the terms 'hardship' and 'deferral' in compliance plans, the clarity of government regulations, and the potential implications of reducing energy usage in buildings. Lastly, they discussed the costs associated with review requests, the frequency of reassessing approval plans, and the inclusion of specific timelines in their document.

House Ages and Scheduling Discussion

The team discussed scheduling their next meeting, with Friday at 5 pm agreed upon by all attendees. The team also decided to postpone discussing the schedule of compliance related costs until the following week.

Concerns Over Long-Term Leases and Burdo Ordinance

Brian raised concerns about the potential complications of long-term leases without reopeners, specifically in the context of the BERDO. He questioned whether a leaseholder, such as a tenant in a long-term lease, could prevent the building owner from making necessary energy upgrades required by the BERDO. Silas and Pat discussed the complexities of defining who would be responsible for paying taxes and maintaining the building in such a scenario. They agreed to further investigate this issue, considering it a potential concern for future discussion.

Renewable Energy Certificates and Delivery Challenges

The team discussed the challenges and potential solutions related to the delivery of renewable energy certificates. Brian proposed purchasing certificates from other sources to mitigate delays, while Silas brought up issues related to homeowners leasing their roofs for solar panels and not receiving benefits until the panels start producing power. The team also discussed the concept of a Power Purchase Agreement (PPA) and how it could be affected by delays, with Silas suggesting that this issue could also apply to community solar programs. The team decided to revisit these issues in the future.

Clarifying Hardship and Deferral Terminology

Brian, Silas, Jocelyn, and Ernesta’s discussed the terms 'hardship' and 'deferral' in the context of compliance plans. They agreed that 'hardship' should be defined as a longer-term issue, while 'deferral' could be a shorter-term delay. The team decided to make a change to the header to clarify this, with Brian suggesting the term 'deferral' be used instead of 'hardship'. The department would be given the discretion to define what constitutes a significant delay. Jocelyn shared her negative experience with mass save delays, but Pat emphasized that regulations cannot be based on individual experiences. Jocelyn and Brian discussed the standardization of certain language and the potential addition of the word 'deferral' to a heading. Jocelyn agreed to Brian's suggestion to change the heading, and they also discussed the concept of 'hardship'.

Language Clarity and Energy Reduction Concerns

Brian questioned the clarity and effectiveness of language in a document regarding government regulations for minimum energy use. Silas and Pat agreed that if the language didn't make sense, it should be deleted. The team also discussed the potential implications of reducing energy usage in buildings, particularly labs and restaurants, and debated whether such reductions could lead to operational difficulties. Jocelyn proposed addressing any pushback from buildings like labs and restaurants. Ultimately, Brian suggested leaving the language in place, but expressed doubt about its clarity and effectiveness.

Sentence Clarification and Document Revision

The team discussed a sentence that was causing confusion, with Brian agreeing to Silas's interpretation that it referred to benefits outside the building. They also deliberated on the retention of certain sections in a document, with Brian open to keeping them, while Jocelyn indicated she was not strongly attached to them. The team agreed to possibly revise the document for clarity and to address potential issues arising from deleting and rearranging sections. Pat briefly joined the discussion.

Compliance Plan Duration and Clarifications

The team deliberated on the terms of compliance plans, deciding that they should not be granted indefinitely but for a maximum of five years, with the possibility for review and modification every five years. They also discussed the language to be used when granting relief, agreeing to remove the word 'permanently'. Furthermore, there was a clarification on the differences between deferred plans and hardship plans, with the former being limited to five years and the latter having no specific timeframe. The team agreed that this clarification was necessary to avoid confusion among building owners.

Revising Paragraphs and Clarifying Terms
The team engaged in a detailed discussion about revising certain paragraphs and clarifying technical terms. They agreed on the need for two separate sentences in a paragraph, the interpretation of "alternative emission standards," and the replacement of "community choice electricity" with "Watertown electricity, choice." They also deliberated on the deletion of "individual compliance schedules" and the rewriting of the document to reflect these changes. Lastly, they decided to address environmental justice matters separately through the Review Board, as they were not directly related to the BERDO's scope.

Review Requests, Approval Plans, and Compliance
The team discussed the costs associated with review requests, agreeing that both the Review Board and the department should be responsible for requesting any necessary funds for consultants. They also deliberated on the frequency of reassessing approval plans, with plans to be reassessed at least every five years, and the concept of hardship compliance plans. The team decided to review the hardship compliance plan at least every five years, giving discretion to the Review Board regarding the frequency, and considered the potential for a building to require a new compliance plan if it undergoes significant changes.

Timeline Discussion and Review Board Meeting
The team discussed the inclusion of specific timelines in their document, with Brian expressing concerns about commitments of time. After some debate, the team decided to remove certain details and agreed on a deadline for the completion of applications submitted to the Review Board. The team also agreed that the Review Board should hold a hearing within this timeframe and considered the possibility of a continuance or a follow-up meeting to reduce the length of the initial meeting. Concerns were raised about potential violations of the open meeting law, but it was clarified that the committee's current communication method was acceptable.

3) Decided next meeting will be 5:00pm on 8/2/24

4) Move to adjourn at 6:35 pm
All approved unanimously.

Respectfully submitted by Silas Fyler