

Green Tier Advisors
June 17, 2009
101 S Webster Street (Building known as GEF 2) Room G-09
Madison, WI

Present: Denis Collins, Rita Hayen, Art Harrington, Linda Bochert, John Imes, Rebecca Power, Kristine Euclide, Margaret Krome, David Stegeman, Lyman Wible

Absent: Mark Borhardt (attempted several times to connect by phone and had problems with the lines), Paul Kent,Carolynn Leaman, Mike Simpson, Marilou Martin,

Staff: Carla Wright, Tim Andryk, Mark McDermid

Greetings & Housekeeping Items

- Denis Collins provided a summary of the event that was held on the Stevens Point Campus for sharing sustainable practices between campuses. This was the first of what was expected to be a biennial event, this one drawing participation from over 40 public and private colleges. Sessions covered: Building Issues, Green Power and Transportation, Students and Curriculum, Construction and Demolition, Recycling and Landscaping. Denis offered to share abstracts from sessions if Advisors or others would like to have them.
- Program Participation Status Report: Work has been progressing on the Legacy Communities charter that Steve Hiniker discussed with the Advisors at the last meeting. There was discussion about the slow down in processing applications due to a key vacancy (an LTE) within the program. Discussion was also held about different strategies that might be employed to grow the program within existing resource constraints. Advisors were informed of the delay in getting the Proportionality Recommendation to the Secretary's Office because the process steps to accompany the recommendations are still in development.
- Due to scheduling difficulties in convening a meeting of subcommittee of Advisors, no work was done on the issue of funding support for stakeholders. Work is anticipated before the next meeting.
- Legislation – there was discussion about the question of removing the sunset provision for the Compliance Audit portion of the law. Various Advisors contributed reasons for removing the sunset provision including continuity for long term agreements, existence of review mechanisms to continually monitor the program without necessarily requiring a specific action of the legislature, certainty within the regulated community that this will remain a viable program, the ongoing need, given the sale and transfer of businesses, to have this as a tool for effectively addressing environmental issues, the need to stay on the same plane as USEPA, etc. Notwithstanding the various reasons, the Advisors acknowledged that there is a need to have further conversation with NGO participants to understand and hopefully respond to the reservations expressed in the legislature. (Note further discussion and staff direction in the "Reports" part of the agenda)

Registration Operation Permits

Andrew Stewart, DNR Air Permitting Section Chief joined the Advisors to provide technical expertise on registration operation permits. Mark McDermid summarized the information contained in the issue brief highlighting that the question before the Advisors is whether the Advisors or a sub-group of the Advisors would choose to petition the DNR for the creation of a Registration Operation Permit for Tier 2 Green Tier companies. Andrew Stewart provided a detailed overview of what a Registration Permit is. He highlighted the primary features of being both speedy and flexible along with the potential for saving money. He drew the distinction between general permits which can be quite specific for pieces of equipment and processes and the registration permits which tend to be more general about equipment and processes that can change within prescribed limits.

The Advisors talked generally about the petition process, exploring how transparency is achieved from the exploration of the concept to the actual execution of the permit. They also reviewed how greater levels of transparency might be achieved with this permit in the context of Green Tier given the public notice requirements for Tier 2 contracts. There was discussion of the potential for using these permits, given the commitments for superior environmental performance and continual improvement, with companies above the caps for current registration permits. There were further questions about how these registration operation permits might work, whether other media other than air (such as water) might be included in these, how environmental management systems might factor into the operation of these permits, what companies might want to do with these permits, etc.

The Advisors concluded that possibly petitioning for a Green Tier registration permit warrants further discussion at the next meeting. They asked that there be an initial background discussion of the Green Tier logistics (what happens and what might inspire confidence that a registration operation permit is a good idea). First, Advisors directed staff to engage members of the NGO and business communities to participate directly in discussions at the next meeting to elicit their reactions to and ideas for registration operation permits for Tier 2 Green Tier participants. Second, staff was further asked to work on developing more of the specifics that could be considered as a part of this permitting approach. This should include some consideration of impacts on netting and also include some discussion of how this might be used to manage carbon impacts. Third, staff was asked to help frame the pros and con's for discussion at the next meeting. The goal for the next meeting is to reach a decision whether to petition for the creation of a Green Tier Registration Operation Permit.

Legislation Discussion

In order to get back on time with the agenda, this item was bypassed as the deliberations of the legislature were generally known to the meeting attendees.

Annual Compliance Audit Report and Green Tier Biennial Report

Kim McCutcheon and Shelley Heilman, Cooperative Environmental Assistance staff, presented the Compliance Audit and Green Tier Biennial Reports respectively. Kim

McCutcheon provided a general overview of the Annual Report highlighting both the elements contained in the report and the statutory reasons for items being shown as they are in the report. Mark McDermid also provided some additional background on the reasons that led to those provisions being included in the statutes. Advisors probed on the number of participants (relatively low), alignment with USEPA's audit policy, degree to which there are follow-up visits from Department staff, reported violations versus violations that are eligible for relief under the Compliance Audit Law and comfort within the business and NGO communities with the provisions in the law. Advisors were told of an upcoming meeting with Sierra Club to talk about the reporting and explore changes that would be of interest to them. Advisors also suggested that time be set aside at the next Advisors' meeting to have a discussion with the Sierra Club about their objections to the language in the bill that passed. In addition Advisors requested staff to develop some form of MOU with USEPA that might further align the USEPA audit policy and Wisconsin's Compliance Audit Law. Staff indicated that they would take a look at the Compliance Audit agreement between DNR and WAICU (WI Association of Independent Colleges & Universities) and also speak with USEPA to see if there is some traction for the idea.

Shelley Heilman and Mark McDermid teamed up to present a quick snapshot of the Biennial Report. Mark indicated that if the legislation passes that this 2009 Report would be the last standalone biennial report for Green Tier. In the future, there would be one biennial report that would include ECPP (Pilot Program), Compliance Audit and Green Tier. Reporting will be done every even numbered year and shifted to the 15th of December. Mark indicated that the current report is late but is now in the Secretary's Office for review. Advisors specifically asked that "Environmental Results" and "Initiatives and Commitments" portions of the report be covered in addition to the planned items. Advisors saw examples of what is being said about the program and how that was presented in the report. Samples of the two page summaries for each Green Tier participant were displayed. The Executive Summary and Conclusion were shared in hard copy and also generally discussed with the Advisors. Both an explanation and discussion of the limitations encountered in developing the results section were discussed; statistical data regarding environmental performance was presented to illustrate the full, albeit limited, picture of relevant information available from standard Department databases. Denis Collins asked for a specific response to the "numbers" question posed in the conclusion and an adjustment will be made if possible. Time was also spent discussing the linkage between the categories of work shown in the Initiatives and Commitments section and the Areas of Emphasis that were developed by the Advisors. Advisors talked about the distribution of the report and requested consideration be given to sharing with economic development and Chamber of Commerce type groups.

Topics for Future Agenda and Advisors' Work Plans

There was a very limited amount of time remaining for this portion of the agenda. Carla Wright highlighted some of the general items that were included in the Issue Brief and provided a general overview of the "Powers and Duties of the Department" and "Status of Program Administration" tables lifted from the draft Green Tier biennial report (and

which were appended to the Issue Brief). Several Advisors shared some initial thoughts about future items including the following:

- Examination of other successful efforts (such as sustainable agriculture's rotational grazing initiatives) that have brought parties together to explore and build a network to support a new way of doing business.
- Brainstorm ways to expand the program and evaluate ways to focus expansion efforts.
- Invigoration of the Advisors' efforts through new ideas and assessment of past actions and participation.
- Revisit how to focus discussions on the program's tagline: "Advantage business and Advantage environment" to deal with increased frequency of one versus the other.
- Visiting Green Tier participants with media.

Advisors responded that they would like to have an electronic brainstorming and discussion session before the next meeting. Staff indicated that they would pull an electronic exchange together.

NEXT MEETING: September 18, 2009
