

# Green Tier Clear Water Initiative Charter 2006 Annual Report

1. Progress on annual goals:

## *Mission Statement*

**The mission of this Charter is to cause a meaningful reduction, beyond current state standards, in the sediment and nutrient delivery to the lakes, streams, and wetlands in Dane County resulting from the construction of new homes, housing subdivisions, and businesses, and to develop alternative approaches and practices at the planning level, subdivision construction level, and individual lot level, that will result in better erosion control and long-term storm water management. Furthermore, the mission is to explore new business and regulatory practices that result in improved regulatory certainty for Charter Participants and increased regulatory efficiency by regulatory agencies.**

**The Charter Signatories will explore the development of practices that minimize the environmental impact of developments. This effort will focus on sustainable practices and will include measures for 1) conservation of surface water and groundwater; 2) conservation of energy; 3) reduction of air emissions; and 4) maximizing recycling.**

The Green Tier Clear Water Initiative (GTCWI) is a charter authorized under the laws of the State Wisconsin, Act 276, see sections 299.83 and 299.85 Wisconsin Statutes. The GTCWI was formally signed by all parties on February 9<sup>th</sup> 2006. Since the signing there have been six meetings of the Board of Directors, April 25, June 13, July 25, September 12, October 31, and December 5. The minutes from those meetings are attached. The Board's focus over the prior 10 months has been on construction storm water erosion. At the first annual meeting in December, part of the meeting discussed the Board members qualitative opinions concerning our progress on construction site erosion control. These comments are summarized in the minutes from the December 5<sup>th</sup>. Overall, the Board of Directors believes that this has been a successful first year! All the board members were very active participants though out the first year. The spirit of cooperation was tremendous and while there remains much to accomplish everyone at the table was positive about moving forward with the next year's effort.

The overall goal was and still is to have less sediment running off into our lakes and streams from construction projects. This goal is very difficult to quantify. However, it was the opinion of the regulatory agencies that Veridian has implemented improved management techniques that have been successful in part due to the Green Tier program and the GTCWI focus upon erosion and sediment control issues. This is particularly the case at the one and two family development level. The agencies did some random site analysis last fall and partially completed a comparative review prior to the annual meeting. This data combined with the daily photo inspections of

Veridian, the external rainfall event audits, and the extremely low number of complaint calls, substantiate the opinion that Veridian's EMS management techniques and the GTCWI Charter focus have produced superior environmental performance. The level of municipal citations at the one and two family level was almost eliminated during the first year and it is obvious that Veridian implemented a systematic approach to eliminating issues and when an issue does occur they have been very responsive.

An example of how the Board worked together in 2006 is the Silt Sock interim guidance. Silt socks are new erosion control technology that in some cases, offer an effective low cost alternative to convention silt fences. The fact that there is no adequate technical standard for silt socks was identified at our April meeting. A small subcommittee was formed and at our July meeting the Board approved an interim standard for Silt Socks pending a more technical standard to be developed by the Department's Standards and Oversight Committee (SOC).

Again, the Board feels that it has had a successful first year. The relationship established among Board members is very good and in our opinion part of the success of this project. Another indicator of how successful the Board feels this first year has been is that we are now ready to reach out to other municipalities and business to expand Charter membership. In fact, outreach will be a large part of the initial effort in 2007 (see the December minutes for a list of targeted communities).

A significant barrier to even more improvement through the Charter has been the lack of involvement of the Department of Commerce, who is the parent agency of the Uniform Dwelling Code. For what ever reasons, Commerce has not been interested or willing to participate. The Board needs to try to establish a relationship with Commerce in 2007. At the last three Board meetings, a representative of Department of Administration was in attendance who was interested in exploring a partnership with these same communities to enhance energy conservation and control of erosion from construction sites. The Board invited DOA to join the GTCWI and to pursue its agenda through the Board. An issue with other agencies joining the Charter has been the limited applicability of Green Tier. It has been the opinion of DOA and DOC that Green Tier is restricted to DNR projects. Because Green Tier is about both regulated and voluntary environmental improvement regardless of the agency responsible for the regulated impacts, the board feels that the applicability of Green Tier to a broader scope of regulations needs to be addressed.

## 2. Mission Statement reassessment and establishment of 2007 goals

The Board believes the Mission Statement is still on target and does not need revised. The board will try to address all aspects of the mission statement in 2007 but will focus on including energy and recycling first. The remaining issues in the mission statement will be dealt with as time allows.

## 3. Assessment of Charter agreement

Board members felt the body of the Charter agreement was adequate and does not need revision.

4. Assessment of Appendixes, is it relevant, does it need corrected or deleted
  - a. Appendix One: item 2(a) needs revision. See December notes for discussion. Proposed change offered by Jeremy Balousek  
*Site access—all vehicular traffic on the site will be confined to surfaces covered with 2” or larger stone. In the event that vehicles need to access disturbed areas, a stone tracking pad, meeting DNR technical standard 1057, must be installed.*
  - b. Appendix Two: item 6 (a-c) deals with and alternative inspection program. This portion of the appendix is thought to be too problematic to save and should be deleted. 6 (a-c) should be replaced with  
*“After a provisional Participant of this Charter has demonstrated compliance...the regulatory agencies **may consider** the alternative performance-based inspection program which is intended to demonstrate and assure continuing conformance with this Charter.”*
  - c. Appendix Three: no suggested changes.
  - d. Appendix Four: no suggested changes.
  - e. Appendix Five: The provision to consider new members on an annual basis during the first quarter was changed to allow the consideration of new members every quarter.
  - f. Appendix Six: “Item #4 should be changed by adding  
*“...as approved by the Charter Board members.”*

The above changes were unanimously approved by the Board. Revised Appendixes will be issued by the Department to all signatures.

5. Assessment of Board operating procedures
  - a. Frequency of meetings: The Board meets every 4 to 6 weeks. Members believed that this frequency of meetings is appropriate.
  - b. Chair and member involvement: The current Chair is DNR Water Leader Ken Johnson. It was agreed that Mr. Johnson would serve a second year as Board Chair. Municipal membership will remain as it was in 2006. Veridian may rotate representation to other company staff as it deems appropriate.

- c. Outreach to other municipalities: Don Esposito and Ken Johnson will work to combine presentations that each have given into one PowerPoint. PowerPoint presentations will be made available to all Board members. A first step in the outreach effort should be a presentation to the Dane County Cities and Villages Association. Ken Johnson proposed that each Board member give an individual presentation to a community. Communities/Groups within Dane County that were identified as good candidates for outreach include:
  - i. McFarland
  - ii. Middleton
  - iii. Verona
  - iv. Mount Horeb
  - v. DeForest
  - vi. Fitchburg
  - vii. Wisconsin Builders Association
  - viii. City & Villages Association
  - ix. MAMSWaP (Madison Area Municipal Storm Water Partnership)
  - x. 1000 Friends
  - xi. Sustain Dane
  
- d. Outreach to other builders: It was suggested that the outreach effort should start with Madison Area Builders Association. Don Esposito is currently President of this group and will spearhead this effort.

#### 6. Recommendations to the Department for improvement

The Board believes that this Green Tier Charter would benefit from a more comprehensive list of participants. In order to be more expansive, the Board believes that there needs to be more incentives or benefits for participation. With the above premise the Board makes the following recommendations:

- i.
  - a. Green Tier should be broadened to apply to all agencies. This change could happen by specifically changing Section 299.83 and 299.85 so that it is explicit that it applies to all agencies. A second suggestion is that the Governor could issue an executive order directing other agencies to participate to the extent that the law allows.
  - b. The agency should consider delegating (with oversight) NR 216 permit authority to agencies that participant within the GTCWI. Board members believe this action would result in a simplified permit and inspection protocol which would be very attractive to other builders.
  - c. The Board should coordinate a single application process for all land disturbance activities for members of the GTCWI. Again a single application process would greatly enhance the attractiveness of the GTCW.

- d. The Department should consider a similar delegation (with oversight) process for simple Chapter 30 activities like land disturbance/grading that would enable a unified permit process.