

Green Tier Clear Water Initiative Charter 2007 Annual Report

The Charter

The Green Tier Clear Water Initiative (GTCWI) is a charter authorized under the laws of the State Wisconsin, Act 276, sections 299.83 and 299.85 Wisconsin Statutes. The GTCWI was formally signed by all parties on February 9th 2006.

Mission Statement

The mission of this Charter is to cause a meaningful reduction, beyond current state standards, in the sediment and nutrient delivery to 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.

1. Progress on annual goals:

In 2007, the Charter's Board of Directors met seven times – January 16, March 6, April 17, July 11, September 28, November 2 and December 7. The minutes from those meetings are attached. The Board's focus continues to be on construction site erosion control. All Directors remain active and agree that the Charter continues to be successful. The spirit of cooperation among the members is tremendous and spills over into other professional areas.

The overall goal is to have less sediment from construction projects running off into our lakes and streams. 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. Reports with numbers from Tim Troester indicated that 80% of Veridian sites were considered "adequate," while only 22% of non-Veridian sites were observed to be "adequate." Similarly, Department of Natural Resources' (DNR) staff conducted site inspections in 7 out of the 11 counties in SCR (results do NOT include Grant, Richland, Iowa or Lafayette counties). Forty three sites were inspected between January and July 2007 and of those 33% were in compliance at the time of the initial inspection. Additionally, a small sampling (21 sites) of statewide residential plat-level construction sites were inspected in 2007, and

of those sites only 19% were identified as being in strong compliance. Clearly, Veridian's storm water and erosion control management is surpassing the averages observed on a regional and statewide level.

The level of municipal citations at the one and two family level was eliminated during the second 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.

This year the Board of Directors conducted outreach to utility installers and other municipalities in an effort to expand the Charter membership. Don Esposito and Ken Johnson prepared a PowerPoint presentation to provide a consistent message to potential members. No additional members joined in 2007. Meetings were held with:

- MGE
- Wisconsin Builders Association
- Madison Area Municipal Storm Water Partnership (MAMSWaP)
- Mount Horeb
- Middleton Public Works
- River Alliance of WI
- Sustain Dane
- 1000 Friends of Wisconsin
- Midwest Environmental Advocates.

Additionally in 2007, the Charter investigated the Authorized Local Program (ALP) with department staff. Staff was receptive to the idea and would like to do in the framework of a 2-3 year pilot. Fees would be waived for the pilot. Policy staff will look into feasibility. The biggest hurdle at this point is figuring out how to get permission for municipalities to access information in the archaeological and historical resource database and the Natural Heritage Inventory (NHI—threatened and endangered resources) database. The NHI database already has a process in place for a municipality to get access to the data via a use agreement. The archaeological/historical information is more problematic, as the State Historical Society (SHS) is resistant to DNR providing information to outside parties. It may become possible for municipalities to access data directly from the SHS by 1) paying a \$1500 annual fee for access to regularly updated data, or 2) purchasing a map for \$280 that shows resources at a specific point in time. This option would likely require periodically purchasing new maps to account for updates. The DNR archaeologist will provide more information the contact at SHS and more information on these options.

Again this year, a significant barrier to even more improvement through the Charter has been the lack of involvement of the Department of Commerce, parent agency of the Uniform Dwelling Code. For whatever reasons, Commerce has not been interested or willing to participate. The Board desires to establish a relationship with Commerce in 2008.

In 2006, the Board invited DOA energy staff to join the GTCWI and to pursue its agenda through the Board. The DOA staff attended the 2007 Board meetings until the DOA representative changed positions within DOA to the Office of Energy.

An issue with other agencies joining the Charter has been the limited applicability of Green Tier. The Charter recommends that the statutory language be clarified to encourage other agencies to participate.

2. Mission Statement reassessment and establishment of 2008 goals

The Board believes the Mission Statement remains pertinent and does not need to be revised. With the slowdown in the building industry, the Board feels that this is not the time to expand beyond the protection of surface water through erosion control. The remaining issues in the mission statement will be dealt with as time allows.

The Board recommends that the GTCWI group give presentations on the Charter's success and opportunities to both Departments of Commerce and Natural Resources secretaries' office.

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

- a. Revise Appendix 2 to allow for flexibility in site photo CD distribution when the board agrees that a change in distribution frequency is appropriate.
- b. Revise Appendix 3 to allow for trade contractor training beyond erosion control issues.

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 8 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 third year as Board Chair. Municipal membership will remain as it was in 2007. Veridian may rotate representation to other company staff as it deems appropriate.
- c. Outreach will continue to other municipalities:

- d. Outreach will continue to other builders:

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:

- a. Green Tier should be broadened to apply to all agencies. This change could happen by specifically changing the appropriate statutes so that it is explicit that it applies to all agencies.
- b. The Governor should issue an executive order directing other agencies to participate where appropriate to the extent that the law allows.
- c. The DNR 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.
- d. 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 GTCWI.
- e. The Department should consider a similar delegation (with oversight) process for Chapter 30 activities like land disturbance/grading that would enable a unified permit process.
- f. The Board recommends that the GTCWI group give presentations on the Charter's success and opportunities to the COMM and DNR secretary's offices.

APPENDIX

2007 Meeting Minutes, Board of Director Meetings held:

- January 16
- March 6
- April 17
- July 11
- September 28
- November 2
- December 7