



[A Few Green Building Notes](#)



This past week, the blogosphere (if that's even the word these days) has been abuzz about [green building](#) and the [value that green can add to a project](#). Three items in particular (among many) got my attention.

The first of these was the fact that a new private sustainability rating system is [ready for launch](#). The [Institute for Sustainable Infrastructure](#) (or ISI) is seeking public comment on its proposed envISion. This new system (aptly dubbed Version 1.0) will go "live" in July for comment. Why mention this new system? First of all, ISI's founding members are the [American Society of Civil Engineers](#) (ASCE), the [American Public Works Association](#) (APWA) and the [American Council of Engineering Companies](#) (ACEC). This trio gives the new program some fairly heavy weight backing. Second, while there are rating systems aside from the ever present [LEED](#), none have taken hold in any real way to compete with LEED. I am curious to see if the envISion system has any better luck. Finally, this shows that sustainable building is of interest to more than the [USGBC](#) and those of us that discuss LEED on a daily basis. I find this to be a great thing that could lead to more societal acceptance of sustainable practices as a standard practice rather than a goal.

Hopefully such efforts will offset the other two notes that caught my eye recently.

The first of these is the [foreclosure of the Chapel Hill, North Carolina Greenbridge project](#). This project is well documented at my friend Doug Reiser's (@douglasreiser) [Builders Counsel blog](#) so I won't further discuss the details here. However, the question that Doug asks is a good one, i. e. were the "green" elements of the project to blame?

While I agree with Doug (a fellow [construction attorney](#)) that green building does not inherently cause issues. I do wonder if the developer and Bank of America bit off more than it could chew as far as the elements it incorporated. The project hit delays and eventually the mounting costs and time pressures caused the financial plug to be pulled. At the very least, this project is an example of the need for careful planning, contract drafting and vetting of contractors and designers in order to have a construction project such as this succeed.

The third item involves a [post script/development in the Destiny USA](#) project in Massachusetts. As a result of failure to meet the requirements of some state tax incentives, Evergreen Solar, the provider of solar panels to the Destiny USA project will have to refund \$1.5 million and may have to repay other grant money that it received based upon the green and job creation promises of the project. As discussed [here](#) and [elsewhere](#), much discussion has focused upon the green building aspects of this debacle. Interestingly however, the cited reason for the penalty is the failure to meet the job creation targets, not to the green building goals. As pointed out by my friend Shari Shapiro (@sharishapiro) at her [Green Building Law Blog](#), this allows the state of Massachusetts to avoid any controversy or debate over the effect of the sustainability promises (both private and public).

Are there other "green" items that you find interesting in the news? If so, please let me know in a comment.

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