

# **Green Tier Clear Water Initiative Charter 2008 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 9<sup>th</sup> 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 2008, the Charter's Board of Directors met seven times – January 25, March 14, April 25, August 7, September 12, November 14 and December 15. 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 and that valuable professional relationships continue to thrive as a result of participation.

Consistent with the past, the overall goal is to have less sediment from construction projects running off into our lakes and streams. Veridian continues to implement 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. Veridian's storm water and erosion control management is clearly exceeding minimum standards.

The Board continued to encourage participation by the Department of Commerce, the agency responsible for implementation of the Uniform Dwelling Code (UDC). A discussion with Department of Commerce erosion control management was held at the August 7, 2008 meeting. Background of the GTCWI charter was provided, and

the importance of having participation by those that enforce the UDC was stressed. The meeting resulted in minimal interest by Commerce management. The Board will continue to appeal to upper management at the Department of Commerce to urge involvement. Meanwhile, Commerce has provided a representative to attend Board meetings on a less formal basis.

Due in part to the slowing of the housing economy throughout 2008, attracting additional charter members has been challenging. Board members gave a presentation about GTCWI in April to a group of municipal administrators. The presentation provided information about the Charter and follow-up presentations may be made to specific municipalities.

As was reported in 2007, and Authorized Local Program (ALP) was explored to allow increased “one-stop-shopping” for Charter participants. It was hoped that implementation of such a program would provide an incentive for additional developers and municipalities to join the Charter. However, the Authorized Local Program, as it is detailed in NR 216.415 Wis. Adm. Code is an “all or nothing” program that would not allow benefits to extend only to charter members. In light of some challenges in implementing an ALP, an alternate Cooperative Permitting Process (CPP) was designed and implemented.

The CPP allows for the delegation of NR 216 Storm Water permit coverage issuance to the municipalities who are members of the GTCWI charter. DNR continues to receive application data for public noticing purposes, and permit applications fees are remitted. The Department is currently completing the screening for Natural Heritage Inventory (NHI) and archeological/historical resources on behalf of the municipality due to hurdles associated with accessing this information. The municipality conducts the review of the application, and the Department is notified when the permit has been issued. The entire CCP procedure is detailed in Appendix 7, which was adopted as part of the GTCWI charter document on January 23, 2009 after a 30 day public notice period with no comments received. The Board is hopeful that the successful implementation of the CPP will provide an additional incentive to encourage charter membership.

## **2. Mission Statement reassessment and establishment of 2009 goals**

The Board believes the Mission Statement remains pertinent and does not need to be revised. When the housing industry rebounds, the Board will reconsider what additional issues they would like to explore and address beyond erosion control issues. Remaining issues in the mission statement will be dealt with as time allows.

The Board continues to promote outreach to the Department of Commerce to encourage their participation.

### **3. Assessment of Charter agreement**

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

### **4. Assessment of Appendixes**

Appendix 7 was added to document the Cooperative Permitting Process (CPP). This Appendix allows for the delegation of NR 216 Storm Water Discharge permitting within the Green Tier Clear Waters Initiative framework.

A 30 day public notice period was provided for the modification of the appendices. There were no comments received, and the above change was unanimously approved by the Board. Revised appendices were issued by the Department to all signatures. A copy of Appendix 7 is included in the appendix of this report.

### **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 fourth year as Board Chair. Municipal membership will remain as it was in 2008. 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 continues to believe 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 Board recommends that the GTCWI group continue to provide presentations on the Charter's success and opportunities to the Department of Commerce.
- c. The Governor should issue an executive order directing other agencies to participate where appropriate to the extent that the law allows.

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

## **APPENDICES**

### 2007 Meeting Minutes, Board of Director Meetings held

- January 25
- March 14
- April 25
- August 7
- September 12
- November 14
- December 15

Appendix 7: Cooperative Permitting Process

**Green Tier Clear Waters Initiative Board Meeting**  
**January 8, 2008, 8:30 a.m.**  
**Dane County, 1 Fen Oak, Room 221**

**In attendance:**

Don Esposito	Veridian
Gary Zajicek	Veridian
Kevin Connors	Dane Co.
Robb Remiker	C. of Sun Prairie
Laura Bub	DNR
Ken Johnson	DNR
Sue Josheff	DNR
Lori Grant	River Alliance
Lyle Updike	Lakes and Watershed Commission

**1. Board Member Reports**

- **City Issues/Report**

- **Sun Prairie:**

- R. Remiker— Sun Prairie officially got non point source planning and construction grants from DNR for construction of a new basin.
    - MSA will be presenting to staff next week on summer flooding issue.

- **DNR Issues/Report**

- K. Johnson talked about the proposed MOU proposed related to setting up process to deal with the Madison lakes. The MOU will try to engage the community in determining vision for Madison lakes and figuring out what people actually want. The effort will try to tie nutrient loads into the lakes. This is a revitalized effort which would probably last a couple of years.
  - L. Updike noted that the Lakes & Watershed Commission feels like there are all sorts of activities going on related to the Madison lakes, but not one coordinated effort.
  - K. Connors informed the group of another initiative for Madison lakes which is a partnership b/t Dane county and the City of Madison for weed collection. This partnership would allow shoreline landowners to collect the weeds, put them on the end of their pier, and Dane county/Madison will pick up those weeds.

- **Dane County Issues/Report**

- K. Connors: 2007 county erosion control/storm water activities had another big year. Over 6000 inspections were completed last year, and enforcement statistics are being compiled. Looking for progressive improvement. Kevin will share statistics when they are available. Next week, county executive and farmers will get together to talk about a manure feasibility study. Should have benefit for ag and phosphorus mgmt. Also have funding for projects to build bike trails.

- **Veridian Issues/Report**
  - D. Esposito: Due to state of economy and housing market, the only new community will be Cathedral Point in Verona. One or two new sections may be added to existing communities, but that's still up in the air.
  - G. Zajicek: site control at the lot level has been challenging this winter. Trying to keep everything clear of snow and ice. Snow removal people have torn up erosion sock. Didn't lose sediment due to that, but streets are full of sand due to municipal snow removal staff—how is this dealt with?
    - Ken: C. Mad has used salt, which works, but it comes at a cost of increased chloride.
    - Kevin: for last 4-5 years, county has been cost sharing with communities for outfall catch basins to capture sediment before it ends up in the lake. Can get in with convention equipment to clean out. Some groups are using a higher technology—might be interesting for groups to look at some of these other practices.
    - Don: as we get more into infiltration, the more that we can keep out of the basins and beds, the better off we'll be.
    - Lyle: washed sand that is used doesn't tend to have attached nutrients
    - Kevin: need to enforce a community approach
- **Lakes and Watershed Commission:** L. Updike reported that there are permanent taskforces for ag runoff and urban runoff. Urban runoff committee will meet w/in the next couple of weeks and will look at lake classification study and shoreline lots.

## 2. Standing Agenda Items

### a. Status of GTCWI Outreach presentation

1. Don has scheduled a presentation in the Appleton area to a planning group. The village planner from DeForest extended the invitation to participate.
2. Greg Fries did an outreach presentation to the MAMSWaP group (Madison Area Municipal Storm Water Permit).

### b. Status of Authorized Local Program (ALP)

1. L. Bub reported that this is still being held up by the ability for municipalities or other interested groups to gain access to the endangered resource (NHI) database, and the archaeological/historical database. The Endangered Resources bureau held a meeting on January 14 with partners interested in accessing data. Endangered resources data can be accessed relatively easily with a license agreement, training, and annual fee. Laura needs to check in on any progress on accessing the historical society database.
2. Ken asked how the database access fee structure is assessed— is it charged to the charter or to the individual municipality? Laura will check into this.

### c. Veridian's progress towards Green Tier II

1. D. Esposito indicated that the Tier II application has been reviewed. There is still some word-smithing happening internally. They are close

to having something done. Veridian has to complete an annual report by February 1<sup>st</sup>, and that report is the basis for what is being reported for Tier II.

**3. Annual Report**

- a. There was discussion about the need to have participation by other state agencies. It was agreed that agencies should be encourage to participate where appropriate. Senator Mark Miller and green tier staff are looking at updates to green tier, and it was thought that maybe this effort could be included in the updates.
- b. S. Josheff made changes on the annual report document per group discussion. Revised document will be distributed to Board members with a two week timeframe to make changes in time for February 28 deadline for report submission.
- c. Appendix 2 of the charter was revised to allow for temporary suspension or reduction of photo inspections upon agreement of the Board, and appendix 3 was revised to encourage training of charter members, contractor and partner in various areas including and beyond erosion control.

**4. Lot Level Training:** T. Anderson asked for some additional training for construction managers on lot level controls—so that everyone understands what various regulatory agencies expect. Don expressed a desire to have design engineers involved so that the plat level controls mesh with the lot level approvals. Kevin noted that in the past, erosion control is typically limited to the lot, but really needs to begin at the plat level. If there is good EC on the plat level, this should help on the lot level. Maybe there needs to be some education of lot-level building inspectors so that they are aware of the practices that were put in place at the plat level, and provide some degree of safety on the lot level. It was agreed that Jeremy Balousek (Dane Co) and Eric Rortvedt (DNR) could work with Veridian staff, and put on refresher of how systematic erosion control and storm water mgmt works. The training would start with a classroom module, and would be followed-up with some field visits to lot-level sites. The plan is to provide this training in March, before the construction season is in full swing.

**5. Next Meeting:** Friday, March 14, 2008. 8:30 @ Veridian office

**Green Tier Clear Waters Initiative Board Meeting  
 March 14, 2008, 8:30 a.m.  
 Veridian Homes Office**

**In attendance:**

x	Don Esposito	Veridian
x	Gary Zajicek	Veridian
	Jeremy Balousek	Dane Co.
x	Kevin Connors	Dane Co.
x	Greg Fries	C. of Madison
	Larry Nelson	C. of Madison
x	Robb Remiker	C. of Sun Prairie
	Daryl Severson	C. of Sun Prairie
x	Laura Bub	DNR
	Ken Johnson	DNR
x	Sue Josheff	DNR
x	Tim Ryan	DCOMM
	Lyle Updike	Lakes and Watershed Commission
	Lori Grant	River Alliance

**1. Board Member Reports**

• **City Issues/Report**

○ **Madison:**

- G.Fries reported giving presentation to MAMSWaP, which includes Middleton and Verona (communities that the GTCWI group is interested in targeting).
- Moving forward on 1) implemented self-reporting website--getting 60% compliance with no enforcement. Stepped up in January 2008 by telling folks that any non-compliance will be fined on a daily basis. Tim and Jeff started enforcement, and they now have 90%+ compliance.
- Working towards complying with 40% TSS removal for MS4 permit, Madison will model every watershed in city (about 560) in SLAMM. Have maintenance agreements for all storm water devices, but it's not enforced except by complaint. For all private practices, need to make sure that these things are enforced. There are firms that can determine maintenance compliance. By end of year, everyone that has signed maintenance agreement will need to show documentation that maintenance is occurring.
- Greg noted that an option is to do as Verona does, and privatize the process. Can always do the maintenance for them, and charge fees back. The big problem is that the people who get the permits and people who are in charge of maintaining the devices never talk.
- Sun Prairie sends device owners a checklist requiring them to indicate what kind of maintenance has been completed. They check it off and return. There is an incentive to return the form, because if they don't they lose credits through storm water utility.

- **Sun Prairie:**
  - No updates to report
  
- **DNR Issues/Report**
  - S. Josheff attended the stormwater/groundwater workshop in Fitchburg. It was well attended and citizens were very interested in models.
  - S. Josheff reported on the CLEAN Yahara MOU between Madison, Dane county, DATCP DNR, and Lakes and Watershed commission. The goal is to improve water quality by addressing nitrogen and phosphorus. There is a visioning element and there needs to be a community vision and support to make this happen. Partner w/ Clean Wisconsin and Gathering Waters Conservancy to start visioning effort. David Mollenhof, historian, speaks to folks about how community vision is essential to be successful in cleaning up the Madison lakes. Technical group meeting for sediment and nutrients. G. Fries mentioned that Roger Bannerman or Steve Corsi should be considered as part of the bacteria technical team as they are doing that kind of work right now. K. Connors noted that what prompted this effort is the requirement to list impaired waterbodies. The Yahara chain of lakes meets the criteria to be listed as impaired. Once you voluntarily raise an impairment, you want to know what the end point could be. This project is a 2 year project to try and find what the end point could be.
  
- **Dane County Issues/Report**
  - Kevin met w/ Shawn Murphy, City of Verona. Kevin will meet with him again in the near future. Dane Co is already doing some joint projects w/ Verona so this is a good opportunity to provide Shawn & C. of Verona with information on the GTCWI charter.
  
- **Veridian Issues/Report**
  - Don noted that he and Ken traveled to Appleton on March 5 to give presentation to group representing municipal administrators. Gave full presentation w/ Q&A. Some Dane Co. communities there—Middleton, Mcfarland. It was good exposure for program, and follow-up visits can be scheduled. Most questions were for Don as a developer, inquiring as to the benefits for the developer. Don talked to them about reduced risk, alternative enforcement, system that is reliable, relationships, etc.
  - T. Anderson asked if the charter for municipalities was mentioned. This charter w/DNR focuses on mercury reduction through WWTPs.
  - G. Zajicek said that Veridian won the Gold award through the National Home Builders for residential on-site safety initiatives.
  
- **Lakes and Watershed Commission:**
  
- **Commerce:**
  - T. Ryan reported that the MOU b/t DNR & Commerce for NR 151 is currently being drafted. Tim was interested in hearing what others expect from Commerce, and what the driving factor was in having DCOMM at the GTCWI table.

- R. Remiker reported that in Sun Prairie, Inspectors say that Commerce doesn't participate in the GTCWI charter, and they are delegated authority under Commerce, they won't follow the GTCWI charter.
- G. Fries said that Madison inspectors started out similar to Sun Prairie. However, they have changed policies for Veridian at UDC sites. A big difference is between Commerce's mg/L and DNR's %TSS reduction, which really causes a lot of confusion. Because the Commerce code came out of the plumbing code, it is a little confusing.
- G. Zajicek noted that all the entities in this charter have come together to improve water quality. In the process, relationships, trust, and cooperation have developed. Have always been missing one link, and that was Commerce w/ UDC to take this to a higher level.
- Tim asked if there is an expectation to look at even more than erosion control, like the UDC permitting process. G. Zajicek said that there was some hope for that. K. Connors noted that this charter is more solution oriented than "rule change" oriented. T. Anderson suggested that a look at environmental management systems to better understand how this works.
- S. Josheff noted that there is a desire to include other developers, but economic climate is not ripe for asking people to go above and beyond the set rules. G. Zajicek said that one of the benefits is as a stepping stone to Green Tier II. There are savings in \$\$ and quality of product.

## **2. Standing Agenda Items**

- a. **Status of GTCWI Outreach presentation:** discussed w/in member reports.

### **b. Veridian's progress towards Green Tier II**

1. G. Zajicek noted that Veridian had put together NOI for Tier II, and over the past month or two, have gone through down-sizing in company. Have not put any effort into Green Tier II, in lieu of getting company strong, and keeping it strong throughout rest of year.
2. T. Anderson noted that Veridian, as the sole participant, has worked hard to get the trust relationship working. Lot level controls in place and working, but there are things that can be done that are even better. Are lot level controls meeting plat level control? What can be done off site for run ON issues? How can it work and be effective? Are we after regulatory performance or environmental performance/need?
3. K. Connors indicated that over 70 people signed up to attend Monday's meeting. Commerce participants should know that the training is sponsored by this GTCWI group. Should note the benefits of green tier for folks at the training.

### **c. Status of Authorized Local Program (ALP) & Discussion**

1. L. Bub reported that moving the ALP was previously held up by finding a way for municipalities to access the appropriate databases. For NHI data (endangered/threatened) there is a fee, but that fee is typically waived for municipalities if there is some benefit to conservation (read: fee is waived). The Wisconsin Historical Society database has a fee of \$1000-\$1500/year. There would also need to be screening for wetlands. It was agreed that DNR staff could do screening of ALP sites until that screening could be reasonably passed

on to the municipality. Madison and Dane Co. indicated that the screening and associated fees would likely not be a huge issue.

2. The formal ALP, as described in NR 216.415, Wis. Adm. Code, would be an “all or nothing” project, though. This means that a municipality would have to administer permits for all projects—NOT JUST TO MEMBERS OF GTCWI Charter. K. Johnson was not in favor of the “all or nothing” application, as he didn’t feel that it provided an exclusive break for members of the Charter.
3. This could be changed by doing a similar type of program as the ALP, only the conditions are written into the Charter Appendices. This would allow more flexibility.
4. Regardless of the program, DNR would still need to get an “application” w/ enough information to put info in our database, and public notice the permit, application fees would need to be collected, and there would need to be annual reporting of sites permitted by the municipality.
5. Madison and Dane Co both indicated that they were in favor of proceeding with the ALP on a county/municipality-wide basis, with a change in the fee structure to accommodate GTCWI members. Sun Prairie need to give further consideration to the program. Dane Co and Madison noted that they would need to check into issues such as potential liabilities, etc.

**3. Next Meeting:** Friday April 25, 2008. 8:30 @ C. of Madison Emil St. Training Room, 1600 Emil Street, Madison.

**Green Tier Clear Waters Initiative Board Meeting**  
**April 25, 2008, 8:30 a.m.**  
**City of Madison – Emil Street training room**

**In attendance:**

x	Don Esposito	Veridian
x	Gary Zajicek	Veridian
	Jeremy Balousek	Dane Co.
	Kevin Connors	Dane Co.
x	Josh Harder	Dane Co.
	Greg Fries	C. of Madison
	Larry Nelson	C. of Madison
x	Robb Remiker (via phone)	C. of Sun Prairie
	Daryl Severson	C. of Sun Prairie
x	Laura Bub	DNR
x	Ken Johnson	DNR
x	Sue Josheff	DNR
x	Tim Ryan	DCOMM
	Lyle Updike	Lakes and Watershed Commission
x	Lori Grant	River Alliance

1. There was discussion about the importance of having Commerce officially sign on to the charter. The Board had previously agreed that it would be useful to give joint presentation about the Clear Waters Initiative to the secretaries of DNR and DCOMM to urge Commerce to participate in the Charter. At this point, T. Ryan will talk with appropriate people at Commerce.
  
2. **Board Member Reports**
  - **City Issues/Report**
    - **Madison:**
  
    - **Sun Prairie:**
      - R. Remiker reported that there has not been a lot of activity with the wet winter and saturated ground—there have been lots of phone calls related to water in basements.
      - New program through the Rock River Coalition called Water Star community. Robb has attended a couple of workshops to see what the program is all about. Program considers stormwater, groundwater, habitat, land use and recreation. If community gets a certain number of points, they can be awarded title as a water star community.
  
  - **DNR Issues/Report**
  
  - **Dane County Issues/Report**
    - Dane Co Land and Water Resources Department finished their annual report. The Land Conservation page has info about inspection activity. Over 5300 inspections were completed last year. Land Conservation has a commitment

to having a field presence with contracted communities (Dane county currently has contracts with Deforest, Waunakee, Sun Prairie, Stoughton, Middleton).

- On a related, the division is working on implementing an electronic reporting system. Field inspectors now have laptops that have broadband cards so that they can access all information in the field. Should help improve the ability to generate statistics related to compliance.
- Josh noted that for contract communities, Dane Co is doing weekly inspections, and there is much greater compliance in those communities.
- **Veridian Issues/Report**
  - G. Zajicek reported that Veridian has been working on getting winter erosion control back in shape. Veridian has signed another contract with Perfect Environmental Performance.
  - D. Esposito noted that they haven't started any plat level activity, yet, and when they do it will be much smaller.
  - Don is sitting on a C. of Madison committee of environment is forming a subcommittee to look at erosion control. Don will be representing residential developers. The committee will likely have an educational focus, and Don will present the Green Tier presentation at the next meeting.
- **Lakes and Watershed Commission:**
- **Commerce:**
  - T. Ryan reported that as summer starts, Commerce is looking to start a UDC audit process for erosion control, focusing on delegated authorities.
  - K. Johnson noted that there was a widely attended & successful session on erosion control in March hosted by Veridian, Dane Co, Madison & DNR. Tim confirmed that there were some commerce inspectors for soil erosion control were also in attendance. D. Esposito would like to see this course offered as continuing education credits that Wisconsin builders could be take in order to maintain their eligibility to pull permits. Ken and Tim will look into this.

### 3. Standing Agenda Items

#### d. Status of Authorized Local Program (ALP)

1. K. Johnson would like to see ALP be more confined to this group—this could be one incentive that could be offered to Green Tier members. The Authorized Local Program could potentially include chapter 30 permit—particularly for the more common general permits. Members of this group could be agents of the department to issue such permits. Ken questions what the hook is for membership to the GTCWI if the ALP is available on a county-wide basis.
2. G. Zajicek recommended that we look for a builder with a big presence, and try to bring them to the table.
3. J. Harder noted that the County is interested in this, although they could reap the most benefits from doing this on a county wide basis.
4. L. Grant questioned whether it would be difficult to administer for only certain permittees. Josh said that it would be a challenge to administer on a limited basis, although it could be done. Dane Co would rather include everyone.

5. R. Remiker said that one roadblock might be the perception by local elected officials that developers are paying a fee, but there is not review by the State.
6. Ken will talk with Madison, Sun Prairie and Dane Co to see if they are interested in making this a GTCWI-specific program.

**4. Annual Report**

- K. Johnson moved to accept final changes to appendices and finalize report. All members present concurred.

**5. Next Meeting:** Friday June 20, 2008. 8:30 @ C. of Sun Prairie. Exact location TBD.

**Green Tier Clear Waters Initiative Board Meeting**  
**August 7, 2008, 10:00 a.m.**  
**Department of Commerce**

**In attendance:**

x	Don Esposito	Veridian
	Gary Zajicek	Veridian
x	Jeremy Balousek	Dane Co.
x	Kevin Connors	Dane Co.
x	Josh Harder	Dane Co.
x	Greg Fries	C. of Madison
	Larry Nelson	C. of Madison
	Robb Remiker	C. of Sun Prairie
	Daryl Severson	C. of Sun Prairie
x	Laura Bub	DNR
x	Ken Johnson	DNR
	Sue Josheff	DNR
x	Kim McCutcheon	DNR
x	Tim Ryan	DCOMM
x	Lyle Updike	Lakes and Watershed Commission
x	Lori Grant	River Alliance of Wisconsin
x	Lynita Docken	DCOMM
x	Brad Johnson	DCOMM
x	Brian Ferris	DCOMM
x	Lenny Kanter	DCOMM

**1. Department of Commerce Discussion:**

- K. Johnson provided background of the Green Tier Clear Waters Initiative (GTCWI) and explained that it was formed within the Green Tier framework. The board members meet approximately every 6 weeks to talk about progress and hurdles that have been encountered. Veridian Homes, currently the only developer signatory to the charter has demonstrated a high level of erosion control compliance in comparison to non-Veridian sites.
- Since this charter has been implemented, one glaring omission has been the lack of participation of the Department of Commerce. Due to the involvement of building inspectors and their enforcement of the Uniform Dwelling Code (UDC), it would be very beneficial to have Commerce on board with this effort.
- Participation in the charter is voluntary, participants can pull out at any time, and there are not a lot of commitments other than to participate with resources to further the goal of the charter.
- Charter currently focuses on erosion/sediment control, although it could be expanded to recycling, energy conservation, etc., upon agreement of participants.
- L. Docken asked about the difference between the local charter (GTCWI) and the statewide charter (Development Council). K. McCutcheon indicated that the two charters are drastically different and that the Development Council has more of an industry focus while the GTCWI focuses more on streamlining processes, forming relationships, etc. Information on both charters can be found online at <http://www.dnr.state.wi.us/org/caer/cea/environmental/participants/index.htm>

- K. Johnson provided details on what would it would mean if Commerce signed on to the charter. Commerce would need to appoint someone as a board member who would attend meetings. The Board discusses business, problems, solutions and other items. When technical issues arise, board members are asked to provide staff input to develop guidance, if needed.
- K. Connors added that Green Tier encourages creativity, especially in the absence of existing regulations, guidance. He gave the example of the silt sock. Veridian wanted to use the silt sock for perimeter control, but there was no existing guidance/technical standard. A small GTCWI subcommittee worked to put together some interim guidance on how to use the practice and how to evaluate the effectiveness of the device.
- L. Docken asked what benefit Veridian receives from participation in this effort. D. Esposito said that there are three primary benefits that Veridian has had: 1) training aspects related to contractors and trade partners. This has also resulted in reduced expenses; 2) improved marketing, and 3) strengthened relationships with regulatory agencies. Don indicated the relationship building has been the biggest benefit to Veridian. Other benefits noted by board members included a single point of contact for the developer and involvement of regulatory agencies in early planning
- L. Docken asked whether the statutes specifically mention the involvement of Commerce. K. McCutcheon said that there is very broad language related to the association of entities. The GTCWI charter is unique because it involves state, local and private entities.
- There was discussion about the regulatory flexibility that is part of this charter. Commerce asked whether there are special code exemptions. Ken explained that building inspectors still inspect sites and if issues are found, Veridian is contacted immediately and Veridian deals with issues w/in 24 hours. Municipalities that are part of the charter have agreed to not issue citations if problems are fixed immediately. Veridian also conducts “virtual inspections” in which sites are photographed weekly and CDs of images are sent weekly to regulatory agencies.
- L. Docken noted that it was a good time to engage Commerce in this conversation because they are currently in the process of revising their codes. Main concern is that they have uniform standards that apply statewide, and they would need to have some recognition in code to allow for exception to those uniform standards.

## 2. Board Member Reports

- **City Issues/Report**
  - **Madison:**
    - G. Fries reported that single family home construction is really slow, but that the commercial sites are still quite active.
    - G. Fries also noted that self-reporting online is getting better. Regular users are getting quite good at entering information; it’s the single time users that have more difficulty.
  - **Sun Prairie:**
- **DNR Issues/Report**

- K. Johnson said that the Department has spent a significant amount of time dealing with flooding issues, both throughout the region, and in the Madison lakes.
- **Dane County Issues/Report**
  - K. Connors noted that there is a slow/no-wake-zone on most of the Madison chain of lakes.
  - J. Balousek said that Dane County LCD is in the 2<sup>nd</sup> year of implementing the erosion control/storm water management program. They average 3(!) inspectors in the field each day, which has resulted in good education to contractors. It also allows them to find a lot of unpermitted sites. Inspectors have laptops which gives them real time access to data. J. Harder also said that the improved database access is much more efficient and has improved Dane County's relationship with contract communities.
  - J. Balousek said that permit applications are down 17-20% overall.
  - J. Harder noted that there is still a lot of small commercial work and work in the shoreland zone. The amount of area disturbed is down about 60% compared to 2007.
- **Veridian Issues/Report**
  - D. Esposito declared that the residential market continues to defy logic and predictability.
  - Veridian Homes completed an Extreme Home Makeover in Richland County.
- **Lakes and Watershed Commission:**
  - L. Urdike: There is a draft report related to water body classification. Lakes and Watershed commission staff will use comments received to re-issue the report. There are various issues that could affect the shoreland ordinance. K. Connors said that it is moving forward in two tracks: 1) water body classification and 2) challenge of shoreland zoning ordinance.

### 3. Standing Agenda Items

- a. **Status of Authorized Local Program (ALP)**
  - i. Initially, K. Johnson indicated that there was no intention to move the ALP forward, since municipalities seemed to be most interested in having the program apply municipality-wide, and not specifically to members of the Charter.
  - ii. After some discussion, the group was OK with applying ALP only to Charter members, as long as Dane County can include any Veridian sites (or other future developers) that are in their contract communities (ex: Middleton).
  - iii. Department will screen for endangered resources and archaeological and historical resources until such time that communities can access these database with more ease.
  - iv. DNR will confer with staff in Central Office to determine how to move forward with rolling out the ALP for this charter group.

### 4. Outreach

- D. Esposito gave a presentation to McFarland, and some interest was expressed. Don will move forward pursuing this community despite the current lack of projects on the horizon for this community.
- 5. Next Meeting:** Friday September 12, 2008. **8:30 @ DNR South Central Region;** 3911 Fish Hatchery Road, Fitchburg: Gathering Waters room (first room on left)

**Green Tier Clear Waters Initiative Board Meeting**  
**September 12, 2008, 8:30 a.m.**  
**DNR SCR**

**In attendance:**

	Don Esposito	Veridian
X	Gary Zajicek	Veridian
	Jeremy Balousek	Dane Co.
X	Kevin Connors	Dane Co.
	Josh Harder	Dane Co.
X	Greg Fries	C. of Madison
X	Larry Nelson	C. of Madison
	Robb Remiker	C. of Sun Prairie
	Daryl Severson	C. of Sun Prairie
X	Laura Bub	DNR
X	Ken Johnson	DNR
X	Sue Josheff	DNR
X	Laura Madsen	DNR
X	Tim Anderson	Perfect Environmental Performance
	Tim Ryan	DCOMM
	Lyle Updike	Lakes and Watershed Commission
	Lori Grant	River Alliance

**1. Board Member Reports**

• **City Issues/Report**

○ **Madison (Larry Nelson / Greg Fries):**

- No significant issues—quiet on erosion control front.
- Commercial properties are still active
- Still dealing with flooding, but more on a groundwater front rather than a surface water front.
- Complaints received from homeowners that sump pumps are running A LOT in order to keep basements dry.

○ **Sun Prairie:**

• **DNR Issues/Report (Ken Johnson)**

- Request to re-evaluate water levels w/in 6 months—waiting for secretary reply, suggesting that it needs to be a more broad level review and include other municipalities.
- Ken: envision a process where we look at the hydraulics, habitat of lake levels system.
- Larry: go to summer min for summer operating levels—2004? Flood mitigation by emergency management.
- Ken: has been fundamental shift toward operating in the middle range for lake levels
- Dealing w/ maximizing hydraulics in the system—there is room for growth.

- **Dane County Issues/Report:** (Kevin Connors)
  - Construction activity has been slow
  - Mendota and Kegonsa water levels are back in range, Monona and Waubesa are still 1' high
- **Veridian Issues/Report** (Gary Zajicek)
  - Residential market has been slow
  - Working on internal audit for National Home Builders builders certification
  - Veridian installs sump pumps and other waterproofing measures in houses in potentially problematic areas for consumer's protection.
- **Lakes and Watershed Commission:**
- **Commerce:**
- **Tim Anderson:** Tim indicated that there is a zero discharge development being built in Neenah that this group may be interested in learning more about.

**2. Commerce involvement:** The Board would still like their participation, and will appeal to their upper management to encourage their involvement.

**3. Outreach Presentations:** It was discussed that it probably would not hurt to reach out to communities again as a refresher. Could mention that Cooperative Permitting Process is currently being developed.

**4. Veridian's Progress towards Green Tier II:** No current action on this item. Will remove from regular agenda.

**5. Cooperative Permitting Process (CPP)**

- a. The Cooperative Permitting Process, as proposed, is intended to consolidate and expedite the permitting process for NR 216 Construction Site storm water permits.
- b. The process discussed includes:
  - i. Submitting application/NOI to municipality and DNR
  - ii. Include fees based on acreage; municipality will submit monthly reports of permitted sites and will include appropriate fees.
  - iii. DNR staff will enter information into database to fulfill public notice requirements
  - iv. DNR will do preliminary resource (archaeological, endangered resources, etc.) screening.
  - v. When municipality decides that information is sufficient to issue permit, DNR will proceed with issuing permit.
  - vi. DNR will retain the ability to conduct enforcement if needed.
  - vii. The CPP process will be reviewed periodically and adjusted as needed.
- c. There were some items of clarification identified through discussion of the CPP process. **Edits will be made and a draft review copy will be sent prior to the next meeting for review and discussion.**
- d. The ultimate goal of the CPP is to save all involved parties time and work.

- e. It was also noted that this process could ultimately be beneficial if it was applied to simple chapter 30 permits. Ken agreed that the proposed process could potentially progress to other permits at some point in the future.

**6. Next Meeting:** Friday November 14, 2008 @ 8:30. Dane County at 1 Fen Oak

**Green Tier Clear Waters Initiative Board Meeting  
November 14, 2008, 8:30 a.m.  
Dane County, Fen Oak**

**In attendance:**

X	Don Esposito	Veridian
	Gary Zajicek	Veridian
X	Jeremy Balousek	Dane Co.
X	Kevin Connors	Dane Co.
X	Josh Harder	Dane Co.
X	Greg Fries	C. of Madison
	Larry Nelson	C. of Madison
	Robb Remiker	C. of Sun Prairie
	Daryl Severson	C. of Sun Prairie
X	Laura Bub	DNR
X	Ken Johnson	DNR
X	Sue Josheff	DNR
	Tim Anderson	Perfect Environmental Performance
X	Tim Ryan	DCOMM
X	Lyle Updike	Lakes and Watershed Commission
X	Lori Grant	River Alliance
X	Kim McCutcheon	DNR
X	Laura Madsen	DNR

**1. Board Member Reports**

**Madison:**

- G. Fries reported that MAMSWaP (Madison Area Municipal Storm Water Partnership) hosted a salt application workshop that was well attended.
- Madison's self-reporting website (SEH site) will probably come to an end next year. Madison is embarking on a computer re-vamp next year. A consultant is being paid to write software for the city to roll all functions (lot releases, erosion control, etc.) together. The new computer program will likely not allow access to outside people. Self-reporting will still likely be required, but the means in which it is done will change.
- J. Balousek asked whether the new system will be a proprietary database or something built specifically for City? G. Fries indicated that Tim Troester is the city staff person that has been involved in this project.

**Sun Prairie:**

**DNR Issues/Report:**

- K. Johnson noted that he and Sue Josheff attended the Yahara Lakes Conference, which was good.
- State currently projected to have \$5 billion deficit. There is an immediate hiring freeze on positions, which will likely last at least through the end of the fiscal year. SCR currently in a good position w/ current staff.

**Dane County Issues/Report:**

- K. Connors reported that he is planning on doing outreach in winter when things are slower. At the county, the budget was increased land and water legacy program for cost sharing; funds for improving Babcock lock and dam system, etc. Lakes and Watershed Commission has subcommittee working on leaf ordinance—contributions of phosphorus from leaves and safe handling and disposal. Contract with Graef, Anhalt, Schloemer has been approved for the planning of the Lower Yahara River Trail from Lake Farm County Park to McDaniel Park in McFarland.
- Putting money into community manure handling facility. Last year there were 3000 cows, now 6000 cows. There is a business plan in the works. Strand & Associates has contract.
- J. Balousek said that if they end up getting more money in urban water quality grant, explore modifying some of the criteria—maybe increase the maximum cost-share. Idea of expanding scope to allow for infiltration practices.
- J. Harder said that within the last month they are starting to see slow down in day-day work, countywide. Work shifted to being smaller in scale. There are also fewer active construction sites in communities that they contract with. (Middleton, Sun Prairie, etc.)

**Veridian Issues/Report:**

- D. Esposito reported that the housing market is depressed in terms of new starts—at least half as many as “normal” year.” Veridian will not start any new communities in Dane county next year, and they may or may not do improvements to existing communities.
- City of Madison proposing a new recycling ordinance that would require any construction site in Madison has to recycle 50% waste by 2009, and 75% in 2010. There is some question as to whether 75% is achievable. Veridian (Gary Zajicek) will be meeting w/ George Dreckman (Madison recycling coordinator) as industry to discuss.
- Outreach—looking forward to more opportunities for outreach in 2009.
- An annual audit by the national association of homebuilders identified one observation and two recommendations for Veridian, which is very good. The Madison Area Builders Association has a green building program and has now decided that every green built home has to be energy star. Energy star requires 3<sup>rd</sup> party audit, so green built homes will now require that as well. This program maybe be rolled out on a statewide basis.

**Lakes and Watershed Commission:**

- L. Updike informed the group that a second draft of the water body classification project has been prepared. There is a focus group looking at economic impact, and a 6 month extension has been requested from DNR to accommodate a planning grant. As part of the urban storm water subcommittee of Lakes and Watershed Commission, Lyle proposed considering how the plan can be integrated, included in ordinances, etc. Currently working on prescriptive standards and looking at options.

**Commerce:**

- T. Ryan reported that the program management side of the Dept. of Commerce is currently more interested in the statewide charter than in the Clear Waters Initiative

charter. Commerce is in the middle of new code council to revamp code — the soil erosion aspect is proposed to be separated from building inspection. Soil erosion would then be delegated to local municipalities or contracted out. It may be possible to include language at the local level to be inclusive of some Green Tier issues.

- L. Grant added that Green Tier as whole is up for reauthorization. It may be possible to provide comments through Senator Mark Miller's committee about potential legislation. Could propose that language be added to compel Commerce to participate—language could include all agencies rather than just DNR. K Johnson recalled that the annual report from 2 years ago suggested language be added. There needs to be more incentives for groups to join, and Appendix 7 is the kind of thing that will help.

## **2. Cooperative Permitting Process:**

- Overall, group was OK with the process. Edits will be made to #5 related to the municipality needing to wait for DNR clearance of endangered resources/archaeological-cultural resources, and to #6 related to the DNR terminating permit at site upon declaration by municipality that site is complete.
- It was noted that the Charter requires a 30 day public notice period. This will be done.
- K. Johnson would like to use this process as a model for some ch. 30 permits in the future.
- There was a brief discussion about whether municipal, non-residential (e.g street reconstructs, parks) would be included in this program. Ken wants to discuss this internally before including non-residential projects.

**3. Next Meeting:** Annual Meeting: Monday December 15, 2008. 9:00 – 12:00 at Veridian offices, 6801 South Town Drive, Madison, WI

**Green Tier Clear Waters Initiative Board Meeting  
December 15, 2008, 9:00 a.m.  
Veridian Homes**

**In attendance:**

x	Don Esposito	Veridian
x	Gary Zajicek	Veridian
x	Jeremy Balousek	Dane Co.
x	Kevin Connors	Dane Co.
x	Josh Harder	Dane Co.
x	Greg Fries	C. of Madison
	Larry Nelson	C. of Madison
	Robb Remiker	C. of Sun Prairie
	Daryl Severson	C. of Sun Prairie
x	Laura Bub	DNR
x	Ken Johnson	DNR
	Sue Josheff	DNR
	Tim Anderson	Perfect Environmental Performance
	Tim Ryan	DCOMM
	Lyle Updike	Lakes and Watershed Commission
x	Lori Grant	River Alliance
	Kim McCutcheon	DNR
	Laura Madsen	DNR

**1. Board Member Reports**

**Madison:**

- G. Fries said that the City is actively enforcing self-inspection. Permittees were told to either come into compliance by 12/19/08, or receive citations. Greg estimated that there were about 50 sites not in compliance related to paperwork issues. Further, permittees w/out post construction storm water mgmt information were to either submit it, or the city would do the work and bill back to them. City is changing their ordinance this year to require PE stamp on as-builts
- Gary asked if this would effect residential, and Greg said that it would affects plats, but mostly commercial sites.
- Greg said that the SEH website will be gone. Inspections will still be required, just in a different format.

**Sun Prairie:**

**DNR Issues/Report:**

- Ken reported that the state is facing a 5.4 billion dollar deficit. The Department is currently not re-filling ANY positions. SCR in good shape as far as current positions, so this group should not be affected in near future.

**Dane County Issues/Report:**

- Kevin said that the County is developing a strategy for when emerald ash borer hits Dane county; in particular what is done with the trees and debris? There is an LTE

working with communities to develop strategies, and these strategies can also be expanded to include tornado waste. Marshalling yards will be set up throughout county, and a strategy developed to determine what to do with various wastes. The county would work with Second Season and others to develop partnerships. Drafts in jan/February.

- The 2009 budget calls for \$250,000 increased funding for municipalities for storm sewer outfalls. Also, feasibility of composting lake weeds and other debris.
- Continuing feasibility work for community manure facility in Waunakee area. Animal units doubled over the past several months. Toured the Crave Brothers facility in Waterloo and there is some interest from farmers in going to Baldwin where they scrub methane and put gas directly into pipeline.
- L. Grant inquired about the plan for dealing with liquid waste at the County project. Kevin said that they are shooting for 85% reduction of phosphorus, and will then pump it back to farms and haul out or spread. There is the potential use of manure as bedding (versus sand, which is traditionally used). Ken added that the liquid has less ammonia, which allows it to be applied during the growing season. Kevin said that another benefit is the reduction in greenhouse gas.
- Another item is joint effort Yahara Clean/YLLP. Effort is a federation of local and state agencies to work to keep chain of Yahara Lakes from becoming EPA impaired waters and requiring a TMDL. Over the next year the group hopes to come up with an inventory of primary sources of phosphorus. Ken added that it is a complex effort, and if there was a TMDL, it would likely affect the construction industry.
- Jeremy said that construction slowed greatly, although the permit #s are about the same—projects are smaller and more in the shoreland zone.
- Will be putting out scoring criteria for urban water quality grant. Proposing couple of changes including increasing the cap from 35,000 to 50,000 and allowing construction thru 2010. The grant program is \$250,000 and 8 projects were funded this past year.
- Some ordinance amendments--mainly administrative and non-substantial—are being made to the shoreland erosion control program and regular erosion control / storm water management program. For the shoreland erosion control—projects will be split into S, M, and L categories, and will be treated differently (whether they require engineer stamp, simple form, etc.) Ken noted that it seems that in NR 115 infiltration requirement a big deal. Jeremy said that when the Board of Adjustment grants a variance, they may put an infiltration requirement on the lot. This is more the exception and not the rule .
- Working on new coverage in DCImap ([dcimap.co.dane.wi.us](http://dcimap.co.dane.wi.us)) of hydrology. A 7.5' quad map with perennial intermittent streams with a 1<sup>st</sup> cut navigability determinations will be converted to 24k hydrolayer. This will be used primarily to determine the shoreland zone.

**Veridian Issues/Report:**

- G. Zajicek reported that they are still selling homes
- Veridian is still working on details for compliance with the new recycling ordinance that Madison is proposing. There was some discussion about the economic viability of complying with the 75% goal.
- Gary provided Veridian's Monthly recycling report for November; report is attached here.



Veridian Monthly  
Report 11-15-08.doc

- K. Johnson commented that there may be an opportunity to hook in the Charter Street redevelopment for biofuels.
- Gary is involved in the Madison Area Builder Association, and his goal for the upcoming year is to get one additional builder to participate the GTCWI charter.

**Lakes and Watershed Commission:**

**Commerce:**

**Other:**

- Lori Grant reported that she attended a program meeting for the reauthorization of the Green Tier program. Senator Miller had a draft bill and was looking for reaction. Lori mentioned how it would be very beneficial to have the Department of Commerce at the table. DNR staff was directed to look for opportunities to put info in statutes. This issue has been recognized as a broader issue and Senator Miller’s office has elevated it to a cabinet level decision.

**2. Cooperative Permitting Process:** Cooperative Permitting Program (CPP) was drafted as Appendix 7 of the charter. The document was released for public comment on November 19, 2008 with the comment period closing on December 19, 2008. No inquiries or comments have been received to date. The group approved and accepted Appendix 7, pending any public comments that might be received. Jeremy asked if this process would cover internal municipal projects (e.g. parks, pedestrian paths, etc.). It was agreed that this would be allowed, but would be monitored at subsequent meetings

**3. Annual Meeting / Report:**

- Veridian’s virtual inspections have been suspended from December through April 1<sup>st</sup>. Can re-visit the end date at the March meeting if necessary.
- The Board would like to sponsor erosion control inspector training, again. Looking at a date in February or March at the Lussier Center. Jeremy will be the lead.
- Ken Johnson will again serve as the Board chair. Meetings will continue at the frequency of every 4-6 weeks.
- There were no recommendations for changes to the charter appendices.
- Annual report will be drafted in the upcoming weeks.

**4. Next Meeting: Friday January 23, 2009; 8:30 a.m. at Dane County – Fen Oak building.**

Additional 2009 meetings, all at 8:30 a.m.:

- March 6: DNR/Fish Hatchery Road
- April 17: Madison/Emil St
- May 29: Sun Prairie
- July 10: Veridian Homes
- August 21: Dane County/Fen Oak
- October 2: DNR/Fish Hatchery Road

November 13: Madison/Emil St  
**December 11:** Veridian Homes

## Appendix 7 – Cooperative Permitting Process

Participants in the Green Tier/Clear Waters Initiative Environmental Results Program Charter are eligible to receive WPDES construction site storm water permit coverage under a process intended to consolidate and expedite permit coverage. This process is not the same as the Authorized Local Program described in NR 216.415, Wis. Adm. Code. Rather, the process is specific to GTCWI efforts and applies only to members of the charter. Outside of the scope of the charter, members can pursue an Authorized Local Program if desired. The **Cooperative Permitting Process** (CPP) shall be implemented as follows:

1. A Notice of Intent application required under Subchapter III of NR 216 Wis. Adm. Code shall be submitted to the municipality and the Department at least 14 working days prior to commencing land disturbing construction activities. An alternative to the Department’s Notice of Intent application may be accepted by the municipality if the form is first approved as being equivalent to the Department Notice of Intent.
2. An application submitted to a municipality under the CPP process shall include the appropriate application fee specified under NR 216.43(2) Wis. Adm. Code. Transfer of fees, along with a log of sites and respective acreage of disturbed area, from the municipality to the Department shall occur monthly for sites with applications submitted as part of the CPP.
3. Department staff will enter required information from the applications into its database to fulfill public notice obligations.
4. Department staff will perform screening of applications for presence of threatened and endangered resources (NHI: Natural Heritage Inventory) as well as archaeological and cultural resources (SHPO: State Historic Preservation Office). Department staff will work with municipal staff to resolve any “hits” that may arise. Screenings for NHI and SHPO will be conducted by Department staff until such time that there are processes in place for municipalities to conduct the screenings independently. Municipal staff will screen application for water resources including wetlands. If the proposed project involves work in or around a wetland or navigable water, a separate permit through the Water Regulation and Zoning program may need to be obtained.
5. After municipal staff have reviewed the application, have received notice from DNR that all endangered resource and archaeological/cultural resource issues have been addressed, and have deemed the application and associated documents as meeting the requirements of NR 216 and NR 151, an e-mail shall be sent to Department staff requesting that the Department confer permit coverage. For those projects that are eligible for the Cooperative Permitting Process and comply with the process outlined above, a letter of coverage conferred by the municipality shall be considered equivalent to a Department issued coverage letter.

Documentation of permit coverage (certificate or letter from municipality) shall be posted in a visible location at the construction site.

6. When the project is complete the municipality will notify the Department that all work has been finalized in a satisfactory manner. The Department will terminate the permit in the database after such notice is received.
7. The Department will retain enforcement authority on any project permitted through this process, although efforts will be made to achieve compliance by working with the permitting municipality. The Department is ultimately responsible for the CPP processing meeting the requirements of the Federal Clean Water Act.
8. The CPP process shall periodically be reviewed under the procedures of the charter and adjusted as necessary.