

**Green Tier Advisors**  
**March 20, 2009**  
**101 S Webster Street (Building known as GEF 2) Room G-09**  
**Madison, WI**

**Present:** Denis Collins, Rita Hayen, Art Harrington, Paul Kent,Carolynn Leaman, Mike Simpson, John Imes, Rebecca Power,

**Absent:** Linda Bochert, Mark Borchardt, Kristine Euclide, Jenna Kunde, Margaret Krome, Marilou Martin, David Stegeman, Lyman Wible

**Staff:** Al Shea, Carla Wright, Tim Andryk, Mark McDermid

**Greetings & Housekeeping Items**

- Proportionality: the final version of the Recommendation (revised as per 12/05/08 Advisors meeting) was distributed, reviewed, and approved.
- Program participation status report: There has been a modest increase in participation over the last year. Activity has gotten underway in earnest on the compliance audit agreement with the Wisconsin Association of Independent Colleges and Universities (WAICU) having received the initial reports from the first four campuses. Work is progressing on the environmental excellence in higher education conference in Stevens Point on June 5.
- Possible program changes:  
DNR is considering organizing an Office of Sustainable Environmental and Economic Development (OSEED) that might encompass the current Bureau of Cooperative Environmental Assistance, in which Green Tier would be the flagship program. The office would be staffed with sector specialists, and likely target the following nine sectors: manufacturing, forestry and wood products, printing, sustainable communities, agribusiness, biofuels, other renewable energy, bio/clean technology, and small business.

**Expanded Discussion of Charters**

Steve Hiniker, Executive Director, Thousand Friends of WI presented a template listing benefits of land use/mixed use development to address recommendations of the Governor's Task Force on Global Warming. Rather than approaching communities one-by-one, Steve has begun talking to various potential stakeholders to lay the groundwork for a possible Green Tier Charter for communities to establish benchmarks and associated metrics for reducing greenhouse gas emissions, etc.

The results of past Advisors' discussions about the types of issues ripe for addressing through Charters were reviewed/discussed. Various Clean Tech companies, and some regional nongovernment economic development organizations seem poised to possibly use Charters.

*Staff were directed to:*

- *Develop action steps to engage Clean Tech industries.*
- *Report on progress of current Thousand Friends Charter concept as it develops.*

### **Legislation Discussion**

SB 126 was introduced March 19<sup>th</sup>, and AB 180 will be introduced by the end of the week. Mark Miller and Neal Kedzie will lead efforts in the Senate. Fred Clark and Gary Tauchin will lead the efforts in the Assembly. The goal still is to have the legislation passed before the sunset period is reached.

Provisions contained in the Green Tier legislation that has been drafted and introduced were reviewed and discussed. The Issue Paper for the Advisors contains a section by section description of what is in the Bill but a brief summary of the provisions in the bill is as follows:

- The names of the programs are changed to be recognized by their more commonly known names of “Green Tier” and “Compliance Audit” Programs.
- Sunset is repealed for both programs.
- Technical changes are made for consolidated reporting back to the legislature, use of the 2004 ISO standard for functional equivalency, procedural changes for both efficiency and effectiveness, and recognition of the new certification body for auditors.
- Program improvements recommended by the Advisors were included for expanding the use of charters, reinstating waiver provisions for the Secretary, clarifying provisions for ongoing immediate self-disclosure when problems are found, expanded transparency during implementation of participation contracts and a process for Pilot Program Agreements to transition to Tier 2 Contracts.

During the discussion, a question was raised whether the transparency provisions would be sufficient to get the kind of stakeholder participation that is anticipated. The nature of the change is such that it does require both activity and scrutiny by the Department and the participant. The expectation is that there will be a need to examine how well the provision has worked and assess whether other language needs to be tried based upon the experience after passage of the provision.

### **Green Tier Advantage 2009 Event**

The Event was held in conjunction with UW-Milwaukee School of Continuing Education on March 3-4 at the UW-M Wisconsin Ave facility. Theme for this year’s event was “Sustainability for Wisconsin Businesses”. There were approximately 50 attendees--about half of previous year attendance. However, based on conversations and the evaluations there definitely was good engagement of audience members and everyone expressed strong interest in attending another Green Tier Advantage conference. (The general consensus was that the economy was the cause for lower attendance.)

Evaluations reflected successful presentations in all sessions. Ratings for Day 1 afternoon (3) sessions all rated very 4+. Ratings for (5) sessions on Day 2: 3 rated 4+ and other two rated 3+.

Because producing an annual Green Tier Advantage conference is a tremendous time commitment and an add-on responsibility for staff, Advisors were asked to comment on

whether the conference should not be continued on an annual basis. Their discussion indicated that they feel the conference should continue annually and they suggested that staff partner with other organizations to host the conference. Other suggestions included considering half day sessions that focus on regulatory topics, and working on ways to increase visibility of Green Tier participants via other organizations' events

### **Funding Support for Stakeholder Participation in Tier 2 Contracts and Charters**

During the December 2008 Advisors' meeting there was consensus to pursue state funding and to approach Senator Miller about this. Rebecca Power offered to work with Lori Grant, River Alliance of WI to talk with Senator Miller's staff. Many thanks go to Rebecca Power and Lori Grant for working on this important topic.

Language in a Tier 2 contract regarding Stakeholder or Interested Persons Groups is:

(COMPANY) commits to maintaining an IPG to provide a process to increase transparency and trust in this Tie 2 contract. The 4 IPG members will consist of persons who live, won a business or work within a reasonable proximity to (COMPANY), or who otherwise have an interest in the workings of the this Contract. The parties will work together on the composition of the IPG.

- Will meet semi-annually.
- Will review the IPG after one year, and if no interest , can suspend IPG.

Following the December 2008 Advisors meeting, Rebecca, Lori and Carla outlined information they wanted prior to talking with Senator Miller's office:

1. Where the most potential is for expanding stakeholder participation;
2. Which groups might be most appropriate for that involvement;
3. What are financial constraints to convening and IPG.

Note: The terminology of 'Stakeholder group' has morphed into Interested Persons Groups (IPG).

Per discussions with the Single Points of Contacts for all Charters and Tier 2 Contracts regarding the status of the Interested Persons Groups of those Green Tier participants :

- MEGTEC-is anticipating that they will start working on contacting suppliers as a group.
- Lucas Milhaupt- current economic conditions at the facility are such that it is not economically feasible to take on this task at this time.
- ECODev and Scrap Metal Charters- participation in the charter has not reached a point that the stakeholder group is warranted.
- Roundy's (Tier 1 Participant) -approached the Clean Diesel Association who in turn suggested American Lung Association.— this is an option currently under consideration by Roundy's.
- Dairy Business Association – stakeholder group is underway and the group is in the process of considering what longer term direction will be taken.

But evidenced in comments from the Green Tier Advantage '09 conference, companies still need more direct guidance on the value and methods to engage stakeholder groups. Similarly, more discussions with both local and statewide NGO's about Green Tier are needed.

- *A subgroup of Rebecca Power, Rita Hayen, and Paul Kent agreed to meet with a goal of developing a framework of a process to use in laying out an Interested Persons Group.*

### **USEPA Engagement**

Advisors were briefed about EPA's suspension of their Performance Track program. The conversations with USEPA have changed significantly since USEPA Administrator Jackson's decision to end the Performance Track Program. While many states are dealing with issues associated with the elimination of Memorandums of Agreement with Performance Track, Wisconsin is in a better position as our commitments were with Region 5 in the Performance Partnership Agreement i.e. independent of a specific agreement with one discreet program. This has posed some issues for EPA which they are considering. There will still be some work at USEPA on performance programs. A subcommittee has been formed for the National Advisory Council on Environmental Policy and Technology (NACEPT). The subcommittee will likely meet in May or June. Mark McDermid has been nominated to serve on the subcommittee but the final decision on members rests with the USEPA Administrator. In addition, there is an independent study by Rand Corporation commissioned before the decision to end Performance Track was made. There will be some interim (accelerated) reports to the USEPA Administrator but it is not clear what information would be available to Wisconsin. The plan right now is to continue pressing for those commitments already made to be honored and to work as closely as possible with the new administration to craft some shared perspectives and potential actions for performance based programs.

<b>NEXT MEETING: June 17, 2009</b>
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