

Green Tier Advisors
December 5, 2008
101 S Webster Street (Building known as GEF 2) Room G-09
Madison, WI

Present: Linda Bochert, Mark Borchardt, , Denis Collins, Paul Kent,Carolynn Leaman, Mike Simpson, David Stegeman, John Imes, Margaret Krome, Rebecca Power, Lyman Wible

Absent: Kristine Euclide, Rita Hayen Art Harrington, Pat Henderson, Marilou Martin

Staff: Al Shea, Carla Wright, Jeffrey Voltz, Caroline Hogg, Tim Andryk, Mark McDermid (by phone)

Observers: Beth Bier, Paul Herberger, John Melby,

Greetings & Housekeeping Items

- Denis Collins suggested a one-day meeting be arranged in May or June 2009 for all public & private colleges and universities to discuss best environmental practices. Target audience would be facilities people and professors with influence.
- Mike Simpson explained working with Waukesha County Economic Development Corporation looking at sustainability efforts, and may expand their scope to informally partner with Green Tier.
- Mark Borchardt serves on some EPA committees and reported that EPA employees received a letter from Obama conveying that during the Obama administration science would take more precedence than during the prior administration.
- David Stegeman reported noticing that more utility industry businesses are asking for information about quality, environmental performance and safety be included in construction bids.
- Linda Bochert provided an update on the WAICU (WI Association of Independent Colleges & Universities). Four audits were completed in the quarter and a disclosure report would be ready in January. The audits and related discussions are resulting in many positive changes.

- Program participation status report

Legislation Discussion

Jeffrey Voltz (DNR Bureau of Cooperative Environmental Assistance) reported on a meeting with Senators Miller and Kedzie and some GT Advisors on December 1, 2008, and presented a framework for discussing three distinct decision issues presented in the Legislation Issue Paper. He also informed the Advisors that it is likely the current name for Wis Stats. §299.83 (i.e. Environmental Results Program) will be renamed: The Green Tier Law. This change is anticipated because a) nobody refers to the law as the ERP law, and b) because US EPA has a robust program already named ERP.

First Issue: Regarding the Environmental Improvement Program (different from Green Tier), or the Audit Program (which is Wis Stats §299.83(2)(f) Linda Bochert described three options & issues related to the Compliance Audit legislation, one of which she referenced as “enforcement look back” (referred to in the Issue Brief as ‘look behind” and suggested the Advisors consider either recommending repeal or revision of Wis Stats. §.299.85(2)f. After discussion, the majority of Advisors supported repeal, but recognize that an option that would remove local and department citations, provides the department discretion to accept or approve.

Second Issue: Regarding possible inclusion of other state agencies under the Green Tier law, the Advisors agreed that inclusion of other state agencies should continue to be done administratively rather than legislatively. However some Advisors strongly encouraged the department to strongly encourage other agencies to work with DNR on Green Tier.

Third Issue: Regarding resolution of the 12-month limitation for corrective action, Bochert posed the question whether the 12 month maximum to implement corrective action should be removed, increased, or stay the same. Administrator Al Shea led the discussion that concluded with Advisors recommending keeping the 12 month period, but with an opportunity for the department to extend. Advisors suggest this same decision be applied to Green Tier.

Proportionality Recommendation

At the March 2008 Advisors’ meeting, direction was provided to the staff to make numerous modifications to the proportionality process that had initially been crafted. Revisions were made accordingly. During the June 2008 meeting, Advisors asked staff to develop a recommendation for consideration at the September meeting. The recommendation was on the September 2008 agenda but deferred due to time constraints to the December 2008 meeting. The Advisors approved two additions to be made to the Proportionality Recommendation:

- Add the statutory citation.
- Add a sentence or two that explains the process outlined is iterative and may shift depending on the outcomes of the recommended process being piloted

Green Tier Advantage 2009 Event

Theme for this year’s event is “Sustainability for Wisconsin Businesses”. DNR has partnered with UW-Milwaukee School of Continuing Education. The UW is sponsoring a half day (morning) session for CEO’s on March 3rd, and the DNR’s portion will be that afternoon and also the majority of Wednesday, March 4th. DNR’s program will target CEO’s, EHS managers and other high level managers—both sessions will focus on sustainability. Location will be UW-M’s Center at 161 W Wisconsin Avenue. The draft agenda was discussed and Advisors offered to assist with program presentations, and sponsorship.

Funding Support for Stakeholder Participation in Tier 2 Contracts and Charters

There was consensus to pursue state funding and to approach Senator Miller about this. Rebecca Power offered to work with Lori Grant, WI River Alliance, to talk with Senator Miller’ staff. Some Advisors also expressed concern that associating state funding may

complicate reauthorization of the program. Several feel that grant funding should be pursued from private foundations, i.e. Joyce Foundation, and that perhaps such grants could be used to leverage state funding.

USEPA Engagement

There seem to be a couple major obstacles to successful engagement with UWEPA: isolation of respective programs with one another, and either unwillingness or inability to engage in discussion of broader perspectives, i.e. Flexibility. Programmatic silos as a result of regulation, traditional regulatory approaches are difficult to overcome. This is experienced at both regional and national levels. There does not seem to any meaningful mechanism for having dialogue on the needed harmony and support that are needed at both regional and national levels.

The Advisors suggested the following:

- Revisit this issue from the context of setting the stage for culture change at both the state and federal levels.
- Identify ways to celebrate champions at both the state and federal levels.
- Include greater levels of collaboration with UWEPA during events such as Green Tier Advantage.
- Set the stage for a meeting with UWEPA—getting the right people in the room including key Advisors interested in engaging with federal level policy makers.
- Make formal connection to the Obama transition team.