



# **AGENDA OF THE SUSTAINABILITY COMMISSION**

**THURSDAY, OCTOBER 4, 2018, 5:00 PM  
CITY HALL, ROOM 604--The Harry Meier Room**

**A. Roll Call.**

- I. Chair--Seth Hoffmeister; Vice Chair--Ned Dorff; Mark Walter; Debora Hutchison; Essie Fels; Chase Hyland; Julia Noordyk; Stephanie Ortiz; Ald. Randy Scannell

**B. Approval of the Agenda.**

- I. Approval of the Agenda for October 4, 2018 meeting.

**C. Approval of Minutes.**

- I. Approval of the minutes from the meeting on Tuesday, September 27, 2018.

**D. Regular Business.**

- I. Discussion with possible action on creating a work plan with the attached template and information, using the goals approved at the last meeting.
2. Discussion with possible action on scheduling a strategic planning session with identified stakeholders.

**E. Informational.**

- I. Update on current City of Green Bay's Comprehensive Plan, and the possibility of including a Sustainability Chapter.
2. Presentation by Commissioner Mark Walter on the Green Tier Legacy Community plan.

**F. Adjournment.**

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT [www.greenbaywi.gov](http://www.greenbaywi.gov)
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Sustainability Commission meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.

# City of Green Bay Sustainability Commission 2018-19 Work Plan

[illegible]

## City of Eau Claire Sustainability Advisory Committee 2018 Work Plan



### Year Theme: Towards a Renewable City

| What                                                                             | Anticipated Outcome, Product or Result                                                                                                                             | Idea Source                                                                                                                                          | Specific Actions                                                                                                                                                           | Target Dates                              | Identified Partners                                                                              | Point Person |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------|--------------|
| <b>Projects</b>                                                                  |                                                                                                                                                                    |                                                                                                                                                      |                                                                                                                                                                            |                                           |                                                                                                  |              |
| <b>Carbon neutrality &amp; 100% Renewable Energy Goals</b>                       | City enacts two major 2050 goals to reduce greenhouse gases and increase use of renewable energy. Goals will drive the action planning and implementation process. | Exec. Report on Paris Agreement, Comp Plan Sustainability Chapter (SC) - pg. 15-12 (replaces 25% RE goal) Strategic Plan – Fostering Econ. Dev./Jobs | Per council sponsorship, adopt by resolution carbon neutrality and 100% renewable energy targets by 2050. Replaces 25% by 2025 renewable electricity and fleet fuel goals. | COMPLETED Goals adopted in March 2018     | City Council                                                                                     | Ned Noel     |
| <b>Global Covenant of Mayors for Climate &amp; Energy</b> (or equivalent person) | Gain access to resources to assist with achieving our 2050 sustainability goals.                                                                                   | Exec. Report on Paris Agreement                                                                                                                      | Consider joining this resource network for standardization and collective action. Adopt above goals, complete baselines, begin action plan and report progress.            | By end of 2018                            | Other network cities                                                                             | Ned Noel     |
| <b>City-wide Climate Action Plan</b>                                             | Produce a plan that guides our future work plans and next steps to achieve greenhouse gas emission reductions and increases in renewable energy.                   | Exec. Report on Paris Agreement, Comp Plan – pg. 15-30 #3.2 & Health Chp. pg. 42 SP – Environmental Sustainability Value                             | Complete the action plan consistent with goal targets, including implementation strategies and tools. Seek available grants.                                               | Start in 2018. End before or by mid-2019. | Multiple sectors: utilities, buildings, large businesses, waste, transportation, UWEC, residents | Ned Noel     |
| <b>Baseline Emission Inventory Updates</b>                                       | See progress on community and municipal greenhouse gas reductions                                                                                                  | Exec. Report on Paris Agreement, Comp Plan – pg. 15-12 #1                                                                                            | Obtain source data, use ICLEI ClearPath to determine inventories.                                                                                                          | Ongoing                                   | Utility, waste, transportation, building sectors                                                 | Ned Noel     |

| What                                                                    | Anticipated Outcome, Product or Result                                                                                                                             | Idea Source                                                                                                                                                          | Specific Actions                                                                                                                                                                    | Target Dates   | Identified Partners                                                                                                                                                                                                         | Point Person                   |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>Partnerships with Electric Utilities</b>                             | Increase customer participation in renewable energy programs and partner in energy action planning efforts to use energy more efficiently and increase renewables. | Exec. Report on Paris Agreement, SC Chapter Page 15-6 #8.                                                                                                            | Similar to Xcel's MN Partners in Energy program to work together to advance renewable energy projects, planning, data sharing, energy efficiency and load management programs, etc. | By end of 2018 | Xcel Energy and Eau Claire Energy Cooperative                                                                                                                                                                               | Ned Noel                       |
| <b>Clean Energy /Green Collar Jobs</b>                                  | Increase the amount of clean energy jobs by leveraging the renewable energy and emission goals                                                                     | SC Chapter Page 15-6 #7, 15-25 – 15-26 SP – Fostering Econ. Dev./Jobs., 25x25 resolution to capture 10% of the clean energy industry. SC Comp Plan – pg. 15-31 #4.15 | Explore providing incentives to attract companies. Explore renewable energy powered business park(s). Continue to market Property Assessed Clean Energy (PACE)                      | End of 2018    | Economic Development, Utilities, CVTC, Chamber, etc.                                                                                                                                                                        | Ned Noel, Economic Development |
| <b>Support Electric Vehicles (EVs)</b><br><i>(carry-over from 2017)</i> | Increase Electric Vehicles/ Zero Emission Vehicles (ZEVs) as a cleaner transportation option by enabling marketplace. Lowers local air pollution.                  | Exec. Report on Paris Agreement, SC Comp Plan – pg. 15-29 #3.1, Strategic Plan – pg. 5 #5c. support Alternative Transportation                                       | Pursue funding/grants (Electrify America/VW Settlement funding) or partnerships to provide educational material/ events, fleet vehicles or charging infrastructure.                 | By end of 2018 | WI Clean Cities Coalition, Utilities, State Office of Energy Innovation, WisDOT/DOA,UWEC, Tesla. Possibly collaborate with BPAC, Community Services/Engineering on edu., fleet/ transit or infrastructure when appropriate. | Ned Noel, Engineering          |

| What                                                                 | Anticipated Outcome, Product or Result                                                                                      | Idea Source                                                                                 | Specific Actions                                                                                                                               | Target Dates | Identified Partners                    | Point Person                   |
|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------------------|--------------------------------|
| <b>Energy Efficient Transit</b>                                      | Support transit manager and transit commission on opportunities for improved service response and system energy efficiency. | SC Comp Plan – pg. 15-24 #3. Strategic Plan – pg. 5 #5c. support Alternative Transportation | Seek funding for micro-transit planning and other possible innovations that dovetail with transit development plan update.                     | End of 2018  | Transit                                | Transit, Ned Noel              |
| <b>Organic waste stream diversion</b><br><i>(Towards Zero Waste)</i> | Transition haulers to pick up organic waste stream curbside                                                                 | Exec. Report on Paris Agreement, SC Comp Plan – pg. 15-10 #5,6. and pg. 15-32 #5.18         | Work with Eau Claire County, waste haulers, and other stakeholders to develop a more efficient means to collect and compost organic materials. | 2018-2019    | Health Department, Legal, haulers, DNR | Ned Noel, Health Dept., Legal, |
| <b>Promote Native Landscaping</b>                                    | Reduce need for over watering, pesticides and chemical fertilizers, increase carbon sinks and pollinator habitat.           | SC Comp Plan – pg. 15-10 #6.                                                                | Explore opportunities for education and incentives. Create a demo site for educational.                                                        | End of 2018  | UW-Extension, Master Gardeners, CVTC   | Ned Noel                       |
| <b>Eco-Design Guidance</b>                                           | Voluntary guidance on ideas for sustainable urbanism, buildings and low-emission development                                | SC Comp Plan – pg. 15-19 – 15-22 #1-6.                                                      | Brochure, flyer or webpage. “Lighter, quicker, cheaper” alternative than a manual.                                                             | End of 2018  | CVTC, AIA chapter, CV Home Builders    | Ned Noel                       |

| What                                         | Anticipated Outcome, Product or Result                                                                                         | Idea Source                                                                | Specific Actions                                                                                                         | Target Dates                                   | Identified Partners                                                                                                                                                       | Point Person |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>Education and Promotion Initiatives</b>   |                                                                                                                                |                                                                            |                                                                                                                          |                                                |                                                                                                                                                                           |              |
| <b>Sustainability Education &amp; Events</b> | Increase community education and action in key areas like energy, waste, water, food, etc.                                     | Comp. Plan SC – edu./promotion pgs. 15-29 #1.1-1.5 & 15-32 #5.19-5.20      | Present at events. Provide materials for public. Work with stakeholders.                                                 | Ongoing                                        | WI Academy of Sciences, Arts & Letters April 24-25 event, UWEC, EV demo, Sustainability Fair, Jam It for the Planet Event, other community stakeholders/sponsors/funders. | Ned Noel     |
| <b>Sustainability Annual Awards</b>          | Recognize others' accomplishments and build up further results.                                                                | SC Comp Plan - edu./promotion.                                             | Program completed. 10 awards issued in 2017.                                                                             | Issue awards at World Environment Day ceremony | Council VIP, Media                                                                                                                                                        | Ned Noel     |
| <b>Annual Report</b>                         | Communicate success & transparency to city council and public regarding committee's work plan and the municipality in general. | Required as a DNR Green Tier Legacy Community. SC Comp Plan – pg. 15-28 #4 | Obtain data, track metrics, compile report and report to DNR. Create a standardized data gathering process for the City. | Released by end of 2 <sup>nd</sup> quarter     | Various City Depts., Utilities, fuel companies, waste haulers, etc.                                                                                                       | Ned Noel     |



# SUSTAINABLE DEVELOPMENT GOALS



## Sustainable Development Goals

- Goal 1: End poverty in all its forms everywhere
- Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3: Ensure healthy lives and promote well-being for all at all ages
- Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 5: Achieve gender equality and empower all women and girls
- Goal 6: Ensure availability and sustainable management of water and sanitation for all
- Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 10: Reduce inequality within and among countries
- Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12: Ensure sustainable consumption and production patterns
- Goal 13: Take urgent action to combat climate change and its impacts
- Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development

Taken from Global View Magazine, page 2.  
Published by Globalview.at, on February 2015  
in New York, NY





Report to the  
Sustainability Commission  
of the City of Green Bay

**MEETING DATE**

October 4, 2018

**PREPARED BY**

Celestine Jeffreys, Chief of Staff

**AGENDA ITEM # E.I.**

Update on current City of Green Bay's Comprehensive Plan, and the possibility of including a Sustainability Chapter.

**BACKGROUND**

This plan was unanimously adopted by the City on April 2, 2003, and is in compliance with the State of Wisconsin's Smart Growth Policy. The preparation of the Plan relied heavily on the participation of the citizens of Green Bay. The Plan provides City leaders with a framework for decision-making while assessing policy and development proposals.

The entire plan is available in the following chapters. This document is in PDF format. And can be found here: <https://greenbaywi.gov/515/Comprehensive-Plan>

## Volume 1 - Analysis of Conditions & Concept Plan

- [Concept Plan \(PDF\)](#)
- [Conceptual Plan Alternatives \(PDF\)](#)
- [Demographics \(PDF\)](#)
- [Economic Development \(PDF\)](#)
- [Historic Preservation \(PDF\)](#)
- [Housing \(PDF\)](#)
- [Land Use and Growth Management \(PDF\)](#)
- [Natural Resources \(PDF\)](#)
- [Neighborhoods and Districts \(PDF\)](#)
- [Parks and Recreation \(PDF\)](#)
- [Public Utilities \(PDF\)](#)
- [Schools \(PDF\)](#)
- [Summary of Conditions and Issues \(PDF\)](#)
- [Transportation \(PDF\)](#)
- [Urban Design \(PDF\)](#)

## Volume 2 - Objectives & Policies

- [Community Facilities \(PDF\)](#)
- [Economic Development \(PDF\)](#)
- [Historic Preservation \(PDF\)](#)
- [Housing \(PDF\)](#)
- [Implementation Program \(PDF\)](#)
- [Intergovernmental Coordination \(PDF\)](#)
- [Introduction and Summary \(PDF\)](#)
- [Land Use \(PDF\)](#)
- [Natural Resources \(PDF\)](#)
- [Neighborhood and Districts \(PDF\)](#)
- [Parks, Greenways and Parkways \(PDF\)](#)
- [Plan Monitoring and Evaluation \(PDF\)](#)
- [Public Utilities \(PDF\)](#)
- [Transportation \(PDF\)](#)
- [Urban Design \(PDF\)](#)

## RECOMMENDATION

To gather information from Development Department about the new plan. Create a chapter on sustainability for the new c

## FISCAL IMPACT

## ATTACHMENTS

None

Field

Value

# Wisconsin Legacy Communities

## Strategy Options

The purpose of the strategy options matrix is to provide a broad list of best management practices that encompass several elements of sustainability including transportation, energy, land use, water, and waste. This list is not inclusive.

Prospective signatories should use the strategy options to gauge environmental performance and then use this baseline to strive for superior results.

Superior environmental performance may be achieved when municipalities use the strategy options to develop a sustainability plan that reduces their overall negative impact on the environment.

### TRANSPORTATION DEMAND MANAGEMENT:

Transportation demand management strategies aim to reduce GHG emissions and VMT by influencing change in individual behavior. These strategies encourage walking, bicycling, and transit as modes of transportation within a community and seek to curb the number and length of trips by vehicle.

#### **Bicycle and Pedestrian Programs/Projects**

**2** Require bike parking for all new non-residential and multifamily uses.

**1** Set standards for placement and number (as function of intensity of use) for bike parking spaces.

**3** Commuter bike routes identified and cleared.

**5 to 10** League of American Bicyclists certification. (Bronze 5, Silver 7, Platinum 10)

**3** Funded and operating SRTS program (or functional equivalent) covering at least 10 percent of students, targeting schools with higher rates of free and/or reduced lunch.

**1** Conduct annual survey of students' mode of transport to school.

#### **Employer-Based Programs**

**5** Require large employers seeking rezoning to set a price signal (cash-out or charge).

**5** Require large employers seeking rezoning to provide subsidized transit.

**5** Require large employers seeking rezoning to provide a TDM plan that would reduce trips by 20 percent over business as usual.

#### **Traffic Volume**

**3** Track VMT or traffic counts and report on efforts at reduction (including those on this list).

**3** Eliminate parking minimums from non-residential districts.

|                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5                                                                                                                                                                                                                                                                          | Set parking maximums at X per square feet for office and retail uses.                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                            | Scheduled transit service at basic level (hour peak service within half-mile of 50 percent of addresses) and need (underserved areas with low socio-economic status).                                                                                               |
|                                                                                                                                                                                                                                                                            | Scheduled transit service at enhanced level (half-hour peak service within 75 percent of addresses) and need (underserved areas with low SES).                                                                                                                      |
| <b><u>TRANSPORTATION SYSTEM MANAGEMENT</u></b>                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                     |
| <b>Transportation system management strategies aim to reduce GHG emissions and VMT by improving the overall performance of a transportation system. These strategies improve existing infrastructure, introduce new technology, and plan for the future of the system.</b> |                                                                                                                                                                                                                                                                     |
| 3<br>1 to 5<br>5<br>5<br>5<br>3<br>1<br>2<br>2<br>5                                                                                                                                                                                                                        | <b><u>Preservation and Improvement</u></b>                                                                                                                                                                                                                          |
|                                                                                                                                                                                                                                                                            | Develop and fully fund comprehensive maintenance program for existing roads.                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                            | Charge impact fees for new roads.                                                                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                            | Calculate lane-miles per capita for arterials and collectors, and show reductions                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                            | Prepare a plan identifying disconnections in bike and pedestrian networks, prioritizing fixes and identifying potential funding sources for the most important projects in those areas where there are limited transportation options and low car-ownership levels. |
|                                                                                                                                                                                                                                                                            | Any proposal to add lanes to a two-lane roadway shall be evaluated for a center turn lane, the preferred options over an expansion to four lanes.                                                                                                                   |
|                                                                                                                                                                                                                                                                            | Identify four-lane roadways with fewer than 20,000 vehicles per day (AADT) and evaluate them for "road diets" with bike lanes or on-street parking                                                                                                                  |
|                                                                                                                                                                                                                                                                            | <b><u>Electric Vehicles</u></b>                                                                                                                                                                                                                                     |
|                                                                                                                                                                                                                                                                            | Allow NEVs on appropriate roadways.                                                                                                                                                                                                                                 |
|                                                                                                                                                                                                                                                                            | Provide public charging stations                                                                                                                                                                                                                                    |
| 5                                                                                                                                                                                                                                                                          | <b><u>Vehicle Idling</u></b>                                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                            | Ban idling (more than 5 minutes) with local government vehicles.                                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                            | Ban idling (more than 5 minutes) community-wide.                                                                                                                                                                                                                    |
| <b><u>ZONING AND DEVELOPMENT</u></b>                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                     |
| <b>Zoning and development strategies work toward improving the overall environmental, economic, and social health of a community by promoting mixed-use and infill development, walkable neighborhoods, and an overall sustainable lifestyle.</b>                          |                                                                                                                                                                                                                                                                     |
| 5                                                                                                                                                                                                                                                                          | <b><u>Infill Development</u></b>                                                                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                            | Identify priority areas for infill development, including those eligible for brownfields funding particularly in areas needing revitalization, including those in lower socio-economic status neighborhoods.                                                        |

|    |                                                                                                                                                                                                                                                |
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| 1  | Create land bank to acquire and assemble priority infill sites                                                                                                                                                                                 |
| 1  | Develop an inventory of known contaminated properties for reuse planning, with possible GIS application and prioritize reuse projects in lower socio-economic status areas.                                                                    |
|    | <b><u>Walkability Score</u></b>                                                                                                                                                                                                                |
| 10 | Measure a walkability score at 10 random residential addresses per Census tract, compute average, and improve upon overall score                                                                                                               |
|    | <b><u>Zoning</u></b>                                                                                                                                                                                                                           |
| 5  | Adopt traditional neighborhood design ordinance (If population is less than 12,500) that includes multi-family residences.                                                                                                                     |
| 5  | Zoning for office and retail districts permits floor-area ratio > 1, on average.                                                                                                                                                               |
| 8  | Zoning for office and retail districts requires floor-area ratio > 1, on average.                                                                                                                                                              |
| 5  | Zoning code includes mixed use districts                                                                                                                                                                                                       |
| 8  | Mixed-use language from Smart Code.                                                                                                                                                                                                            |
|    | <b><u>NATURAL RESOURCE MANAGEMENT</u></b>                                                                                                                                                                                                      |
|    | <b>Natural resource management strategies seek to conserve, preserve, protect and promote a community's greenspace, wildlife, wetlands and waterways for this and future generations by promoting pervious surfaces and adequate setbacks.</b> |
|    | <b><u>Canopy</u></b>                                                                                                                                                                                                                           |
| 3  | Adopt tree preservation ordinance per GTLC standards.                                                                                                                                                                                          |
| 4  | Set a tree canopy goal and develop a management plan to achieve it ensuring trees are incorporated in all neighborhoods.                                                                                                                       |
| 2  | Require trees to be planted in all new developments                                                                                                                                                                                            |
| 2  | Certification as Tree City USA                                                                                                                                                                                                                 |
|    | <b><u>Vegetation Management</u></b>                                                                                                                                                                                                            |
| 2  | Public properties and rights of way mown or cleared only for safe sightlines and/or to remove invasive species.                                                                                                                                |
| 2  | Create community policy and BMP guidelines on minimizing chemical use during vegetation management of public and private properties                                                                                                            |
|    | <b><u>Water Protection</u></b>                                                                                                                                                                                                                 |
| 10 | Establish 75-foot natural vegetation zone by surface water.                                                                                                                                                                                    |
| 5  | Inventory wetlands and ensure no net annual loss.                                                                                                                                                                                              |
|    | <b><u>COMMUNITY ENERGY USE</u></b>                                                                                                                                                                                                             |
|    | <b>Community energy use strategies encourage energy efficiency and the use of renewable fuels to reduce total energy consumption throughout the community</b>                                                                                  |
|    | <b><u>Community Energy Use Policies</u></b>                                                                                                                                                                                                    |
| 6  | Use PACE financing                                                                                                                                                                                                                             |
| 1  | Watt meters available to the public for free and education provided                                                                                                                                                                            |

|    |  |                                                                                                                                                                                                                                      |
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|    |  | on their utility.                                                                                                                                                                                                                    |
| 10 |  | Adopt Residential Energy Conservation Ordinance (time-of-sale certification and upgrades).                                                                                                                                           |
|    |  | <b><u>Measuring Community Energy Use</u></b>                                                                                                                                                                                         |
| 4  |  | Work with local utilities to calculate total electricity and natural gas consumption annually, beginning with the fifth year before entering the program.                                                                            |
| 1  |  | State of Wisconsin Energy Independent (EI) Community designation.                                                                                                                                                                    |
|    |  | <b><u>MUNICIPAL ENERGY USE</u></b>                                                                                                                                                                                                   |
|    |  | <b>Municipal energy use strategies encourage municipal employees to conserve energy, preserve the environment, and decrease greenhouse gas emissions from municipal facilities, services, and vehicle fleets.</b>                    |
|    |  | <b><u>Government Energy Use Policies</u></b>                                                                                                                                                                                         |
| 5  |  | Include transportation energy/emissions as criterion in RFPs for purchases of goods over \$10,000.                                                                                                                                   |
| 3  |  | Develop list of lighting, HVAC and shell improvements to raise Energy Star Portfolio Manager or LEED EBO&M score                                                                                                                     |
| 3  |  | Reduce motor fuels use for non-transit activities --                                                                                                                                                                                 |
| 6  |  | Provide transit passes at 50 percent or more off the regular price and/or provide parking cash-out options for local government employees.                                                                                           |
| 5  |  | Streetlights operate at 75 lumens/Watt or higher                                                                                                                                                                                     |
| 3  |  | Stoplights are LED or functional equivalent                                                                                                                                                                                          |
| 5  |  | Municipal electricity purchases are at least 5 percentage points higher in renewable content than the statewide renewable portfolio standard requires. Calculation may include self-generated power and purchased offsets.           |
|    |  | <b><u>Measuring Government Energy Use</u></b>                                                                                                                                                                                        |
| 5  |  | Complete EPA Energy Star Portfolio Manager spreadsheet for government energy use. Or score existing buildings with LEED EBO&M.                                                                                                       |
| 2  |  | Calculate annual government fleet use of motor fuels, in gallons of petroleum and biofuels, beginning with the fifth year before entering the program.                                                                               |
| 10 |  | All new and renovated municipal buildings must meet LEED Silver or greater.                                                                                                                                                          |
|    |  | <b><u>WATER USE CONSERVATION</u></b>                                                                                                                                                                                                 |
|    |  | <b>Water Conservation strategy options set baselines and goals for water and energy performance in municipalities. They measure progress and promote water conservation by the government, business, and the community at-large.</b> |
|    |  | <b><u>Water Conservation</u></b>                                                                                                                                                                                                     |

|        |                                                                                                                                                                                                                                         |
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| 6      | Track water and sewer use annually, beginning with fifth year before entering program, and develop plan for reductions.                                                                                                                 |
| 4      | Develop a water loss control plan with targets below the 15% required by the state and include a system-wide water audit implementation and time table                                                                                  |
| 2      | Join EPA's WaterSense Program for water utilities or the Groundwater Guardian Green Sites program and promote them to local business.                                                                                                   |
| 6      | Use block rates and flat rates to encourage water conservation among residential, commercial, and industrial users.                                                                                                                     |
| 1      | Financial assistance for sewer lateral replacements.                                                                                                                                                                                    |
| 2 to 6 | Upgrade water utility equipment (e.g., variable frequency drive motors) to achieve energy efficiency.                                                                                                                                   |
| 3      | Infiltration and inflow reduction by 10%                                                                                                                                                                                                |
| 5      | Wastewater biogas captured and used in operations.                                                                                                                                                                                      |
| 5      | Plan for replacing all toilets using > 1.6 gpf and annual progress sufficient to reach 90 percent replacement in 10 years, providing education to all, and financial assistance to households with low socio-economic status.           |
|        | <b><u>Local Government Use</u></b>                                                                                                                                                                                                      |
| 2      | Install waterless urinals in men's restrooms at municipal facilities (city hall, parks, etc.)                                                                                                                                           |
| 3      | All outdoor watering by local government, excluding parks and golf courses, from rain collection.                                                                                                                                       |
| 4      | Develop a water efficiency and conservation plan for municipal buildings                                                                                                                                                                |
|        | <b><u>STORMWATER MANAGEMENT</u></b>                                                                                                                                                                                                     |
|        | <b>Stormwater Management strategy options encourage the use of best management practices to achieve a reduction in the amount of harmful pollutants introduced to our streams, rivers, and lakes.</b>                                   |
| 3      | Develop a regular street sweeping program to reduce total suspended solids                                                                                                                                                              |
| 3      | Stormwater utility fees offer credits for best management practices such as rain barrels, rain gardens, and pervious paving                                                                                                             |
| 2      | Inventory all paved surfaces (e.g., by GIS mapping), and develop a plan for reduction                                                                                                                                                   |
| 2      | Work with commercial or light industrial businesses to develop stormwater pollution plans                                                                                                                                               |
|        | <b><u>WATER AND DEVELOPMENT</u></b>                                                                                                                                                                                                     |
|        | <b>Water and Development strategy options link water conservation and the preservation of land, wetlands, and wildlife habitat while promoting compact development, restoration and rehabilitation efforts, and long-term planning.</b> |
|        | <b><u>Land Development</u></b>                                                                                                                                                                                                          |

|                                                                                                                                                                                                                                               |   |                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 to 6                                                                                                                                                                                                                                        | 5 | Identify key green infrastructure areas during plan development and/or implement a plan to acquire and protect key green infrastructure areas particularly in underserved areas.                                                                    |
|                                                                                                                                                                                                                                               |   | <b><u>Waters, Wetlands, and Wildlife</u></b>                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                               |   | Replace concrete channels with re-meandered and naturalized creeks, wetlands, or swales                                                                                                                                                             |
|                                                                                                                                                                                                                                               | 3 | Develop a system for identifying culverts that obstruct fish migration and install fish friendly culverts where needed                                                                                                                              |
|                                                                                                                                                                                                                                               | 4 | Provide incentives for protection of green infrastructure, sensitive areas, important wildlife habitat, or for the restoration or rehabilitation of wetlands or other degraded habitats such as credit towards open space or set-aside requirements |
| <b><u>WASTE MANAGEMENT AND REDUCTION</u></b>                                                                                                                                                                                                  |   |                                                                                                                                                                                                                                                     |
| <b>Waste Management and Reduction strategy options encourage municipalities and their citizens to divert organics and recyclables from landfills and properly dispose of hazardous materials in an effort to reduce waste in a community.</b> |   |                                                                                                                                                                                                                                                     |
|                                                                                                                                                                                                                                               | 3 | Community waste stream monitored at least annually . Waste reduction plan prepared and updated annually                                                                                                                                             |
|                                                                                                                                                                                                                                               | 4 | Waste and materials management plan based on "zero-waste" principles, with specific goals, prepared and updated annually                                                                                                                            |
|                                                                                                                                                                                                                                               | 3 | Construction/deconstruction waste recycling ordinance                                                                                                                                                                                               |
|                                                                                                                                                                                                                                               | 3 | Mandatory residential curbside recycling pickup that covers paper, metal cans, glass and plastic bottles                                                                                                                                            |
|                                                                                                                                                                                                                                               | 5 | Develop a municipal collection program that encourages the diversion of food discards, yard materials, and other organics from landfills to composting or anaerobic digestion with energy recovery                                                  |
|                                                                                                                                                                                                                                               | 3 | Develop and promote programs that dispose of household hazardous, medical, and electronic waste                                                                                                                                                     |
|                                                                                                                                                                                                                                               | 4 | Use anaerobic digesters to process organic waste and produce energy                                                                                                                                                                                 |
|                                                                                                                                                                                                                                               | 3 | Implement municipal ordinances requiring manufacturer takeback for fluorescent bulbs, thermostats and other mercury-containing devices                                                                                                              |
|                                                                                                                                                                                                                                               | 2 | Ordinances in place to reduce the usage of phone books as well as single-use shopping bags, styrofoam food containers and other disposable packaging                                                                                                |
|                                                                                                                                                                                                                                               | 2 | Pay-as-you-throw system implemented by municipality or required of private waste haulers                                                                                                                                                            |
|                                                                                                                                                                                                                                               | 1 | Use public education and outreach to promote recycling, backyard composting, product re-use and waste reduction.                                                                                                                                    |
| <b><u>HEALTHY COMMUNITY PLANNING</u></b>                                                                                                                                                                                                      |   |                                                                                                                                                                                                                                                     |



**Policies and projects related to incorporating health living into community design- whether by built form, programs, education, etc. in an effort to reduce trends in poor nutrition, inactive lifestyles, chronic diseases, such as obesity and heart disease, and other negative health risk factors.**

**Policies Affecting Multiple Program Areas**

Adopt a resolution that promotes Health in All Policies at the community level (e.g., HEAL Resolution). Include that educational campaigns supporting a program covered by the resolution are appropriately targeted to all of the populations addressed by the program.

Establish a Health Impact Assessments policy, including when an assessment is required and its scope

**Planning**

Add health policies in 1 or more of the community's plans, including the comprehensive plan, long-range transportation plan, bicycle/pedestrian plan and open spaces recreation plan (e.g. embedded or stand-alone chapter) or develop a comprehensive, community wide wellness plan.

Site schools in the Comprehensive Plan for accessibility with existing or new bicycle and pedestrian infrastructure

Encourage the formation and/or support of Neighborhood Improvement Districts (NIDs), Neighborhood Development Corporations, or other similar types of neighborhood reinvestment and enhancement strategies in plans or policies.

**Healthy Food Access**

Implement strategies (urban agriculture, community gardens on public land, diversified farmer's markets, expanded traditional retail food options, ordinances to allow urban chickens and beekeeping and vegetable gardening in rights of way) that help increase fresh food access in the community, in particular in areas with food insecurity (e.g., "food deserts" and "food swamps"), including access by EBT and WIC participants.

Create a Food Systems Plan that addresses the production, distribution, value-added, marketing, end-market, and disposal of food, and charge a new or existing governmental body to oversee the plan's implementation.

**Physical Activity and Access**

Provide an on-street and/or off-street trail network connecting recreational areas in the community (e.g. safe routes to parks) and other trip generators, such as shopping malls, ensuring all neighborhoods are included in planning and implementation.

Encourage pedestrian and bicycle site connections from front door of businesses or apartments to a public sidewalk and/or bike lane ensuring connections to all neighborhoods.

|                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provide education and establish programming to encourage physical activity, especially by youth.                                                                                                                                                                                       |
| Establish an expanded public transit that serves commuters from all neighborhoods and major parks and recreation facilities, and has racks on vehicles for carrying bicycles.                                                                                                          |
| Require sidewalks in new residential areas and establish a policy for adding sidewalks, as appropriate, in areas built out without sidewalks.                                                                                                                                          |
| Implement a Complete Streets policy.                                                                                                                                                                                                                                                   |
| Provide recreation programs for youth, adults, senior citizens and disabled persons.                                                                                                                                                                                                   |
| Establish a pedestrian safety task force.                                                                                                                                                                                                                                              |
| <b><u>Housing</u></b>                                                                                                                                                                                                                                                                  |
| Adopt ordinances and programs to maintain a healthy housing stock (code enforcement, landlord licenses, volunteer program, truth-in housing disclosure before sale, etc.).                                                                                                             |
| Allow life cycle or adaptable housing options, such as "aging in place", accessory dwelling units, Universal or Inclusive Design, Dementia Friendly Communities, Age-Friendly Communities, etc.                                                                                        |
| Establish a program to make housing more affordable.                                                                                                                                                                                                                                   |
| Establish a program to address chronic homelessness, such as "permanent housing".                                                                                                                                                                                                      |
| <b><u>Crime Prevention and Other Harm Reduction</u></b>                                                                                                                                                                                                                                |
| Use by policy, ordinance or practice, Crime Prevention Through Environmental Design and active threat planning to make public spaces, such as recreational space, crime free.                                                                                                          |
| Establish and implement Harm Reduction strategies for alcohol outlet density and sexual oriented establishments (e.g. zoning limitations)                                                                                                                                              |
| Adopt an ordinance or policy that requires tobacco-free and e-cigarette free apartments or places limitations on such structures.                                                                                                                                                      |
| Adopt an ordinance or policy that promotes tobacco-free and e-cigarette free parks and/or public events on local government-owned property.                                                                                                                                            |
| <b><u>Climate Change</u></b>                                                                                                                                                                                                                                                           |
| Create and implement a climate change action plan that includes a carbon footprint study, and health related components on reducing air pollution from combustion of fossil fuels and responding to heat episodes and flooding, focusing in particular on most vulnerable populations. |
| <b><u>Noise</u></b>                                                                                                                                                                                                                                                                    |
| Adopt an ordinance, including conditional use permits, on noise abatement for various zoning districts.                                                                                                                                                                                |
| <b><u>Employee Health</u></b>                                                                                                                                                                                                                                                          |
| Implement a wellness program for employees of the local jurisdiction.                                                                                                                                                                                                                  |
| Encourage or partner with others, such as the Chamber of                                                                                                                                                                                                                               |



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| Commerce, etc., to advance workplace wellness programs within the community. |
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|---------------------------|
| <b><u>Placemaking</u></b> |
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| Support placemaking at varying scale (neighborhood to major city facility) and permanence (temporary to permanent) through programming, financial support and removal of regulatory barriers to promote healthy living and social capital in the community. |
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|--------------------------------------------------------------------------------------------------|
| Adopt form-based codes or similar type design guidelines for healthy active living environments. |
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| <b><u>Waste Pharmaceuticals</u></b> |
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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Establish partnerships to reduce waste pharmaceuticals generated in the community and to efficiently collect remaining wastes to prevent their abuse and entry into solid waste or wastewater. |
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**LEGACY COMMUNITIES GREEN TIER CHARTER**  
**(Authorized December 1, 2010, Last Revision Approved – February 29, 2016)**

**This Charter is entered into by the WI Department of Natural Resources (DNR) and 1000 Friends of Wisconsin (1000 Friends), League of WI Municipalities (League), WI Energy Conservation Corp (WECC), Municipal Environmental Group Wastewater Division (MEG), Center On WI Strategy (COWS), other non-governmental organizations, other state agencies and organizations in institutions of higher education that elect to participate in this Charter, and individual municipalities and counties that elect to participate in this Charter (initial municipalities are: Cities of Appleton, Fitchburg, Bayfield, Middleton, and Village of Weston). All these organizations are collectively referred to as “Members”. Members that are non-governmental organizations, state agencies other than the DNR or organizations in institutions of higher education are collectively referred to as “Charter Collaborators”.**

**Introduction**

A. The Charter Collaborators are prepared to work with the DNR, municipalities and counties to accomplish the goals of this Charter.

B. The Members have established goals for this Charter. Together, key issues center on a wide range of sustainability practices available to municipalities and counties, and municipal water resource management. Such a precedent lends support to the Green Tier Charter concept of better relations between state and local governments, non-governmental organizations, and institutions of higher education to achieve common goals that focus on achieving superior environmental performance.

**I. Purpose**

The purpose of this Charter is to establish an agreement pursuant to Wis. Stat. §§ 299.83(7e) and 66.0301 by which municipalities take actions and share information to achieve superior environmental performance with regard to one or both of the following areas: (1) water resources management; and/or (2) sustainability practices.

The term ‘sustainability’ means local governments addressing the needs of the present while not compromising the ability of future generations to address their needs. It encompasses a broad framework of interrelated issues that includes environmental stewardship, economic growth, public health and social equity. Sustainability practices could include reducing greenhouse gas emissions, reducing municipal and county energy use, and developing and implementing a transportation system that reduces total vehicle miles traveled, increasing access to local foods, and supporting local business development.

Policies in this Charter are intended to be consistent with and complimentary to a Member Municipality's and County's Comprehensive Plan.

Participating municipalities will select either water resources management or sustainability practices, or both, but are not required to pursue both components. Counties may select to participate in the Sustainability Component but are currently not anticipated to join the Water Resources Component.

The Charter will achieve superior environmental performance in the following ways:

(1) Municipalities subscribing to the water resources pilot component of this charter will achieve superior environmental performance by addressing wastewater, stormwater, drinking water, wetlands, and other water issues in a holistic, watershed-based manner. This may include some or all of the following elements:

- ◆ Wastewater management, including treatment plant compliance, collection system maintenance and long term sanitary sewer service area planning.
- ◆ Stormwater management including stormwater quality controls, stormwater quantity and floodplain management, and integration with DNR permitting.
- ◆ Integration of rural water management issues, including agricultural drainage ditch issues and agricultural nonpoint runoff into urban lands within the watershed.
- ◆ Navigable waters (Chapter 30, Wis Stats), wetlands, shoreland, floodplains management including associated habitat issues.
- ◆ Groundwater management issues including management of groundwater quality, groundwater quantity and regional recharge issues.
- ◆ Public water supply issues including drinking water quality and water conservation and compliance with Safe Drinking Water Act provisions
- ◆ Water budget issues, including the overall evaluation of water quantity and quality entering and leaving the watershed considering ground and surface water.

(2) Municipalities or counties subscribing to the sustainability component of this Charter will initially focus on improving a municipality's or county's impact on the environment by using the strategy options listed in Appendix 3 to develop a Sustainability Implementation and Monitoring Plan. Such an implementation plan may include some or all of the following elements:

- ◆ 'Build and Buy Green' strategies and programs.
- ◆ Strategies to promote environmental stewardship in the private sector.
- ◆ Transportation policies and actions that increase pedestrians, bicyclists, transit passengers as a primary mode of transportation, and that are designed to reduce public per-capita vehicle miles traveled (VMT) and greenhouse gas emissions.
- ◆ Land use policies and actions that seek to identify, cleanup and redevelop brownfield sites, promote street connectivity and mixed-use development, and protect natural resources.
- ◆ Environmental stewardship, energy efficiency, waste and materials management policies and the use of renewable fuels to reduce total energy consumption throughout the community.

- ◆ Local government practices that encourage municipal employees to conserve energy, preserve the environment, and decrease greenhouse gas emissions from municipal or county facilities, services, and vehicle fleets.
- ◆ Encourage residents and businesses to adopt sustainable practices.

(3) All municipal and county Members will share information, resources, technology, and environmental success stories with one another on a regular basis.

## **II. Background**

1. Wisconsin's Green Tier Program, established by Wis. Stat. § 299.83, authorizes the Wisconsin Department of Natural Resources (DNR) to issue an environmental results charter to an association of public or private entities to assist those entities in achieving superior environmental performance and to assist those entities in participating in Tier 1 or Tier 2 of the Green Tier Program.

2. Many local governments in Wisconsin have embraced sustainability initiatives, as a means to reduce a community's overall environmental impact and improve quality of life.

3. In light of these varied initiatives aimed at reducing environmental impact, a mechanism is needed to facilitate action by local units of government to scale best practices across the state, in a manner that realizes the economic benefits of such action and provides municipalities and counties with recognition for their efforts.

4. Addressing water issues on a holistic basis will result in more efficient use of both local and state staff and resources, decrease municipal and county costs, and improve water quality within the watershed.

## **III. Goals of the Charter**

The Goals of this Charter are:

1. To assist municipalities and counties in achieving superior environmental performance in sustainability, health and social equity; and to recognize their efforts and progress.
2. To assist municipalities in achieving superior environmental performance in water resources.
3. To improve the quality of life and economic vitality of communities.
4. To help municipalities and the Wisconsin Department of Natural Resources address wastewater, stormwater, drinking water, wetlands, and other water issues in a

holistic, integrated, watershed-based manner.

5. To assist municipalities and counties in preparing, implementing and improving over time a sustainability plan that reduces a municipality's and county's impact on the environment.
6. To facilitate access to state and federal funding for projects and activities related to achieving the purposes of this charter, such as energy efficiency, renewable energy, greenhouse gas reductions, comprehensive planning, transportation policies, and integrated planning for wastewater treatment, storm water treatment and management; and drinking water.
7. To realize taxpayer savings through reduced municipal and county expenditures on motor vehicle fuels and energy resulting from efficient development patterns.
8. To help municipalities comply with various water regulations in a more efficient, cost effective and flexible manner.
10. To achieve other demonstrable and measurable environmental improvements beyond what is required by local, state, or federal law.

#### **IV. Timeframe of Charter**

1. **Effective Date.** This Charter will become effective when signed by DNR, 1000 Friends, the League, MEG-Wastewater, WECC, COWS, and the first municipality to subscribe to the Charter. New Members may be added to the charter pursuant to the process outlined in Appendix I.

2. **Duration of Charter.** This Charter will remain in effect unless terminated as described below:

- (A) The Charter may be terminated as a whole either by the DNR, or by a majority of the Members of this Charter after 90 days of written notice of termination.
- (B) Any individual Member may withdraw themselves from the Charter after 90 days of written notice to each of the other Members.

#### **V. Responsibilities of Members**

1. The Wisconsin Department of Natural Resources agrees to:

- (A) Convene an ad hoc "Resource Team" of agency experts to serve as a resource for Members. Staff from the DNR programs represented on the Resource Team shall assist municipal and county Members as per Wis. Stats. §299.83 (4m)(e).

- (B) Explore and facilitate access to state and federal funding, and the means to prioritize applications for DNR funding on behalf of Members to further the goals of this Charter.
- (C) Provide access to senior DNR officials so that barriers to sustainable practices may be identified and removed.
- (D) Facilitate interagency cooperation.
- (E) Provide recognition no less than annually of the participation of municipal and county Members and their accomplishments.
- (F) Undertake the additional responsibilities as specified in Appendices to this Charter.
- (G) Provide a single point of contact on DNR programs and regulations for municipal and county Members.

2. Charter Collaborators agree to:

- (A) Promote and solicit Members to the Charter.
- (B) Annually assess the impact and effectiveness of the Charter and report annually to the department on the activities that have been engaged in under the Charter. This annual report shall be submitted to the DNR by March 31<sup>st</sup> for the preceding year.
- (C) Assist with establishing Charter member communication between Members and the DNR.
- (D) Assist in exploring and alerting municipalities and counties to funding opportunities available to communities for implementing Charter activities
- (E) Assist in drafting future appendices and policies.
- (F) Provide technical assistance to the municipal and county Members to achieve their goals under this Charter.

3. Municipal and county Members agree to:

- (A) Implement the purposes of this Charter by developing a Sustainability Implementation and Monitoring Plan.
- (B) Municipalities implement the Water Resources Plan as set forth in Appendix 2, that specify the goals, policies, and actions the municipality has set for the Charter.



- (C) Engage the public and other affected stakeholders in implementing the goals and measuring the progress of their Charter commitments, including but not limited to a web site available to the public that specifies the goals that the municipality or county has set for the Charter, and its policies and action that demonstrate the progress made in meeting those goals.
- (D) Identify and act upon local environmental priorities consistent with this Charter, while striving in good faith to achieve each of the Charter's goals.
- (E) Share information, technologies, and strategies used to advance the Charter's goals with the other Members.
- (F) Annually report to the other Members the progress made in achieving the goals to improve the overall Sustainability Implementation and Monitoring Plan and /or Water Resources Plan (see A. above).

## **VI. Governance Provisions**

Implementation of this Charter will be coordinated and overseen by the Members. Each Member shall have 1 vote.

The Members may appoint an Executive Committee to coordinate meetings and initiatives under the Charter and to perform any other duty or responsibility specified by the Members.

## **VII. General Provisions**

### **A. APPLICABLE LAW AND EFFECT OF CHARTER.**

Wisconsin law governs this Charter. Nothing in this Charter is intended to be contradictory to or inconsistent with applicable Federal, State and Local laws, ordinances, regulations, or environmental standards in effect during the period of this Charter. This Charter does not bind the State Legislature and their actions affecting the Wisconsin Department of Natural Resources.

### **B. SEVERABILITY.**

All covenants, terms and conditions contained herein are severable, and in the event any competent court or agency shall hold any of them invalid, this Charter shall be interpreted as if such invalid covenants, terms or conditions were not contained herein. However, each Member shall have the right to terminate its participation in this Charter following the severing of any portion of this Charter.

### **C. AMENDMENT.**

This Charter may be amended only in writing by agreement of the DNR and other Members. Any amendment shall be consistent with and in furtherance of the

objectives, terms, and conditions of this Charter. If an Amendment will increase the number or scope of provisions in this Charter, or materially alter the level and type of environmental performance, then the Wisconsin Department of Natural Resources shall provide an additional public notice and may provide an additional public information meeting as required by law.

**D. REMOVAL OF MEMBER.**

If any Member fails to fulfill their obligations under this Charter in a timely or proper manner, or violates any of its provisions, the violating Member may be removed from the Charter by agreement of both the DNR and the other Members. The violating Member must be given thirty (30) days written notice of removal, specifying the alleged violations, and the effective date of the removal of the violating Member. If the violating Member cures their violation within the thirty (30) days, it shall not be removed from the Charter.

**E. RESIGNATION OF MEMBER.**

Any Member may resign from the Charter pursuant to section V. 2. (C).

**F. TECHNICAL CONTACT.**

Each Member to this Charter shall provide, in writing to every other Member, the name and contact information for an individual who will serve as the contact for purposes of this Charter. The contact shall serve as the primary contact person for all negotiations, agreements, and conflicts that may arise under this Charter and the Members agree to communicate and work through these contacts to the fullest extent practicable. If the contact changes for a Member, that Member will notify all other Members of the change and identify the new contact as soon as possible, preferably within 5 business days.

**G. DISPUTE RESOLUTION.**

The DNR and other Members will function as arbitrators for dispute resolution among the technical staff of all Members.

**VIII. Warranty of Authority**

Each of the persons signing below represents and warrants that they have the authority to execute this Charter on behalf of the Member for which they sign.

**IX. Signatures**

**Warranty of Authority.** Each of the persons signing below represents and warrants that they have the authority to execute this Charter on behalf of the Member for which they sign.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By /s/ Matthew J. Frank  
Matthew J. Frank, Secretary

1000 FRIENDS OF WISCONSIN

By /s/ Steve Hiniker  
Steve Hiniker, Executive Director

LEAGUE OF WI MUNICIPALITIES

By /s/ Dan Thompson  
Dan Thompson, Director

MUNICIPAL ENVIRONMENTAL GROUP WASTEWATER DIVISION

By /s/ Wally Thom  
Wally Thom, President

CENTER ON WISCONSIN STRATEGY

By /s/ Joel Rogers  
Joel Rogers, Director

/s/ Darrell Bazzell  
Darrell Bazzell, Vice Chancellor for  
Administration University of WI.

WI ENERGY CONSERVATION CORPORATION

By /s/ Mary Schlaefer  
Mary Schlaefer, Executive Director

**Warranty of Authority.** Each of the persons signing below represents and warrants that they have the authority to execute this Charter on behalf of the Member for which they sign.

CITY OF MIDDLETON

By /s/ Ken Sonnentag  
Ken Sonnentag, Mayor

\_\_\_\_\_  
City Clerk

CITY OF BAYFIELD

By /s/ Larry MacDonald  
Larry MacDonald, Mayor

\_\_\_\_\_  
City Clerk

CITY OF FITCHBURG

By /s/ Jay Allen  
Jay Allen, Mayor

\_\_\_\_\_  
City Clerk

CITY OF APPLETON

By /s/ Tim Hanna  
Tim Hanna, Mayor

\_\_\_\_\_  
City Clerk

VILLAGE OF WESTON

By /s/ Fred Schuster  
Fred Schuster, President

\_\_\_\_\_  
Village Clerk

**APPENDIX I - NEW MEMBERS TO THE CHARTER**

It is the intention that this Charter be structured to allow for expansion of new Members consistent with the Environmental Results Program under s. 299.83, Stats.; except that the water resources component shall be a pilot program limited to no more than 2 or 3 of the original Members and for a period of three years unless extended following pilot review.

1. Review Prior to Adding New Members

The review of the water resources component shall include review by the Water Division Administrator and Bureau Directors within the Division in accordance with the pilot evaluation criteria in Appendix 2, and they shall make a recommendation to the Secretary on whether the pilot should be expanded, modified, or discontinued. The Secretary shall determine whether new Participants can be added to the water resources component of the charter or whether the charter should be modified prior to the addition of new Participants.

2. Procedure for Adding New Members.

All potential new Participants will complete a Wisconsin Department of Natural Resources approved application prior to requesting to become a Member to the Charter. A new Charter

Member will indicate at the time of application which of the available components they will pursue. New Members will be considered as follows:

- A. A party wishing to become a Member will submit a completed application requesting consideration to the DNR and the other Members. The application will commit the party to meeting the requirements of the Charter and applicable appendices and will provide the following:
  - 1) if the party is a municipality or county, a schedule for implementing its program so as to catch-up with the work schedules of the original municipal or county Members,
  - 2) a commitment to assign the resources necessary to participate in the Charter, and
  - 3) the identity of a technical point of contact and a contact person intended to serve as the new Member's representative.
- B. In reviewing the request, the DNR and the other Members will evaluate the party's ability to meet the requirements of the Charter. Subject to the provisions of paragraph 1, the DNR and the other Members may add additional requirements to a potential new Member as they deem appropriate.

## **APPENDIX 2 – WATER RESOURCES PILOT PROGRAM COMPONENT**

The purpose of the Water Resources Pilot Program of the Legacy Community is to evaluate ways in which municipalities can achieve superior environmental performance by addressing water issues in a holistic manner and in a collaborative relationship with the Department of Natural Resources. The proposal set forth below is a pilot for a possible statewide program that will be subject to evaluation as set forth in Appendix 1, before expanded.

### **I. Obligations of Municipal Participants**

The goal of the Water Resources Pilot Program is to reward and incentivize municipalities to evaluate water resource issues in their community on a holistic basis and develop cooperative water resource management arrangements with the DNR.

- A. Eligibility requirements. To be eligible to participate in the Water Resources Component of the Legacy Community Charter, a municipality must undertake the following:
  - (1) Agree to prepare a plan addressing water resources in its community through the use of the Water Star evaluation available at <http://www.waterstarwisconsin.org>. If using the Water Star evaluation, a municipality shall achieve at least a “bronze” status to be eligible to participate in the Legacy Community Charter and
  - (2) Identify one or more projects involving multiple water resource issues and develop an integrated plan that incorporates project components and watershed benefits not otherwise required by project permits and

approvals.

B. Water Resources Plan

- (1) If a community chooses to develop a water resources plan, they should integrate the municipality's full range of water resource issues. The plan shall identify community goals and priorities for improving water resources within the municipality. The following components should be addressed to the extent practicable:
  - ◆ Wastewater management, including treatment plant compliance, collection system maintenance and long term sewer service area planning.
  - ◆ Stormwater management including stormwater quality controls, stormwater quantity and floodplain management, and integration with DNR permitting.
  - ◆ Integration of rural water management issues, including agricultural drainage ditch issues and agricultural nonpoint runoff into urban lands within the watershed.
  - ◆ Navigable waters (chapter 30), wetlands, shoreland and floodplains management including associated habitat issues.
  - ◆ Groundwater management issues including management of groundwater quality, groundwater quantity and regional recharge issues.
  - ◆ Public water supply issues including drinking water quality, water conservation and compliance with Safe Drinking Water act provisions
  - ◆ Water budget issues, including the overall evaluation of water quantity and quality entering and leaving the watershed considering ground and surface water issues.
- (2) Water Resources outside the Municipality. In evaluating the water resource issues and projects within the community, the municipality shall also identify areas in which water resource issues within its watershed involve water resource issues outside of its boundaries, and potential opportunities for inter-governmental approaches to address such issues.
- (3) Plan Preparation. In developing a plan, municipalities should utilize existing water related planning documents and consult with the DNR and any County or regional planning agencies to ensure that existing relevant land and water resource plans have been identified and integrated into the municipal water plan. Such plans may include DNR Basin Plans, County Land and Water Conservation Plans, and plans of adjacent municipalities. In addition, the municipality shall consult with DNR to determine whether any additional areas require development.

C. Program Integration and Coordination with DNR

- (1) Recognizing the regulatory functions municipalities serve, the municipality shall meet with DNR to determine whether there are opportunities for integration of municipal and state water programs or staff. Such opportunities could include: municipal assistance on education, permitting, inspection and enforcement; integration of education materials and permit applications; or certification of municipal staff with respect to certain water review functions. Implementation of any such opportunities shall be with mutual consent and subject to separate cooperative agreements.
- (2) The municipality shall participate in a review with DNR at a schedule to be determined by the parties but at least 2 times per year during the pilot to: (a) identify significant water related projects within the municipality (either by the municipality or third parties if known); (b) review any permitting or compliance issues; (c) review the status of any cooperative agreements; and (d) identify any areas requiring additional planning or program integration. If more than one municipality in a DNR region is participating, then such meetings can, at the option of the DNR, be held concurrently.
- (3) The municipality and the DNR shall develop a stakeholder group of organizations interested in water resource issues in the municipality such as the County, environmental advocacy groups and other interested parties and include such groups in one or more of the review meetings under Section I. C. (2).

**II. Obligations of DNR**

A. Single Point of Contact.

The Department's single point of contact representative(s) will be the Regional Water Leader(s) from the geographical areas of where water component participants are located. The Department shall also identify back up staff who will serve as the single point of contact in the Regional Water Leader(s) absence. The single point of contact back-up shall have experience in two or more water programs and serve in a supervisory capacity.

B. Assistance and Coordination with the Municipality.

- (1) The Department shall review and comment on any municipal Water Resources Plan.
- (2) The Department shall meet with the municipality for purposes of

identifying areas of program integration of municipal and state water programs or staff as set forth in para I.C.

C. **Regulatory Coordination and Flexibility for Municipal Projects**

When the municipality is proposing a project that requires one or more water permits from the DNR, the DNR's Single Point of Contact shall undertake the following:

- (1) To the extent practical, coordinate the permits within the DNR so that all such water permits are reviewed concurrently on an integrated timetable;
- (2) Supervise the review of the permits to ensure that the project and its impacts are reviewed in the context of the existing statutory standards, the impacts to the watershed as a whole, the goals of the municipal project and the municipality's Water Resources Plan;
- (3) Foster a "problem solving" approach with respect to permitting or enforcement issues that recognizes both the municipality's record under this Charter, and the Department's flexibility in existing permitting standards and the Department's enforcement discretion;
- (4) Facilitate resolution of disputes between DNR staff or between DNR staff and the municipality.

**III. Pilot Evaluation**

A. At the conclusion of 30 months from the date of this Charter, each municipality shall prepare a summary of its work under this Charter that shall:

- (1) Describe its eligibility status.
- (2) Identify any areas of program integration with DNR and describe any such programs.
- (3) Identify any water resources projects under taken and project elements not otherwise required by DNR, local and or other federal laws.
- (4) Describe any water resources permits obtained by the municipality and identify whether and to what extent the Charter impacted the permitting process including a consideration of the following:
  - The permit review process included consideration of watershed



based impacts

- If the project involved multiple water permits, the permit processing and permit comment and hearings were coordinated.
- Permit issues were resolved with the assistance of the single point of contact.
- Which federal, state, and local standards were exceeded.

B. Evaluation Options for Additional Points on Grant Applications

The DNR and the municipality shall evaluate whether participation in this Charter warrants consideration in competitive water resources grants administered by the Department and report back to the Green Tier Steering Committee with recommendations regarding such grants.

**APPENDIX 3 – SUSTAINABILITY STRATEGY OPTIONS**

[See Excel spreadsheet](#)

**299.83 Green Tier Program. (1) DEFINITIONS.** In this section:

(a) “Covered facility or activity” means a facility or activity that is included, or intended to be included, in the program.

(b) “Environmental management system” means an organized set of procedures to evaluate environmental performance and to achieve measurable or noticeable improvements in that environmental performance through planning and changes in operations.

(bm) “Environmental management system audit” means a review, of an environmental management system, that is conducted in accordance with standards and guidelines issued by the International Organization for Standardization and the results of which are documented and are communicated to employees of the entity whose environmental management system is reviewed.

(c) “Environmental performance,” unless otherwise qualified, means the effects, whether regulated under chs. 29 to 31, 160, or 280 to 299 or unregulated, of a facility or activity on air, water, land, natural resources, and human health.

(d) “Environmental requirement” means a requirement in chs. 29 to 31, 160, or 280 to 299, a rule promulgated under one of those

chapters, or a permit, license, other approval, or order issued by the department under one of those chapters.

(dg) “Functionally equivalent environmental management system” means an environmental management system that is appropriate to the nature, scale, and environmental impacts of an entity’s activities, products, and services and that includes all of the following elements and any other elements that the department determines are essential elements of International Organization for Standardization standard 14001:

1. Adoption of an environmental policy that includes a commitment to compliance with environmental requirements, pollution prevention, and continual improvement in environmental performance and that is available to the public.

2. An analysis of the environmental aspects and impacts of an entity’s activities.

3. Establishment and implementation of plans and procedures to achieve compliance with environmental requirements and to maintain that compliance.

4. Identification of all environmental requirements applicable to the entity.

5. A process for setting environmental objectives and developing appropriate action plans to meet the objectives.

- 5m. Establishment, implementation, and maintenance of resources, roles, and responsibilities for establishing, implementing, maintaining, and improving the environmental management system.

6. Establishment of a structure for operational control and responsibility for environmental performance.

7. Establishment, implementation, and maintenance of an employee training program to develop awareness of and competence to manage environmental issues.

8. A plan for taking actions to prevent environmental problems and for taking emergency response and corrective actions when environmental problems occur.

9. A communication plan for collaboration with employees, the public, and the department on the design of projects and activities to achieve continuous improvement in environmental performance.

10. Procedures for control of documents and for keeping records related to environmental performance.

- 10g. Establishment, implementation, and maintenance of procedures to monitor and measure, on a regular basis, key characteristics of an entity’s operations that can have a significant environmental impact.

- 10r. Establishment, implementation, and maintenance of procedures for periodically evaluating compliance with applicable environmental requirements.

11. Environmental management system audits.

12. A plan for continually improving environmental performance and provision for senior management review of the plan.

(dr) “Outside environmental auditor” means an auditor who is functionally or administratively independent of the facility or activity being audited, but who may be employed by the entity that owns the facility being audited or that owns the unit that conducts the activity being audited.

(e) “Participation contract” means a contract entered into by the department and a participant in tier II of the program, and that may, with the approval of the department, be signed by other interested parties, that specifies the participant’s commitment to superior environmental performance and the incentives to be provided to the participant.

(f) “Program” means the Green Tier Program under this section.

(g) “Superior environmental performance” means environmental performance that results in measurable or discernible improvement in the quality of the air, water, land, or natural resources, or in the protection of the environment, beyond that

which is achieved under environmental requirements and that may be achieved in ways that include all of the following:

1. Limiting the discharges or emissions of pollutants from, or in some other way minimizing the negative effects on air, water, land, natural resources, or human health of, a facility that is owned or operated by an entity or an activity that is performed by the entity to an extent that is greater than is required by applicable environmental requirements.

2. Minimizing the negative effects on air, water, land, natural resources, or human health of the raw materials used by an entity or of the products or services produced or provided by the entity to an extent that is greater than is required by applicable environmental requirements.

3. Voluntarily engaging in restoring or preserving natural resources.

4. Helping other entities to comply with environmental requirements or to accomplish the results described in subd. 1. or 2.

5. Organizing uncoordinated entities that produce environmental harm into a program that reduces that harm.

6. Reducing waste or the use or production of hazardous substances in the design, production, delivery, use, or reuse of goods or services.

7. Conserving energy or nonrenewable natural resources.

8. Reducing the use of renewable natural resources through increased efficiency.

9. Adopting methods that reduce the depletion of, or long-term damage to, renewable natural resources.

(h) “Violation” means a violation of an environmental requirement.

**(1m) ADMINISTRATION OF PROGRAM.** In administering the program, the department shall attempt to do all of the following:

- (a) Promote, reward, and sustain superior environmental performance by participants.

- (b) Promote environmental performance that voluntarily exceeds legal requirements related to health, safety, and the environment and that results in continuous improvement in this state’s environment, economy, and quality of life.

- (c) Provide clear incentives for participation that will result in real benefits to participants.

- (d) Promote attention to unregulated environmental problems and provide opportunities for conservation of resources and environmental restoration by entities that are subject to environmental requirements and entities that are not subject to environmental requirements.

- (e) Make the program compatible with federal programs that create incentives for achieving environmental performance that exceeds legal requirements.

- (f) Increase levels of trust, communication, and accountability among regulatory agencies, entities that are subject to environmental requirements, and the public.

- (g) Reduce the time and money spent by regulatory agencies and entities that are subject to environmental requirements on tasks that do not benefit the environment by focusing on more efficient performance of necessary tasks and eliminating unnecessary tasks.

- (h) Report information concerning environmental performance and data concerning ambient environmental quality to the public in a manner that is accurate, timely, credible, relevant, and usable to interested persons.

- (i) Provide for the measurement of environmental performance in terms of accomplishing goals and require the reporting of the results.

- (j) Implement an evaluation system that provides flexibility and affords some protection for experimentation by participants that use innovative techniques to try to achieve superior environmental performance.

(k) Remove disincentives to achieving superior environmental performance.

(L) Provide for sustained business success as well as a reduction in environmental pollution.

(m) Promote the transfer of technological and practical innovations that improve environmental performance in an efficient, effective, or safe manner.

(n) Lower the administrative costs associated with environmental requirements and with achieving superior environmental performance.

**(3) ELIGIBILITY FOR TIER I.** (a) *General.* An applicant is eligible for tier I of the program if the applicant satisfies the requirements in pars. (b) to (d), subject to par. (e). If an applicant consists of a group of entities, each requirement in pars. (b) to (d) applies to each entity in the group. An applicant for tier I of the program shall identify the facilities or activities that it intends to include in the program.

(b) *Enforcement record.* To be eligible to participate in tier I of the program, an applicant shall demonstrate all of the following, subject to par. (e):

1. That, within 60 months before the date of application, no judgment of conviction was entered against the applicant, any managing operator of the applicant, or any person with a 25 percent or more ownership interest in the applicant for a criminal violation involving a covered facility or activity that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment.

2. That, within 36 months before the date of application, no civil judgment was entered against the applicant, any managing operator of the applicant, or any person with a 25 percent or more ownership interest in the applicant for a violation involving a covered facility or activity that resulted in substantial harm to public health or the environment.

3. That, within 24 months before the date of application, the department of justice has not filed a suit to enforce an environmental requirement, and the department of natural resources has not issued a citation to enforce an environmental requirement, because of a violation involving a covered facility or activity.

(c) *Environmental performance.* To be eligible to participate in tier I of the program, an applicant shall submit an application that describes all of the following:

1. The applicant's past environmental performance with respect to each covered facility or activity.

2. The applicant's current environmental performance with respect to each covered facility or activity.

3. The applicant's plans for activities that enhance the environment, such as improving the applicant's environmental performance with respect to each covered facility or activity.

(d) *Environmental management system.* To be eligible to participate in tier I of the program, an applicant shall do all of the following:

1. Demonstrate that it has implemented, or commit itself to implementing within one year of the department's approval of its application, an environmental management system, for each covered facility or activity, that is in compliance with the standards for environmental management systems issued by the International Organization for Standardization or determined by the department to be a functionally equivalent environmental management system.

2. Include, in the environmental management system under subd. 1., objectives in at least 2 of the following areas:

a. Improving the environmental performance of the applicant, with respect to each covered facility or activity, in aspects of environmental performance that are regulated under chs. 29 to 31, 160, or 280 to 299.

b. Improving the environmental performance of the applicant, with respect to each covered facility or activity, in aspects of

environmental performance that are not regulated under chs. 29 to 31, 160, or 280 to 299.

c. Voluntarily restoring, enhancing, or preserving natural resources.

3. Explain to the department the rationale for the choices of objectives under subd. 2. and describe any consultations with residents of the areas in which each covered facility or activity is located or performed and with other interested persons concerning those objectives.

4. Conduct, or commit itself to conducting, annual environmental management system audits, with every 3rd environmental management system audit performed by an outside environmental auditor approved by the department, and commit itself to submitting to the department an annual report on the environmental management system audit that is in compliance with sub. (6m) (a).

5. Commit itself to submitting to the department an annual report on progress toward meeting the objectives under subd. 2.

(e) *Waiver of enforcement record requirements.* The secretary of natural resources may waive requirements in par. (b) 2. or 3. based on the request of an applicant. The department shall provide public notice of the request and shall provide at least 30 days for public comment on the request. The secretary may not grant a waiver under this paragraph unless he or she finds that the waiver is consistent with sub. (1m) and will not erode public confidence in the integrity of the program.

**(4) PROCESS FOR TIER I.** (a) Upon receipt of an application for participation in tier I of the program, the department shall provide public notice about the application in the area in which each covered facility or activity is located or performed.

(b) After providing public notice under par. (a) about an application, the department may hold a public informational meeting on the application.

(c) The department shall approve or deny an application within 60 days after providing notice under par. (a) or, if the department holds a public informational meeting under par. (b), within 60 days after that meeting, unless the department and the applicant agree to a longer period. The department may limit the number of participants in tier I of the program, or limit the extent of participation by a particular applicant, based on the department's determination that the limitation is in the best interest of the program.

(d) Notwithstanding s. 227.42 (1), a decision by the department under par. (c) to approve or deny an application is not subject to review under ch. 227.

**(4m) INCENTIVES FOR TIER I.** (a) The department shall issue a numbered certificate of recognition to each participant in tier I of the program.

(b) The department shall identify each participant in tier I of the program on an Internet site maintained by the department.

(c) The department shall annually provide notice of the participation of each participant in tier I of the program to newspapers in the area in which each covered facility or activity is located.

(d) A participant in tier I of the program may use a Green Tier Program logo selected by the department on written materials produced by the participant.

(e) The department shall assign an employee of the department, who is acceptable to the participant, to serve as the contact with the department for a participant in tier I of the program for communications concerning participation in the program, for any approvals that the participant is required to obtain, and for technical assistance.

(f) After a participant in tier I of the program implements an environmental management system that complies with sub. (3) (d) 1., the department shall conduct any inspections of the participant's covered facilities or activities that are required under chs. 29 to 31, 160, or 280 to 299 at the lowest frequency permitted under those chapters, except that the department may conduct an inspection whenever it has reason to believe that a participant is

out of compliance with a requirement in an approval or with an environmental requirement.

(5) **ELIGIBILITY FOR TIER II.** (a) *General.* An applicant is eligible for tier II of the program if the applicant satisfies the requirements in pars. (b) to (d), subject to par. (e). If an applicant consists of a group of entities, each requirement in pars. (b) to (d) applies to each entity in the group. An applicant for tier II of the program shall identify the facilities or activities that it intends to include in the program.

(b) *Enforcement record.* To be eligible to participate in tier II of the program, an applicant shall demonstrate all of the following, subject to par. (e):

1. That, within 120 months before the date of application, no judgment of conviction was entered against the applicant, any managing operator of the applicant, or any person with a 25 percent or more ownership interest in the applicant for a criminal violation involving a covered facility or activity that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment.

2. That, within 60 months before the date of application, no civil judgment was entered against the applicant, any managing operator of the applicant, or any person with a 25 percent or more ownership interest in the applicant for a violation involving a covered facility or activity that resulted in substantial harm to public health or the environment.

3. That, within 24 months before the date of application, the department of justice has not filed a suit to enforce an environmental requirement, and the department of natural resources has not issued a citation to enforce an environmental requirement, because of a violation involving a covered facility or activity.

(c) *Environmental management system.* To be eligible to participate in tier II of the program, an applicant shall do all of the following:

1. Demonstrate that it has implemented an environmental management system, for each covered facility or activity, that is in compliance with the standards for environmental management systems issued by the International Organization for Standardization or determined by the department to be a functionally equivalent environmental management system.

2. Commit itself to having an outside environmental auditor approved by the department conduct an annual environmental management system audit and to submitting to the department an annual report on the environmental management system audit that is in compliance with sub. (6m) (a).

3. Commit itself to annually conducting, or having another person conduct, an audit of compliance with environmental requirements that are applicable to the covered facilities and activities and to reporting the results of the audit to the department in compliance with sub. (6m) (a).

(d) *Superior environmental performance.* To be eligible to participate in tier II of the program, an applicant shall demonstrate a record of superior environmental performance and shall describe the measures that it proposes to take to maintain and improve its superior environmental performance.

(e) *Waiver of enforcement record requirements.* The secretary of natural resources may waive requirements in par. (b) 2. or 3. based on the request of an applicant. The department shall provide public notice of the request and shall provide at least 30 days for public comment on the request. This public comment period may be concurrent with the notice period under sub. (6) (c) to (f). The secretary may not grant a waiver under this paragraph unless he or she finds that the waiver is consistent with sub. (1m) and will not erode public confidence in the integrity of the program.

(6) **PROCESS FOR TIER II.** (a) *Letter of intent.* To apply for participation in tier II of the program, an entity shall submit a letter of intent to the department. In addition to providing information necessary to show that the applicant satisfies the requirements in sub. (5), the applicant shall do all of the following in the letter of intent:

1. Describe the involvement of interested persons in developing and implementing the proposal for maintaining and improving the applicant's superior environmental performance, identify the interested persons, and describe the interests that those persons have in the applicant's participation in the program.

2. Outline the provisions that it proposes to include in the participation contract.

3. Explain how the measures that the applicant proposes to take to maintain and improve its superior environmental performance are proportional to the incentives that it proposes to receive under the participation contract.

(b) *Limitation.* The department may limit the number of letters of intent that it processes based on the staff resources available.

(c) *Notice.* If the department decides to process a letter of intent, within 90 days of receiving the letter of intent the department shall provide public notice about the letter of intent in the area in which each covered facility or activity is located or performed.

(d) *Public meeting.* After providing public notice under par. (c) about a letter of intent, the department may hold a public informational meeting on the letter of intent.

(e) *Request to participate.* Within 30 days after the public notice under par. (c), interested persons may request the department to grant them authorization to participate in the negotiations under par. (f). A person who makes a request under this paragraph shall describe the person's interests in the issues raised by the letter of intent. The department shall determine whether a person who makes a request under this paragraph may participate in the negotiations under par. (f) based on whether the person has demonstrated sufficient interest in the issues raised by the letter of intent to warrant that participation.

(f) *Negotiations.* If the department determines that an applicant satisfies the requirements in sub. (5), the department may begin negotiations concerning a participation contract with the applicant and with any persons to whom the department granted permission under par. (e). The department may begin the negotiations no sooner than 30 days after providing public notice under par. (c) about the applicant's letter of intent.

(g) *Termination of negotiations.* The department may terminate negotiations with an applicant concerning a participation contract. Notwithstanding s. 227.42 (1), a decision to terminate negotiations is not subject to review under ch. 227. The department shall conclude negotiations within 12 months of beginning negotiations unless the applicant and the department agree to an extension.

(h) *Notice of proposed contract.* If negotiations under par. (f) result in a proposed participation contract, the department shall provide public notice about the proposed participation contract in the area in which each covered facility or activity is located or performed.

(i) *Meeting on proposed contract.* After providing public notice under par. (h) about a proposed participation contract, the department may hold a public informational meeting on the proposed participation contract.

(j) *Participation decision.* Within 30 days after providing notice under par. (h) or, if the department holds a public informational meeting under par. (i), within 30 days after that meeting, the department shall decide whether to enter into a participation contract with an applicant, unless the applicant and the department agree to an extension beyond 30 days.

(jm) *Participation contract.* 1. In a participation contract, the department shall require that the participant maintain the environmental management system described in sub. (5) (c) 1. and abide by the commitments in sub. (5) (c) 2. and 3. The department shall include in a participation contract a provision that describes how the participant will maintain the involvement of interested parties during the term of the participation contract. The department may not reduce the frequency of required inspections or monitoring as an incentive in a participation contract if the audit under sub. (5)



(c) 3. is conducted by a person other than an outside environmental auditor. The department shall ensure that the incentives provided under a participation contract are proportional to the environmental benefits that will be provided by the participant under the participation contract. The department shall include in a participation contract remedies that apply if a party fails to comply with the participation contract.

2. The term of a participation contract may not be less than 3 years or more than 10 years, with opportunity for renewal for additional terms of the same length as the original term upon agreement of the parties. The term of a participation contract may not exceed 5 years if the participation contract incorporates, modifies, or otherwise affects the terms or conditions of a permit issued under s. 283.31, 283.33, or 285.62, unless federal and state law authorize a longer term for the permit.

(k) *Review of decision.* Notwithstanding s. 227.42, there is no right to an administrative hearing on the department's decision to enter into a participation contract under par. (j) or (L), but the decision is subject to judicial review.

(L) *Alternate process.* 1. A person participating in the program under s. 299.80 may choose to apply for participation in tier II using the process under this paragraph, rather than under pars. (a) to (j), by submitting a letter notifying the department of its choice, before the expiration of the cooperative agreement under s. 299.80, along with a copy of its most recent performance evaluation under s. 299.80 (3) (j).

2. The department shall enter into discussions with a person submitting a letter under subd. 1. to develop a proposed participation contract that is based on the cooperative agreement under s. 299.80, making the changes necessary to ensure that the participation contract complies with par. (jm). For the purposes of par. (jm) 1., if the person agrees to include in the participation contract the measures to maintain and improve its environmental performance that were included in the cooperative agreement, the operational flexibility and variances granted to the person in the cooperative agreement are presumed to be proportional to the environmental benefits that will be provided by the participant.

3. The department shall provide public notice about a proposed participation contract developed under subd. 2. in the area in which each covered facility or activity is located or performed.

4. After providing public notice under subd. 3., the department may hold a public informational meeting about a proposed participation contract.

5. The department may enter into a participation contract under this paragraph with a person with whom the department has developed a proposed participation contract unless significant concerns are raised in comments arising from public notice under subd. 3. or from an informational meeting under subd. 4. and the person is unable or unwilling to respond to the concerns to the department's satisfaction.

(6m) *COMPLIANCE REPORTS AND DEFERRED CIVIL ENFORCEMENT.* (a) *Compliance reports.* If an audit under sub. (3) (d) 4. or (5) (c) 2. or 3. reveals any violations, the participant shall include all of the following in the report of the results of the audit:

1. A description of all of the violations.
2. A description of the actions taken or proposed to be taken to correct the violations identified in subd. 1.
3. A commitment to correct the violations identified in subd. 1. within 90 days of submitting the report or according to a compliance schedule approved by the department.
4. If the participant proposes to take more than 90 days after submitting the report to correct the violations identified in subd. 1., a proposed compliance schedule that contains the shortest reasonable periods for correcting the violations, a statement that justifies the proposed compliance schedule, a description of measures that the participant will take to minimize the effects of the violations during the period of the compliance schedule, and proposed stipulated penalties to be imposed if the participant fails to comply with the proposed compliance schedule.

5. A description of the measures that the participant has taken or will take to prevent future violations.

(am) *Optional reports of violations.* If a participant discovers a violation, other than through an audit under sub. (3) (d) 4. or (5) (c) 2. or 3., the participant may, no more than 30 days after discovering the violation, submit a report to the department that includes all of the following:

1. A description of the violation and the date on which the participant discovered the violation.
2. A description of the actions taken or proposed to be taken to correct the violation.
3. A commitment to correct the violation within 90 days of submitting the report or according to a compliance schedule approved by the department.
4. If the participant proposes to take more than 90 days after submitting the report to correct the violation, a proposed compliance schedule that contains the shortest reasonable periods for correcting the violation, a statement that justifies the proposed compliance schedule, a description of measures that the participant will take to minimize the effects of the violation during the period of the compliance schedule, and proposed stipulated penalties to be imposed if the participant fails to comply with the proposed compliance schedule.

5. A description of the measures that the participant has taken or will take to prevent future violations.

(b) *Compliance schedules.* 1. If the department receives a report under par. (a) or (am) that contains a proposed compliance schedule under par. (a) 4. or (am) 4., the department shall review the proposed compliance schedule. The department may approve the compliance schedule as submitted or propose a different compliance schedule. If the participant does not agree to implement a compliance schedule proposed by the department, the department shall schedule a meeting with the participant to attempt to reach an agreement on a compliance schedule. If the department and the participant do not reach an agreement on a compliance schedule, the department shall terminate the participation of the participant in the program. If the parties agree to a compliance schedule, the participant shall incorporate the compliance schedule into its environmental management system.

2. The department may not approve a compliance schedule that extends longer than 12 months beyond the date of approval of the compliance schedule, unless the secretary determines that a longer schedule is necessary. The department shall consider the following factors in determining whether to approve a compliance schedule:

- a. The environmental and public health consequences of the violations.
- b. The time needed to implement a change in raw materials or method of production if that change is an available alternative to other methods of correcting the violations.
- c. The time needed to purchase any equipment or supplies that are needed to correct the violations.

(c) *Stipulated penalties.* If the department receives a report under par. (a) or (am) that contains proposed stipulated penalties under par. (a) 4. or (am) 4., the department shall review the proposed stipulated penalties. The department may approve the stipulated penalties as submitted or propose different stipulated penalties. If the participant does not agree to stipulated penalties proposed by the department, the department shall schedule a meeting with the participant to attempt to reach an agreement on stipulated penalties. If no agreement is reached, there are no stipulated penalties for failure to comply with the compliance schedule.

(d) *Deferred civil enforcement.* 1. a. If a participant in the program corrects violations that are disclosed in a report that meets the requirements of par. (a) or (am) within 90 days after the department receives the report, this state may not bring a civil action to collect forfeitures for the violations.

b. This state may not begin a civil action to collect forfeitures for violations covered by a compliance schedule that is approved under par. (b) during the period of the compliance schedule if the participant is in compliance with the compliance schedule. If the participant fails to comply with the compliance schedule and there are stipulated penalties, the department may collect any stipulated penalties or may terminate participation in the program. If the participant fails to comply with the compliance schedule and there are no stipulated penalties, the department may terminate participation in the program. After the department terminates participation in the program, this state may begin a civil action to collect forfeitures for the violations.

c. If the department approves a compliance schedule under par. (b) and the participant corrects the violations according to the compliance schedule, this state may not bring a civil action to collect forfeitures for the violations.

2. Notwithstanding subd. 1., this state may at any time begin a civil action to collect a forfeiture for a violation if any of the following applies:

a. The violation presents an imminent threat to public health or the environment or may cause serious harm to public health or the environment.

b. The department discovers the violation before submission of a report that meets the requirement of par. (a) or (am).

**(7) SUSPENSION OR TERMINATION OF PARTICIPATION.** (a) The department may suspend or terminate the participation of a participant in the program at the request of the participant.

(b) The department may terminate the participation of a participant in the program if a judgment is entered against the participant, any managing operator of the participant, or any person with a 25 percent or more ownership interest in the participant for a criminal or civil violation involving a covered facility or activity that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment.

(c) The department may suspend the participation of a participant in the program if the department determines that the participant, any managing operator of the participant, or any person with a 25 percent or more ownership interest in the participant committed a criminal or civil violation involving a covered facility or activity that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment and the department refers the matter to the department of justice for prosecution.

(d) The department may suspend or terminate the participation of a participant in tier I of the program if the participant does not implement, or fails to maintain, the environmental management system described in sub. (3) (d) 1., fails to conduct annual audits described in sub. (3) (d) 4., or fails to submit annual reports described in sub. (3) (d) 5.

(e) The department may, after an opportunity for a hearing, terminate a participation contract if the department determines that the participant is in substantial noncompliance with the participation contract.

(f) A person who is not a party to a participation contract, but who believes that a participant is in substantial noncompliance with a participation contract, may ask the department to terminate a participation contract under par. (e).

**(7e) CHARTERS.** (a) The department may issue an environmental results charter to an association of entities to assist the entities to participate in tier I or tier II of the program or to take actions that may lead to superior environmental performance. An association to which a charter is issued may consist of private entities, public entities, or a combination of private and public entities. An association to which a charter is issued may be organized on any basis that helps the entities to participate in tier I or tier II of the program or to take actions that may lead to superior environmental performance.

(b) In a charter, the entities in the association shall describe the goals of the association, the responsibilities of the entities, and the activities that the entities will engage in to accomplish their goals. The term of a charter may not be less than 3 years or more than 10 years, with the opportunity for renewal for additional terms of the same length upon the agreement of the entities and the department.

(c) The department may not issue a charter unless the department determines that the entities in the association have the resources to carry out the charter. Before issuing a proposed charter, the department shall provide public notice of the proposed charter in the areas in which the activities under the charter will be engaged in. After providing public notice and before issuing a proposed charter, the department shall hold a public informational hearing on the proposed charter. A decision by the department to issue a charter is not subject to review under ch. 227.

(d) An association to which a charter has been issued shall report annually to the department on the activities that have been engaged in under the charter.

(e) The department may, after an opportunity for a hearing, terminate a charter if the department determines that the entities in the chartered association are in substantial noncompliance with the charter. Any person who has evidence that the entities in a chartered association are not in compliance with a charter may ask the department to terminate the charter.

**(7m) ENVIRONMENTAL AUDITORS.** The department may not approve an outside environmental auditor for the purposes of sub. (3) (d) 4. or (5) (c) 2. unless the outside environmental auditor is accredited by an accreditation body that complies with standards of the International Organization for Standardization for accreditation bodies or meets criteria concerning education, training, experience, and performance that the department determines are equivalent to the criteria in the standards and guidance of the International Organization for Standardization for entities providing audit and certification of environmental management systems.

**(7s) ACCESS TO RECORDS.** (a) Except as provided in par. (c), the department shall make any record, report, or other information obtained in the administration of this section available to the public.

(c) The department shall keep confidential any part of a record, report, or other information obtained in the administration of this section, other than emission data or discharge data, upon receiving an application for confidential status by any person containing a showing satisfactory to the department that the part of a record, report, or other information would, if made public, divulge a method or process that is entitled to protection as a trade secret, as defined in s. 134.90 (1) (c), of that person.

(d) If the department refuses to release information on the grounds that it is confidential under par. (c) and a person challenges that refusal, the department shall inform the affected participant of that challenge. Unless the participant authorizes the department to release the information, the participant shall pay the reasonable costs incurred by this state to defend the refusal to release the information.

(e) Paragraph (c) does not prevent the disclosure of any information to a representative of the department for the purpose of administering this section or to an officer, employee, or authorized representative of the federal government for the purpose of administering federal law. When the department provides information that is confidential under par. (c) to the federal government, the department shall also provide a copy of the application for confidential status.

**(8) POWERS AND DUTIES OF THE DEPARTMENT.** (a) To facilitate the process under sub. (6), the department shall develop model terms that may be used in participation contracts.

(b) After consultations with interested persons, the department shall annually establish a list identifying aspects of superior environmental performance that the department will use to identify

which letters of intent it will process under sub. (6) in the following year and the order in which it will process the letters of intent.

(c) The department may promulgate rules for the administration of the program. In the rules, the department may specify incentives, that are consistent with federal laws and other state laws, that the department may provide to participants in tier II of the program.

(d) The department shall encourage small businesses, agricultural organizations, entities that are not subject to environmental requirements, local governments, and other entities to form groups to work cooperatively on projects to achieve superior environmental performance.

(e) The department shall select a logo for the program.

(f) The department and the department of safety and professional services shall jointly provide information about participation contracts and environmental management systems to potential participants in the program and to other interested persons. The department shall consult with the department of safety and professional services about the administration of the program.

(g) The department shall collect, process, evaluate, and disseminate data and information about environmentally beneficial and innovative practices submitted by participants in the program. The department may conduct or direct studies, experiments, or research related to the program in cooperation with participants and other interested persons. The department may enter into agreements with the Robert M. La Follette institute of public affairs at the University of Wisconsin–Madison to assist in the promotion, administration, or evaluation of the program.

(h) Every even-numbered year, no later than December 15, the department shall submit a progress report on the program to the governor and, under s. 13.172 (2), to the standing committees of the legislature with jurisdiction over environmental matters.

(i) The department shall implement a process to obtain advice from a balanced public group about all of the following:

1. The implementation and operation of the program, including the setting of goals and priorities for the program.
2. Evaluating the costs of applying for the program and of entering into a participation contract or a charter and the administrative costs of participating in the program.
3. Assessing whether incentives provided under a participation contract are proportional to the environmental benefits committed to under a participation contract.
4. Procedures for evaluating the program and the results of the program.
5. Changes that should be made in the program.

**(10) PENALTY.** Any person who intentionally makes a false statement in material submitted under this section shall be fined not less than \$10 nor more than \$10,000 or imprisoned for not more than 6 months or both.

**History:** 2003 a. 276, 326, 327; 2005 a. 253; 2009 a. 30; 2011 a. 32; 2015 a. 197 s. 51.

Achieving Environmental Excellence: Green Tier Legislation. Bochart & Schlaefler. Wis. Law. Sept. 2005.