



Attachment D.2

San Francisco Bay Area Green Business Program Policy Guide (draft revised 5/25/12)

This document contains a compilation of policies for the San Francisco Bay Area Green Business Program (Green Business Program). The Green Business Program certifies businesses that voluntarily meet all program standards. The goal of the Green Business Program is to form a partnership among business, government, and the public to benefit the environment.

The Green Business Program was developed by the Bay Area Hazardous Waste Management Facility Allocation Committee (Committee) as a means to reduce pollution and hazardous waste generation and to promote resource conservation, solid waste minimization and recycling. The Committee is comprised of locally elected officials from the nine-county Bay Area and is staffed by the Association of Bay Area Governments.

The Committee is advised by an appointed technical advisory subcommittee (TAC), comprised of the regional and county Green Business Program coordinators and representatives from regulatory and other local, regional, state and federal government agencies. The TAC meets regularly to ensure consistent implementation. As needed, the TAC forms subcommittees that may include industry, environmental, public interest and other stakeholders to assist with development of industry-specific materials, outreach and other issues.

The Green Business Program is scaled to work with small to medium, generally consumer-oriented businesses that typically don't have on-site environmental staff. The intent is to ensure that the standards and the technical assistance available from participating agencies and utilities will help businesses achieve meaningful results. Larger and/or more complex businesses may require more robust measures and specialized technical expertise to improve their operations than the Green Business Program typically provides.

Clauses one through eight present the basic policy guidance. From time to time guidance for specific circumstances may be developed and will be appended to this document.

1. GREEN BUSINESS AND GREEN GOVERNMENT PLEDGES

On April 26, 1996, the Committee adopted the Green Business and Green Government Pledges. The Green Government Pledge represents the core operating principle of the Green Business Program. By taking the pledge, participating agencies demonstrate their commitment to environmental improvement and to a cooperative, coordinated system of interface with one another, the business community, and the public. Each participating jurisdiction should take the pledge, via city or county council resolution, before offering the program to businesses. The pledge should also be adopted by managers and regulators at all levels of city, county, and regional government.

2. PROGRAM STANDARDS

The Green Business Program is intended to establish more constructive relationships between businesses and public agencies in which agencies educate and provide technical assistance to help businesses improve environmental performance. Agencies are encouraged to partner to make the regulatory process more efficient and to foster better relations with businesses in order to bring businesses into full compliance and motivate them to go beyond compliance to achieve Green Business Program standards.

Certification is site specific. To be certified, a business must demonstrate that its practices and operations at a particular location meet Green Business Program Standards. The Green Business Program does not certify manufactured products, professional qualifications or quality of service. To the extent that product inputs and services offered are demonstrably environmentally preferable, these can be counted among the “green” measures being implemented by the business.

a. Pledge Businesses who volunteer to participate in the Green Business Program are required to post the green business pledge in a place that is visible to employees.

b. Compliance A business must demonstrate compliance with all applicable environmental requirements in order to be eligible for certification as a green business. In general, compliance at a business must be verified by each agency with jurisdiction over their particular operations. Agencies with such responsibility might include those regulating wastewater and stormwater discharges, air emissions, and hazardous materials. If a facility has been inspected by an agency within the past year, has no violations, and the agency does not feel the need to reinspect the business, no inspection visit by that agency will be necessary to complete certification. It is recommended, however, that at least one local environmental regulatory agency with jurisdiction verify compliance on-site when a business volunteers for the program.

In order to streamline the regulatory system and to expedite compliance checks, the county coordinators will maintain current listings of all the local, regional, state and federal agencies within their county that regulate businesses. County coordinators will request compliance verification from those agencies whenever a business applies for certification or recertification. Coordinators will provide businesses with available compliance information and agency contacts.

c. Resource Conservation/Pollution Prevention Standards (RC/P2 Standards) Businesses must be in compliance and meet the RC/P2 Standards to be certified. The RC/P2 Standards require that a business is going “beyond compliance” by voluntarily adopting measures to protect the environment through energy and water conservation, solid waste reduction and recycling, and pollution prevention. A complete description of Green Business Program General and RC/P2 Standards is contained in the General Standards Checklist. Modification of the General Standards Checklist may be made to develop industry-specific materials. All modifications must be consistent with the General Standards Checklist and other program documents.

d. Guidance Documents for Businesses, Including Checklists Industry-specific compliance and/or RC/P2 checklists may be developed for use in the Green Business Program. All checklists must be approved by the Committee for consistency with the General Standards Checklist and other program documents before use.

The General Standards and industry-specific checklists include dozens of recommended measures businesses may implement in order to meet the RC/P2 Standards. To ensure that they are up-to-date, the General Standards and/or industry-specific checklists may be revised at the regional level to reflect new regulations, programs, technologies, etc. Local implementing agencies may also modify approved checklists to reflect local regulations, ordinances, or priorities. The Regional Program Coordinator will ensure that all modifications are consistent with the General Standards and other program documents.

All new checklists and modified materials should be reviewed by at least two TAC members before submittal to the Committee for approval. TAC members should seek review from partner agencies to ensure checklists are consistent with their standards. Local agencies that have ordinances more stringent than regional (e.g. AQMD) or state requirements should honor all local requirements; however regionally produced materials will reflect regional or state requirements.

e. Verification of Standards Local implementing agencies should design their implementation strategies around the standards to ensure that participating businesses have the information and technical assistance needed to successfully pursue certification. While they may devise their own verification process, on-site verification that all RC/P2 standards have been met must be included in the process. Self-certification and peer review are not allowed. Businesses may receive credit for previously implemented RC/P2 measures. If completion of RC/P2 verification occurs one year or more after compliance verification, then compliance verification must be updated.

f. Re-certification - Certificate/Decal Renewal Green Business certification, certificate and decal are awarded to a certified business by a local Green Business Program. They are valid for the local inspection cycle of participating jurisdictions. Most Bay Area local agencies are on 3-year inspection cycles. Local agencies may choose to inspect businesses more frequently than every three years. The certification, certificate and decal may not be issued for a period longer than 3 years. Local agencies may require certified businesses to do a yearly self-audit for compliance and/or RC/P2 standards.

Businesses that wish to be re-certified as green businesses must demonstrate a commitment to continual environmental improvement. At a minimum, businesses must demonstrate that they are: in compliance with all environmental regulations; maintaining the measures implemented to meet the RC/P2 standards; and meeting any new RC/P2 requirements established during the preceding certification or re-certification period.

Compliance standards may be modified according to state regulations and local ordinances. RC/P2 Standards may be modified to encourage businesses to continually improve their environmental practices, or respond to environmentally sound changes in technology. The Committee will approve modifications of RC/P2 Standards after such modifications have received input from partner agencies and businesses.

g. Revocation - Certificate/Decal Removal Green Business certification will be revoked, the decal will be removed from the premises, and the business will be prohibited from using the Green Business Program logo for serious deviations from the Green Business Program standards. Serious deviations may include significant violations of environmental regulations or failure to maintain RC/P2 measures. Local Green Business Program implementing agencies will be responsible for adopting local revocation/decal removal policies.

Certified green businesses that relocate their premises will be required to reapply and demonstrate that operations in the new location meet all Green Business Program certification criteria. Green Businesses that change ownership will be required to reapply and demonstrate that operations under the new ownership meet all Green Business Program certification criteria.

3. CERTIFICATION

The green business certification process has been designed by the Committee and will be monitored by the Committee. Local implementing agencies will be responsible for completing the verification process necessary to certify and recognize businesses.

When a business is verified as having achieved environmental compliance **and** has met the RCP2 standards, the business will receive a printed Green Business Program certificate that identifies the business by name as a certified Green Business, a static cling window decal with the Program logo, and the right to use the Program logo in their brochures and other materials. Local implementing agencies may also publicize green businesses in Program promotional materials, events, and advertising.

Local agencies will determine who signs and issues the Green Business certificates and decals and will be responsible for providing records on Green Businesses to the Regional Program Coordinator to track and report information on the program and its success. Local agencies will also be responsible for hosting public recognition ceremonies should they wish to publicly recognize certified Green Businesses.

Certified Green Businesses will receive instructions for logo use along with their green business certificate/decal.

4. MARKETING

The Green Business Program will benefit from a regional marketing plan to optimize expenditure of resources so that participating agencies will obtain maximum benefit. The Regional Program Coordinator will assist in the development and implementation of a marketing plan targeted at localities where the program is being implemented. Local

implementing agencies are encouraged to use regionally produced materials (e.g. logo, document cover pages, display materials, etc.) to promote public recognition that the local programs are part of the broader regional program. The Regional Program Coordinator will develop and implement a regional marketing plan when directed by the Committee.

5. MATERIALS DEVELOPMENT

The Regional Green Business Coordinator will maintain an inventory of existing documents and provide a means for interested persons to obtain copies (paper and electronic copies). The Regional Program Coordinator will oversee the development of model materials for use by all participating local agencies. Local agencies are encouraged to tailor materials to meet the local needs of businesses and the public.

6. FUNDING

The long-term goal of the local and regional Green Business Program is fiscal self-sufficiency. The local and regional programs should prepare long-term budgets to assess needs and develop a long-term strategy. Towards this end, funding may be sought from partner agencies, government and foundation grants as well as other sponsors.

The Committee has indicated that for regular, ongoing Green Business Program operations preference should be given to funding from local implementing agencies, partners, and foundation and government grants. The regional and local Green Business Programs may consider under what circumstances corporate sponsorship may be sought for special projects and events. Issues to be addressed include avoiding conflict with compliance activities and maintaining Program integrity.

Grant applications for projects of regional scope will be sent out and regionally administered through the Regional Program Coordinator, except when the funding entity requires or prefers that an application be submitted by a local agency.

The Committee has agreed that charging businesses an application fee to join the program could inhibit their participation. However, as interest in the Green Business Program grows, the Committee recognizes that local implementing agencies may need to establish fees to help defray expenses. In setting such fees, local implementing agencies should endeavor to establish an inclusive structure that considers size of business, type of business, number of employees, revenues and/or other factors in order to avoid disadvantaging businesses with limited resources. To promote consistency, local implementing agencies are encouraged to consult with one another when developing fee schedules.

7. PROGRAM EVALUATION -MEASUREMENT AND DATABASE

Program evaluation is a much-needed element of a successful program. Local agencies are responsible for collecting at least the following data to supply the regional program:

GENERAL PROGRAM DATA

- number of inquiries about the program
- number of certified businesses in compliance
- number of certified green businesses
- length of time it takes a business to be certified as green
- number of certifications revoked

ENVIRONMENTAL QUALITY DATA

Data to be submitted by industry sector normalized for production. This data should be collected when a business volunteers for the program, and then periodically but no less frequently than every time the business' certificate/decal is renewed.

Information to be collected might include:

- average energy use/year
- average water use/year
- average solid waste generation/year
- average hazardous waste (multi-media) generation/year
- pollution prevention-related measures, which will vary by industry

8. REGIONAL ADMINISTRATION

The following tasks have been identified to date that would benefit from regional coordination. Towards that end, the Regional Program Coordinator, with direction from the Committee, will be responsible for the following:

- convening the Committee and TAC
- facilitating review of program activities and materials to ensure consistency
- maintaining and distributing program materials
- developing a marketing plan for use by local programs and the region as a whole
- tracking indicators of success and writing appropriate reports
- writing grant proposals and administering grants
- other projects identified by the Committee

Appendices:

- A. Guidelines for Certifying Entire Jurisdictions or Multi-building Business Campuses
- B. Home Office Certification Guidelines
- C. Statement on Large Construction Companies / General Contractors
- [D. Guidelines for Certification of Property Managers](#)

Appendix A

Guidelines for Certifying Entire Jurisdictions or Multi-building Business Campuses

Draft Revised – May 30, 2012

Approved by the Hazardous Waste Management Facility Allocation Committee On May 30, 2003 as an addition to the Green Business Program Policy Guide.

Background

Development of *Guidelines for Certifying Entire Jurisdictions or Multi-Building Business Campuses* was prompted by certification of the City of Palo Alto in 2002. Since no guidelines existed, the Santa Clara County coordinator consulted with other coordinators throughout the process.

More jurisdictions are seeking certification. Additionally, a multiple-building business campus has applied for certification. The Program coordinators agreed that it would be useful to have guidelines for all counties to use when certifying these types of entities. With the Program expanding beyond the Bay Area, this policy guidance may assist implementation in new locations and ensure Program integrity.

The *Guidelines* identify the types of multiple-facility operations local Programs may certify as one entity and provide a process. The *Guidelines* were approved by the Hazardous Waste Management Facility Allocation Committee on May 30, 2003.

Introduction

The Green Business Program was developed for businesses whose operations are located at a single address. When working with chain or franchise businesses that have multiple locations at different addresses, each location has been certified as a distinct entity. With the certification of the City of Palo Alto, the Marin County Civic Center, and Sonoma County Civic Center, some counties have now worked with multiple facilities within the same public agency. Santa Clara County is currently working with a business that has multiple buildings on the same campus. In these cases, it may be useful to consider certifying multiple – building operations as one entity rather than certifying them by building or operation. To ensure consistency, the Program coordinators reached agreement on the types of multiple – building operations local programs may work with at present, and developed the following guidelines for those situations.

TYPES OF FACILITIES

1 Government: Local programs may work to certify a city, county or special district should they seek certification jurisdiction-wide. (Note: This does not preclude certifying individual operations such as the fleet or print shop individually. Jurisdictions would not have to seek certification for all operations, but would have the option and guidance should they want to do so.)

- 2 Business:
- a) Local programs may work with multiple – buildings / operations of the same company on a single site or campus as one entity, if the business seeks certification for all the buildings/operations at the same time.
 - b) Local programs may work with the owner/property manager of a business campus with multiple tenants, if the owner/property manager seeks certification for its own office and all buildings in the campus. (For additional guidance on Property Manager Certification see Appendix D)
 - c) At present, BAGBP will not certify as one entity businesses that have multiple buildings/operations on different sites. This does not preclude certifying individual buildings/operations/sites, or working with such entities in the future provided that the program guidelines are reviewed and updated as needed and clear guidelines acceptable to all program partners have been developed.

GUIDELINES

Regarding any multiple facility operations, the primary question is whether every single building/operation in a jurisdiction or on a business campus needs to qualify individually as a green business. The goal is to ensure that program integrity and credibility are maintained, and partner entities' interests are satisfied.

Criteria for Certifying Multiple Building Operations

For multiple-building operations:

1. Applicant must have a designated staff person to interface with the County Green Business Coordinator.
2. Facilities must all be in full compliance with environmental regulations.
3. Where in-house fleet, print shop, landscaping and cafeteria operations exist, and where the impact of those operations is significant within the facility or jurisdiction, those operations, or any other operations that may be of concern to green business program partners or the broader community, must be fully Green Business Program qualified for the resource conservation and pollution prevention checklist sections most relevant to their operations, using the most appropriate checklist.
4. Applicant will work with the GBP coordinator to assess all facilities/operations to identify both issues and opportunities, and select the best way to meet the “beyond compliance” standards. This could be done in various ways:
 - a. Choose the Performance Option in which the jurisdiction / business campus shows the required percent reduction for water (15%), energy (15%) solid waste (50%), and/or pollution prevention (25%), using an agreed-upon baseline year; or

b. If working with a single business that occupies multiple buildings on a campus, demonstrate for each separate building/facility that they meet the resource conservation / pollution prevention requirements using either the Office/Retail Checklist or General Standards. Selection of checklist will be at the discretion of the local coordinator based on the complexity of the facility and the activities conducted therein. Adherence to citywide/campuswide contracts, practices, policies; standards for janitorial, buildings, lighting, landscape maintenance, recycling, environmentally preferable purchasing, etc. would need to be verified.

c. If working with an owner/property manager of a campus that has multiple tenants occupying all or part of multiple buildings, the business will use the Property Manager checklist. The owner/property manager must demonstrate that it's own office and all building operations for which it is responsible, whether handled by its own staff or by service contractors – such as, lighting, landscaping, pest management, parking lot maintenance and janitorial services – meet BAGBP standards. In addition, the owner/property manager must demonstrate that at certification, at least 30% of tenant-occupied buildings meet Green Business Program lighting and restroom fixture requirements (i.e. toilets, aerators), with increase to 60% by first re-certification in three years .

5. The GBP is looking for real, good faith effort in the certification process. We want to be flexible, understanding that perfection may not be achievable. However, the public expects and deserves to see full adherence, to the degree possible, to the tenets of the program: full environmental compliance and meeting all of the program standards for resource conservation/pollution prevention.

6. If any issues arise for which there is insufficient guidance or lack of clarity, the county coordinator will refer them to the Green Business Coordinators technical advisory committee for resolution.

Appendix B

Home Office Certification Guidelines

Approved by the Hazardous Waste Management Facility Allocation Committee On May 30, 2003 as an addition to the Green Business Program Policy Guide.

A few home office operations have been certified as green businesses. Home offices are held to the same standards as any other business. However, due to their residential rather than commercial/retail/industrial premises, coordinators and businesses may have somewhat different opportunities to meet the standards.

The Green Business Program coordinators determined that it would be useful to have a consistent framework all coordinators can use when certifying home office operations. The following guidelines identify the areas of a home-based business to consider when assessing energy, water, waste management and pollution prevention opportunities.

Guidelines for Certifying Home – Based Businesses

When considering a home office or other home-based operation for certification as a Green Business, use the following guidelines.

Consider/visit the parts of the house that would have a parallel at an office, or that function as part of the home business. Without intruding on the owner's privacy, consider other areas that the business owner may ask be included in the site visit. Areas to be consider include:

- Office / workshop and other room(s) where work is mostly done
- Rooms where clients are seen / meetings are held
- Storage area(s)
- Kitchen
- Restroom nearest the office/work area
- Garage or driveway where business vehicle (s) parked/stored
- Any other parts of the house the home business owner is interested in showing (generally, applicants have volunteered to show most parts of the home except bedrooms)
- Landscaping

Appendix C

Statement on Large Construction Companies / General Contractors

The question of whether to certify the office operations only, or the office plus field operations of large construction companies and general contractors was discussed at the Bay Area Green Business Coordinators meeting on August 29, 2007. The local, regional, state and Region 9 coordinators present agreed to the following statement, which was approved by the Hazardous Waste Management Facility Allocation Committee on October 19, 2007 as an addition to the Green Business Program Policy Guide.

The Green Business Program was designed to serve small to medium-sized consumer-oriented businesses that typically do not have staff with environmental expertise and/or for which there are no other certification or recognition programs. The Program looks at the operations within the businesses' premises and, where appropriate, at field operations.

The Green Business Program has developed industry – specific checklists for a number of industries, including remodelers who work on small local projects. To be recognized as a Green Business the remodeler must hold a green building credential, and meet all program requirements at the office and in the field.

Our standards and checklists are not suitable for larger operations that have multiple large sites operating at any given time, have multiple complex ongoing regulatory requirements, may have multiple subcontractors, and may have operations that generally would require Green Business Program coordinators and partners to have specialized expertise in order to evaluate them properly and offer sound advice. We do not believe it is appropriate to separate the office/headquarters side of the business from the field operations and believe it is unlikely the consumer would make that distinction.

Major construction companies may seek certification or accreditation from LEED. They may also seek recognition from entities such as StopWaste.Org in Alameda County, a California Integrated Waste Management Board WRAP award, a US EPA Region 9 Pollution Prevention award, Energy Star designation, or a Governor's Environmental and Economic Leadership award.

Draft Appendix D

Guidelines for Certification of Property Managers

We will certify property managers using the following approaches. Local GBPs may opt to use one only, or multiple approaches as appropriate for specific circumstances. There will be a single checklist/application for this sector.

1. We will certify a manager at a specific building where we are certifying “<Property Manager> at <address> or <name of site>”.
2. We will certify a/the local branch of a property management firm by requiring both their local management office *and* one of their properties in the same county (which may be co-located or not) meet all of our standards. In this case, we would be certifying “Coldwell Banker” and “Coldwell Banker at 101 California Street”. Although the company may apply all of our standards to other buildings, we will not be adding additional buildings to the database.
3. We will certify a property management company/property owner for a specific campus that includes multiple buildings if: janitorial, landscape and similar contracts and environmentally preferable purchasing policies that affect the whole campus meet BAGBP standards; lighting and toilets meet BAGBP standards in at least 30% of the buildings on the campus at initial certification with requirement that 60% meet standards by recertification.

Standards:

- a. The required and optional measures will be measures that the property manager (not the tenant) has control over.
- b. The property management company will be **required** to have a written environmental policy statement (EPS) that covers best management practices for *all* of their buildings, including green cleaning products, HVAC maintenance, landscape management, structural pest management using IPM, parking lot maintenance, recycling infrastructure, green building/remodeling.
- c. The property management company will be **encouraged** to demonstrate that at least one staff member has a relevant green building credential: e.g.
 - LEED AP BD & C; ID & C and/or Homes - www.leadbuilding.org);
 - Certified Sustainable Building Advisor (www.BayAreaSBA.org);
 - AEE Certified Energy Manager (www.aeecenter.org);
 - Certified Green Building; Energy Upgrade California Multifamily Green Property Management Training, <http://www.multifamilygreen.org/training>

Resources:

Oregon Lawyers for a Sustainable Future <http://earthleaders.org/olsf>
BOMA GREEN <http://www.boma.org/Resources/TheGREEN/Pages/default.aspx>
LEED Resources for Commercial Real Estate
<http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1935>