

Ordinance Committee
Monday, October 16, 2023 at 5:00PM
Spark Space at 585 Pine St. and Remote via Zoom

DRAFT MINUTES

Members Present: Councilor Traverse (Chair), Councilor Carpenter, Councilor Hightower, Councilor Shannon

Staff Present: Kim Sturtevant (Assistant City Attorney), Darren Springer (BED General Manager), Chris Burns (BED), Jen Green (BED), Bill Ward (DPI Director)

Public Present: Brian Forest, Sharon Bushor, Catherine Bock, Cheryl Joy Lipton, David Webster, Gary Scott, Howard Jennings, Dan Castrigano, Jack Hanson, Jim Goldsmith, Karen Vastine, Kimberly Hornung-Marcy, Meg Randall, Melo Grant, Peter Duval, Pike Porter, Zack Porter, Sawyer Hancock, Hannah Hausman, Dan Batten, Dylan Giambatista, Carter Newbieser, Ashley Adams, Nick Persampieri, Steve Goodkind, Chris Mai, Johanna Henjes, Connor Wertz, Erin Ahearn, Ry Sherman, Jason Van Driesche, Luce Hillman, Luke McDermott, Caytie Campbell Orock

Meeting called to order at 5:14 PM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt Agenda as drafted.

Motion by Councilor Shannon, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes from September 21

2.01 Adopt Draft Minutes from September 21

Motion to Adopt Minutes from September 21, 2023.

Motion by Councilor Shannon, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Comment

3.01 Public Comment

Natalie Braun: I am a psychologist for the Burlington School District. My students are some of the most vulnerable young people in the district. The adults making the decisions in their lives influence their life directions. We have to rely on the adults in the legislature and elsewhere to make courageous decisions to alter the trajectory of global climate change. We should remove all of the carbon-emitting fuels from consideration in this ordinance.

Chris Mai: I live in Ward 2. I am also a parent and the climate crisis is on my mind a lot. When I voted in favor of this ordinance back in March I did not think the ordinance would allow the burning of wood. I think allowing wood burning contradicts what many voters wanted. I want to encourage the Committee to remove biomass burning from the ordinance.

Ry Sherman: I am a first year student at UVM. This past summer made climate change feel very close and I am fearful about the climate crisis. I came to Burlington thinking it was a leader in sustainability and it is not doing as much as it should be doing. I am asking to eliminate all carbon emission fuels from the ordinance. Burning anything contributes to climate change.

Connor Wertz: I live in Ward 2. I am a community organizer for 350VT. We are connected to a network of global organizers and I have learned from them. I am asking to remove any renewable biofuels from this ordinance. Ethanol, palm oil, or sunflower oil all contribute to climate change when burned. If we allow biofuels there will be a market expansion of palm oil in particular and palm oil is a very destructive industry in Southeast Asia. I hope you adopt Nick Persampieri's amendments to the ordinance.

Jason Van Driesche: I live in Ward 5. I think a 90% reduction in emissions is just fine, but we are a long ways from that. Fossil fuels are very useful for certain things. You don't need to remove all fossil fuels for there to be a positive impact. We should not be incentivizing what we want less of, however. I encourage you to remove the provisions on biofuels.

Erin Ahearn: I am a third year student at UVM. I have seen the effects of climate change on my hometown of Long Island, NY. By the time I am older, my hometown will be underwater. Burlington has a reputation as climate-conscious city and this ordinance threatens that. Cambridge, MA and New York have enacted strong carbon policies. We should be looking toward geothermal and other options going forward.

Luce Hillman: I am the executive director of facilities at UVM. I want to speak to keeping the renewable gas options in the ordinance. We do a lot of work on sustainability with BED and are looking at geothermal test wells soon. The technology is just not there yet to go without fossil fuels. We have kept fees and tuition flat for five years and I am concerned what the costs might be to our students going forward.

Nick Persampieri: I live in Ward 3. I am an attorney with a lot of experience on climate issues. I have worked on federal deal making about power plants, pellet stoves, and other things. I have submitted an amended version of the ordinance. Councilor Traverse did a good job of reorganizing things and so I amended that version. I urge you to strike advanced wood heating, renewable gas, and biomass heating from the ordinance for the reasons in the papers I have submitted. I know members want to defer to what the TEUC Committee has already passed, but the TEUC Committee adopted Mr. Springer's argument that we should adopt the language in the Affordable Heat Act. The Affordable Heat Act is designed to address issues in the rural parts of the State and this ordinance only applies to new construction. The Legislature will be making rules on climate credits in 2025 and we should be ahead of the legislature.

Ashley Adams: I live in Ward 6. This ordinance is designed to reduce emissions in heating. We should not incentivize renewable natural gas, advanced wood heating, green hydrogen, biodiesel, and wood fuel district heat. Nick Persampieri's amended makes good corrections. Most hydrogen is created through energy intensive means. Voters voted for a reduction in greenhouse gas emissions and did not define renewable. We should not allow carbon-intensive heating sources.

Steve Goodkind: I was the public works director in Burlington and am retired now. The concept is good and well-intended. It will not get us to a net zero goal, however. It allows a bunch of carbon fuels. Looking at wood, it says we can allow a high-efficiency system. McNeil is about a 25% efficiency power plant. Maybe it will get better with the steam system. Nobody advocates for burning wood at such a low efficiency. We should not allow any inefficient systems.

Dylan Giambatista: I am the director of public affairs at Vermont Gas (VGS). We think the Affordable Heat Act has a great approach to this issue. The ordinance that passed out of TEUC aligns with the AHA and provides flexibility. I hope the ordinance continues to follow the AHA. Others have brought up the other fuels that are exempt from this ordinance, but I want to remind everyone that there are still other ordinances that set thresholds and standards for these already. Large customers would be particularly impacted by changes to renewable natural gas inclusion.

Howard Jennings: I live in Bristol. I want to pass along a comment from Dean Koran who was an electric commissioner back in the 1980s and in charge of McNeil back then. He said that he regrets the decision to expand McNeil back then. We thought burning wood was a good idea then, but now we know the severity of the emissions at the stack. We should not continue our mistakes and continue to burn wood biomass.

Caytie Campbell Orock: I am a deputy director with the Building Electrification Institute. We are a nonprofit that works with cities across the country on decarbonization efforts, including Burlington. We have supported building electrification in Burlington since 2018 and are excited for this ordinance to elevate Burlington further in this space. This will take more than this one policy, but this is an important step in the right direction.

Carter Neubieser: I live in Ward 1. I want to encourage folks not to include fracked renewable gas, biomethane, biomass, or any other false solution in this ordinance. I work at 350VT and we don't need more transition fuels, we need a transition. We don't need to be burning carbon-emitting fuels anymore and we should not include them in the ordinance.

Catherine Bock: I live in Ward 1 East. I am a retired naturopath physician. I am always happiest in nature and I worked on banning DDT after reading *Silent Spring*. We are facing a climate catastrophe. We must incentivize solutions that don't use renewable natural gas. We can't let this methane to just go in the atmosphere, but we should not encourage it. I am asking you to remove all combustible fuels from this ordinance before it goes to City Council.

Gabrielle Stebbins: I am a state representative for the South End. I wanted to provide more context about the AHA. We took a lot of testimony and the first version was vetoed over

concerns about cost and about biomass/biofuels. There were conversations between foundations, legislators, and other stakeholders. The current bill allows those fuels, but requires that they undergo a lifecycle analysis of the emissions. The AHA requires a reduction in carbon-intensity over time. There are guardrails and a group that works on this. I want to stop burning anything, but there can't be an immediate shift to electrification. The idea is to have a ratcheting down over time and phase out fuels over time. I can happily take questions.

Gary Scott: I am the senior VP for facilities, planning, and design at UVM Health Network. The hospital must have backup utilities at all times. We would like to know more about how this fee will be assessed. Is it based off consumption of energy or thermal energy? We also want clarity on how our redundant systems will be accounted for. We have multiple systems that don't have to run at the same time. We hope the fee will not be assessed on a piece of equipment that doesn't run all the time. We want to electrify the hospital, but right now it would take a lot of money to do that and that means higher costs for patients. We want to keep renewable natural gas on the table so we can keep the hospital affordable for all Vermonters.

Jack Hanson: I sent a document earlier that compares the ordinance to other cities such as Cambridge, MA. These other cities have created stronger frameworks for decarbonization buildings. We need to be clear that electric and geothermal heating are the way to go. Ideally nobody would burn anything, but there is an alternative fee to add flexibility. We should not define these other fuels as clean and renewable since there is some debate about it. We should strengthen the ordinance to be net zero by 2030.

Kimberly Hornung-Marcy: So this is only for future construction and electric and geothermal is far cheaper in the long run. There is a chilling study about increased rates of lung cancer among women that burned wood in their homes. I will send it to the Committee.

Luke McDermott: I live in Ward 3. I am speaking in favor of removing the allowance of carbon emitting fuels from the ordinance. Climate change is always on my mind and there have been a lot of effects this past summer including wildfires and flooding. We're behind schedule fighting climate change. We should remove these false solutions from this ordinance.

Sharon Bushor: I sent comments to the Chair. I did not know renewable natural gas and gas from fracking have the same impact on the climate. There are two points of consideration: the source of the fuel and its impact on the climate. If it has the same impact, I am wondering why there is so much focus on renewable natural gas. I was pleased to see that there is an exemption for buildings that are on the National Historic Register. I was wondering what amount of money would be generated from construction that still uses fossil fuels. I don't like energy credits, because what are we really doing to our environment? Are we just shifting responsibility?

Zack Porter: I am the executive director of Standing Trees in Montpelier. I am here to support Nick Persampieri's amendments to this ordinance. The desire is to decarbonize and biofuels are not the answer. Please remove all carbon-emitting fuels from this ordinance.

Anna Hausman: I have lived in Burlington for seven years. I am here to support Nick Persampieri's amendments to this ordinance.

Greg Hancock: I am opposed to the inclusion of carbon-emitting fuels in this ordinance. We should not include woody biomass in the ordinance exemptions. I also want to commend Nick Persampieri for his amendments.

Peter Duval: I live in Underhill. I urge the Committee to reject this ordinance and return it to TEUC. It is flawed and part of an effort to prop up McNeil. It is subsidized by ratepayers in New England. Have we seen an ordinance like this work in other places? Has the Committee ruled out alternative approaches? Is this ordinance better than simply strengthening the building code? Does this ordinance reduce loopholes and regulatory burden? I think the answer to all of these questions is no. This should go back to TEUC and try something different.

Brian Forrest: I am member of 350VT. I am from Williston, downwind of McNeil. I heard this ordinance came out of TEUC so that there could be something on the books quickly and tweak later. It does not matter where carbon comes from. We should say some carbon-based fuels are good and others are bad, they are all bad. Vermont's emissions are climbing while our goal is to reduce them. Please eliminate all carbon-based fuels from this ordinance.

Cheryl Joy Lipton: I live in Chester. I am an ecologist and I know about the effects of biomass and biofuels. I urge you to remove biomass and biofuels from the ordinance so they are not incentivized. There will be climate and ecological damage if they remain. We should avoid carbon, not just fossil fuels. We also need to pay attention to ecology. I support Nick Persampieri's amendments to the ordinance.

Motion to recess until October 30th at 6PM.

Motion by Councilor Traverse, Seconded by Hightower.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was recessed at 6:41 PM.