

Green Tier Advisors Meeting
December 3, 2007
345 W Washington Avenue-5th floor conference room

Present: Linda Bochert, Kristine Euclide, Art Harrington, John Imes, Margaret Krome, Carolyn Leaman, Rebecca Power, Lyman Wible, Rita Hayen (by phone).

Absent: Peter Peshek, Mike Simpson, David Stegeman, Marilou Martin

Staff: Pat Henderson, Mark McDermid, Al Shea, Carla Wright

Guests: Dan Johnson, Office of Senator Neal Kedzie; Beth Bier, Office of Senator Mark Miller; Tim Anderson, Perfect Environmental Performance; John Antaramian, Mayor of Kenosha (by phone)

Greetings, Introductions, and Housekeeping

- Planning for the second annual meeting of Green Tier (and Environmental Cooperation Pilot Program) participants is underway. The name of the event is Green Tier Advantage 2008; it is scheduled for February 4-5, 2008 at the Monona Terrace Center, Madison. DNR and WI Environmental Initiative have partnered in organizing the event. An initial "Hold the Date" announcement has been emailed to a list of 300 names.
- Four Advisors were re-appointed: Rita Hayen, John Imes, Mike Simpson, and Lyman Wible. Two new appointments were made: Denis Collins, Professor, Edgewood College and Paul Kent, Anderson & Kent, S.C. Collins fills the Academic sector position vacated by Frances Westly, and Kent fills the Local Government sector position previously filled by Elizabeth Kluesner.
- DNR convened meetings with interested parties to develop a process to make proportionality determinations. A formal issue paper on Proportionality will be presented to the Advisors in 2008.
- Green Tier Status Report

Green Tier	Development	Applications	Enrolled Entities
Tier 1		5	20/24
Tier 2	3	1	2
Charters	2/30		4/254
General	401		

- Four dates for Advisors Meetings have been set: March 5th, June 6th, September 8th, and December 5th.

Legislative Changes for Green Tier

The Advisors concurred with the recommendations related to reauthorization and technical changes. In addition, the Advisors concurred with the recommendation to provide a path for those companies participating in the Environmental Cooperation Pilot Program to easily become Tier 2 participants in the Green Tier program. The Advisors had extensive discussion of the Charter provisions and Local Government provisions that relate to expansion of the Green Tier program. Discussion of the items went as follows and the numbering system for the items corresponds to the numbers that are shown in the issue papers for the Advisors:

- 2.1. Extend to or create flexibility for other regulatory entities that are parties to a charter (e.g. municipalities, special districts and/or other agencies that may be working within delegated responsibilities from DNR that could be a part of the charter relationship even if the signatory to whom flexibility is extended is not a Tier 1 or Tier 2 participant).

The Advisors agreed to leave this item in the discussion package but to make certain that the extension of flexibility is clearly in the context of delivering flexibility to Tier 1 and Tier 2 participants. No additional restrictions were added beyond those that were already identified in the paper distributed at the meeting.

- 2.2. Allow the extension of flexibility to a direct supplier to a Tier 2 participant even though the supplier receiving the flexibility may not be a Tier 1 or Tier 2 participant.

The Advisors concurred that this item should be dropped from the recommendations.

- 2.3. Allow the recognition of organized, systematic environmental management programs to be a recognized part of Green Tier (e.g. organizing chemical processors around their "Responsible Care" program to make and report on commitments to Superior Environmental Performance).

The Advisors added one additional criterion that there needs to be some tie to the development of a functionally equivalent environmental management system if such a system was not already a part of the program in place for the association. With that addition, the Advisors concurred that this should be a part of the recommendations.

- 2.4. Create a customized working relationship to address a given issue for which the Department identifies the systematic environmental management, reporting and verification to be done by the voluntary participants along with the recognition and flexibility that would be provided to participants.

In general the Advisors were supportive of the concept but were divided on whether a functionally equivalent environmental management system needed to be a part of the package versus the way that the recommendation was initially drafted that would have provided a systematic way to address the specific environmental issue(s) that becomes the foundation for the superior environmental performance component of the charter.

Items 3-5 (three through five) in the issue paper were not discussed at the meeting. Mark McDermid was tasked with doing the follow-up with the Advisors. The Advisors agreed to provide feedback electronically on those items in lieu of the discussion that would have been held at the meeting. Those provisions address:

- Creation of alternate compliance methods as a part of Tier 2 Participation Contracts (3.1)
- General sanction for flexibility provided as a part of Tier 2 participation contracts. (3.2)
- General language for DNR to work with other agencies to provide recognition of Green Tier companies in state purchasing, grant awards and administrative decisions (4.1)
- Clarify that Limited Civil Immunity provisions in 299.83 apply to the discovery; disclosure and self reporting of violations apply to discoveries made in the administration of the EMS as well as those that are discovered through the annual audits that are specified in the statutes.(5.1)

- 6.1. Amend 299.83 (5) Wis Stats to enable the development of a Tier 2 participation contract with a local unit of government if that unit of local government meets the eligibility requirements specified in 299.83 (5)(b) on Enforcement Record and 299.83 (5) b.3. having a compliance audit done annually and have in place a plan that will ,within 3 years, result in an ISO 14000 Environmental Management System or functionally equivalent system that is appropriate to the nature, scale, and environmental impacts of the applicant's operations related to each covered facility or activity. Any flexibility granted in the participation contract would have to be proportional to the superior environmental performance commitments also contained in the contract.

The advisors did not reach consensus whether this recommendation should be included in the package. The primary points of concern were:

- Whether this should be tiered based on the size of the local government unit
- What the timing and level of requirements should be for the environmental management system.
- What kinds of incentives might be available to the municipality if there was only a portion of the local government unit that was the object of the environmental management system.

- 6.2. Amend the current Tax Incremental Financing (TIF) district laws to extend green development and environmental performance to those districts through the use of Green Tier Contracts by:

As with the previous item related to local government, the Advisors did not reach consensus whether to include this item in the recommendation package. There appeared to be a sense that the TIF language could be amended to provide some recognition for and flexibility to municipalities to drive green development and investment. What was clear from the dialogue was that there needs to be more specificity on the objectives that would be pursued and the way that value would be created within the TIF in order to drive the use of provisions if they are created and add to the payback for the TIF.

Mark McDermid will be working with the Advisors to set up a phone conference before the next meeting of the Advisors in March.

Communications Strategy

DNR has partnered with the Madison communications firm, Good for Business (GFB), to develop a communications strategy for Green Tier. Good for Business met with a group of Advisors and representatives of Green Tier participating companies for several hours and led them through their process "*Cause for Creative*". A summary of this process was distributed to the Advisors, and an invitation extended to attend the unveiling of materials and messages for the Green Tier Communications strategy (now scheduled for January 9, 2008). This strategy will also be more publicly unveiled at the Green Tier Advantage event February 4-5, 2008.

Performance Indicators Recommendation to the Secretary

The Advisors discussed Performance Indicators for the Green Tier program in June and August 2007; revisions to the Recommendation presented in August were made following the September meeting by Art Harrington and Rebecca Power. This final Recommendation was approved and

the Advisors directed staff to forward it to the Secretary. Additional comments received from Mike Ricciardi, MGE were also given to staff for follow-up.

Next meeting: March 5, 2008
5th floor Conference room - 345 W Washington Ave, Madison