

A Guidebook to Renewable Government Energy Aggregation

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Background

Understanding your electricity bill

In NJ, all customers have the choice of purchasing their natural gas and/or electric supply from a third party supplier rather than their local utility company. This is a direct result of deregulation of the energy market in NJ, authorized by the Electric Deregulation and Energy Competition Act (“EDECA”) enacted in 1999. EDECA authorized the NJ Board of Public Utilities (BPU) to permit competition in the electric and gas supply marketplace.

A typical utility bill for a ratepayer in New Jersey has two components. The supply portion of a utility bill represents *the energy supply*, with the corresponding dollar amount often referred to as the commodity cost of whatever fuel source is utilized. This could be natural gas, coal, nuclear, wind, solar, fuel cells, etc. The supply portion of the utility bill also captures the cost of moving the energy from the generation station to the local distribution network, commonly known as the local utility. *The supply component is the portion of the bill that is subject to competition, and for which the customer may shop.*

The second component of the utility bill is *delivery*. Delivery refers to the distribution of the energy to the homes and businesses. The associated dollar amount represents the cost of the distribution highway that “pipe” the energy to NJ’s homes and businesses. Also included in the delivery portion of the bill are the State’s mandated programs such as energy efficiency programs and LIHEAP: the Low Income Home Energy Assistance Program. *This portion of the utility bill is not subject to competition, and therefore, there are no shopping opportunities.*

Where does my electricity come from? And what is PJM?

When you plug in your cell phone to charge, just where does that electricity come from? A coal plant in Kentucky? A gas fired turbine in Illinois? A nuclear plant in New Jersey? A coal plant in West Virginia? A wind turbine in Pennsylvania? The answer is all of those plants in those locations, and many more. The electricity delivered into your home at any given moment is a soup of electrons that originate from various sources located throughout our Regional Transmission Area (RTA). That electricity market is coordinated by a Regional Transmission Organization (RTO). In New Jersey, we are part of the RTO called PJM that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia.

The actual delivery of those electrons that originate in many places, by many different technologies is the responsibility of your electric utility.

Many of the participating states in PJM have Renewable Portfolio Standards (RPS) requiring them to source percentages of their electric supply from renewable resources. Over time, the effect of all of the RPS mandates is to change the “electric soup” which today is a mix of dirty and clean energy sources, to predominately clean energy sources.

How New Jersey purchases electricity for its residential customers – the BGS

If a customer does not shop for electricity supply, they receive the default supply which is referred to as Basic Generation Supply or BGS and a customer can identify this on their utility bill under electric supply as explained previously. New Jersey has mandated through a BPU Board Order, how the electricity should be procured.

Every February, the NJ Board of Public Utilities holds the BGS auction where electric supply companies compete to win the right to supply one third of the forecasted load. This results in the price for residential customers being comprised of 1/3 of the load with the winning bid price from the prior EY year; 1/3 of the load with the winning bid price from the current energy year and 1/3 of the load with the winning bid price for the coming EY. The reason for this structure is to help smooth over price volatility in the energy markets for New Jersey ratepayers.

The emergence of Third Party Suppliers (TPS)

To the extent that the “spot” market for electricity is lower than the BGS blended price, there will be a market for alternative electric supply providers that can offer lower priced alternatives to the BGS supply price. These providers are referred to as Third Party Suppliers or TPS’s. If this is not the case, there is likely not to be an active TPS market assuming that customers are making their buying decisions based on price alone.

Over the last several years in New Jersey, an active market for TPS’s has emerged, driven by the high cost of natural gas several years ago, reflected in the BGS blended price. A TPS will typically solicit residential customers through direct mail, commercial advertisements on radios and billboards, and frequently offer incentives for signing up with the TPS (frequent flyer mileage, gift certificates). The majority of TPS’s sell based on offering lower prices than the incumbent energy supply prices provided by the utilities. There are also TPA’s that sell based on the renewable energy content of their product. TPS’s provide either fixed rate or variable rate pricing, or both and terms vary. In some instances there may be penalties for cancelling a contract before the term expires.

This market has emerged as a “buyer beware” marketplace where consumers should familiarize themselves with the rate and term details so as not to be surprised after executing contracts that may carry penalties for early termination, or switch from fixed to variable rates during the term of the contract. Given the extreme cold of Winter 2013-2014, many NJ customers were unaware that their TPS

contracts were on variable rates, and experienced “sticker shock” upon opening their bills due the high price of natural gas. The BPU logged a record number of calls with complaints about spikes in electricity bills, and as a result, there is a formal investigation underway as a result of a memorandum of understanding between the BPU and the Division of Consumer Affairs.

Authority & Rules for Government Energy Aggregation

Primary Governing Statutes:	N.J.S.A. 48:3-92 – N.J.S.A. 48:3-95
GEA Program Rules	N.J.A.C. 14:4-6
Local Public Contracts Law	N.J.S.A. 40A:11-1
Rules of the Department of Community Affairs	N.J.A.C.5:34-7; N.J.A.C.14:4-6.4(b)

What is a REC

Renewable Energy Certificates or RECs are an abstraction – they represent the renewable attribute, the green label, of renewable energy production. In New Jersey, RECS are legally defined under the Renewable Portfolio Standard or RPS. One REC is equivalent to 1,000 kilowatt-hours (kWh) of qualifying renewable generation.

It is important to understand that when renewable energy is generated at a physical generation facility at a specific location, two products are created: physical electricity and one REC for every 1000 kWh of physical electricity. These two products can stay joined, “bundled,” or can be bought and sold separate from each other, “unbundled.” How effective unbundled RECs are in encouraging renewable electricity depends in part on their price relative to that of the electricity actually purchased, which typically comes from low cost fossil fuel generation.

In addition to distinctions between how RECs originate there two markets for RECs: Compliance RECs used to meet state RPS requirements and Voluntary RECs that are sold to companies, individuals, and others who want to claim the right to call their electricity renewable. The RPS in NJ mandates that each supplier/provider serving retail customers in the state must procure 22.5% of the electricity it sells in New Jersey from qualifying renewables by 2021 (“energy year” 2021 runs from June 2020 – May 2021). These quantities ramp up from 11.3% this year 12.15% next. In addition, the standard also contains a separate solar specific provision, which requires suppliers and providers to procure at least 4.1% of sales from qualifying solar electric generation facilities by Energy Year 2028. These RECs, especially in the case of solar, have often been sold at price that plays an important role in supporting renewable energy construction.

Further, in New Jersey, there are several classes of RECs for different types of renewable energy resources as follows:

Class I renewable energy = electricity derived from solar energy, wind energy, wave or tidal action, geothermal energy, landfill gas, anaerobic digestion, fuel cells using renewable fuels, hydroelectric facilities of 3 MW or less that are: placed in service after July 23, 2012; located in the state; connected to the distribution system; certified as low-impact by a nationally recognized organization based on a system that includes a variety of minimum criteria, and, last, with written permission of the New Jersey Department of Environmental Protection (DEP), certain other forms of sustainable biomass.

Class 1/Solar Carve Out = electricity derived from solar energy, located in the state and connected to the distribution system. Solar remains an eligible Class 1 technology, however with a carve-out, it occupies a special place as the only resource eligible for the solar electric component of the standard.

Class II renewable energy = electricity generated by hydropower facilities larger than 3 megawatts (MW) and less than 30 MW, and resource-recovery facilities (i.e., municipal solid waste or MSW) located in New Jersey approved by the DEP. Electricity generated by a resource-recovery facility outside New Jersey qualifies as "Class II" renewable energy if the facility is located in a state with retail electric competition and the facility is approved by the DEP.

All RECs are not created equal

To a large extent, the first step for a municipality in considering whether to pursue the R-GEA action is the easiest step. The Municipality need only answer the question: Do we want enhanced renewable content in the electricity product we offer under our R-GEA program?

If the answer to the first question is yes, answering the second question - what does that enhanced renewable content look like - is much more complex as it leads to many more questions. What type of renewable generation do we want wind, landfill gas, solar, small hydro, fuel cell? What type of generation do we NOT want? Where should that renewable generation be located? How is that renewable generation certified? Does the premium paid for the REC contribute to the build out of additional renewable generation, moving the market forward?

The gold standard that Sustainable Jersey works towards is locally sited renewable generation that directly benefits the communities, including residents, close to the location of the renewable energy generation facility. For many reasons that go beyond the scope of this background, the New Jersey market is not yet able to deliver this product.

Location matters. The more local, everything else being equal, the more benefits accrue to the communities purchasing the product (local = economic development, efficient distribution since "plant" is closer to where energy is actually used, less reliance on transmission infrastructure). This is the logic that informs the way the Actions and related points for R-GEA are structured. *Where* renewable generation is located and to a lesser extent *how much* renewable generation is in the product are the variables that matter.

The highest number of points are reserved for a locally sited renewable energy project where that local renewable energy may be a small part of the mix that makes up the R-GEA 40% renewable product. However, the balance of renewable content must come from PJM sources – New Jersey’s RTA.

The next highest point tier favors PJM location, requiring that at least 20% of the enhanced renewable content also come from PJM. In fact, some of this renewable content will still be NJ sourced – the solar component, as that is required by New Jersey’s RPS.

PJM is a very large region, and one may reasonably ask: What good does a wind turbine sited in West Virginia do for my community?

There are several important considerations regarding the benefits of PJM sited renewable content. First, PJM location is the standard upon which the State of New Jersey relies for meeting its RPS obligation. Although solar is an exception, with a carve out that exists in the Class 1 category,¹ with respect to Class 1 and Class 2 resources, those RECs may be tied to resources located anywhere within the PJM footprint.

Second, New Jersey determined that what happens in the PJM region has impacts on the air quality in New Jersey. In fact, due to the wind currents, certain pollutants emanating from power plants cited in the southwest and mid-west, such as sulfur dioxide and particulate matter, travel to the Northeast and Mid-Atlantic region, and are in part to blame for air pollution and air quality issues in New Jersey. In response to this finding, in 2005, the USEPA promulgated the Clean Air Interstate Rule (CAIR) in an effort to address the transportation of pollution across state lines. Transitioning to cleaner power in the PJM region will have demonstrable effects on New Jersey’s air quality, which is part of the rationale for NJ’s RPS allowing renewable generation to be sited in the PJM region.

Finally, the lowest point tier allows Green-e certified RECs, which may be located anywhere in the country. These are often referred to as “National Any Technology” RECs and are not of the same “quality” as in state or PJM RECs. The middle to long-term price signal for RECs emanating from certain jurisdictions, for instance, Texas, is quite low. This is due to an oversupply of wind in Texas and other states relative to the amount required by their state Renewable Portfolio Standards. As a result, a town can get RECs from these wind generation facilities at a very low cost, often with next to no net benefit above the transaction costs of selling the RECs. It would also be correct to assume that the premium paid for the REC at this level does not result in any additional wind or renewable generation. Note that in a State like Texas, where they have been oversupplied with regard to renewable energy (mostly from wind) for several years, Texas has not chosen not to address this through a government-mandated demand for additional renewable energy.

In fact, one persistent criticism of REC purchase as a way to support renewable energy has been that the REC premium, and where that premium ultimately flows, does not contribute in a meaningful way to the build out of renewable generation. For example, Solar RECs in NJ are frequently included as an integral

¹ In order to be eligible for compliance, a SREC must be tied to a solar resource sited and connected to the distribution system in New Jersey.

part of financing a NJ solar project, and therefore the purchase of NJ SRECs does in fact help stimulate solar energy project development. Other scenarios, for example the purchase of wind RECs in a distant market where the project has already been financed and achieved break-even, may have less direct impact in stimulating new capacity development. Even in that case, however, increased purchase of RECs, in markets where supply will eventually chase demand, REC purchases (through R-GEA programs) may help to improve the market for renewable energy development. Regardless, the market reality is that RECs are a primary mechanism for project development in the US, and their use represents the most accessible way for individual consumers to help stimulate renewable energy development.

Based on consideration of these factors, Sustainable Jersey has determined at this time, and in particular with the introduction of this Action, there is value to National RECs, although with an appreciable difference in value from in state and/or PJM RECs, as reflected in point structure. Sustainable Jersey wants to support communities that may have diverse values, providing as much flexibility as appropriate in demonstrating commitment to sustainable initiatives. An enhanced product that demonstrates a desire for renewable electricity with less of a cost premium using National RECs may serve as a gateway to more meaningful commitments in the future. While this movement to stronger commitment is unproven at this time, Sustainable Jersey will continue to closely monitor the markets and the behavior of our communities and reserves the right to change and update actions.

In the end, Communities must make informed decisions about the quality of the product they chose to purchase in an R-GEA program, recognizing the tradeoffs that exist between cost, quality, the particular culture of a community and the collective level of engagement of its citizens.

It is important to recognize the limitations of a REC system, and its promise in a state like New Jersey. The direct effects and any secondary and tertiary effects of this system are complex and difficult to predict. It is certainly much more complicated than asking and answering the questions often asked such as “Where did the REC come from? Is it in fact green? Does it result in the build of new renewable generation or is it just profit to some renewable developer? “

On the positive side, a RPS using RECs for compliance that consistently meets or surpasses its goals in a market that sees a declining cost structure is on good footing, politically to increase their demand for renewable energy. Ultimately, that is the desired outcome of RPS policy – more renewable energy.

This has been the story in New Jersey. The fact that New Jersey has met its solar RPS at lower costs over time is a large part of the reason that New Jersey’s solar RPS has been increased twice over the last decade. We started nearly a decade ago with a goal by 2015 that is 1/10 of what is installed today!

Sustainable Jersey has critically considered many perspectives in crafting the R-GEA Actions and how each will be recognized. It is expected the communities will wrestle with similar perspectives as well. The decision should be made by the community – not by hired consultants, and should reflect the will of the community. This is an important dialogue to have and will provide a unique opportunity to educate the township on critical issues that contribute mightily to climate change.

The Case For R-GEA

Why it matters & ancillary benefits

The primary reason why R-GEA matters is that it enables municipalities to try to influence the market for renewable energy. Municipalities going into the energy market for R-GEA products can potentially influence the source of electricity supply. Simply put, R-GEA communicates to the market that there is a preference for renewable energy.

In addition, two ancillary benefits that may be characterized as Constituent Services emerge from R-GEA programs. First, the municipality enables the scale, through creation of the aggregation entity that will deliver lower prices than would be realized if a constituent was buying in the market place as a single consumer. This can be thought of as a Constituent Service since the municipal R-GEA program provides its' constituents the access to the lower prices available through competition and volume.

Second, the R-GEA program provides a layer of consumer protection that would otherwise not exist if the constituent was making the buying decisions on his/her own. This is especially relevant given the “polar vortex” event that occurred this past winter. The extreme weather event resulted in pricing spikes in natural gas, dramatically driving up the cost of electricity and providing sticker shock to consumers, unaware of the details of their TPS contracts. In some instances, customers were unaware that they were on a variable price program. In other instances, customers were unaware that what had begun as a fixed term contract, had switched over to variable pricing at some point during the term of their contract.

Although the municipal R-GEA can ask for variable or fixed pricing, pricing in R-GEA contracts will typically be fixed rates for the entire term of the contract, as municipal leadership have an interest in protecting constituents from the fluctuations in the spot markets due to any number of unpredictable events.

Experience in other states

The following is taken from The World Wildlife Federation’s report, *Leading from the Middle* available at assets.worldwildlife.org/publications/671/filesoriginal/Leading_from_the_Middle_IL_Report_FINAL.pdf?1394731489

- **Illinois:** Since 2013, using a similar mechanism to GEA, called Community Choice Aggregation (CCA), more than 90 Illinois towns, representing 1.7 million people, taking advantage of favorable wind opportunities in Illinois and Iowa, have contracted for 100% of resident’s electricity using Renewable Energy Credits or RECs.

- **Marin County, California:** This CCA program invests heavily in new, locally built, renewable energy resources. The county's long term Power Purchasing Agreements have spurred the development of nearly 60 MW of new solar, wind and landfill gas.
- **Sonoma County, California:** Sonoma County recently approved its own CCA program that focuses heavily on locally generated renewable energy. California's experience shows that longer-term contracts, typically ten years or more, provide the certainty electricity suppliers need to invest in more local renewable options.
- **Cape Light Compact, Massachusetts:** Since 1997, this Compact services over 20 towns through a combination of its own energy efficiency programs and direct investments in local solar projects. Several more aggregation programs have cropped up in Massachusetts in the last several years, with contract provisions similar to those in Illinois.
- **Cleveland & Cincinnati, Ohio:** In 2012, Cincinnati was the first major city to contract for 100% of its resident's electricity through RECs, and they did so with over 20% cost savings.

In addition to the examples above, New York, Utah, Colorado and Minnesota are all exploring legislation to enable CCAs.

Also, please refer to the study report completed by Sustainable Jersey regarding the potential for R-GEA use in NJ.

What Is A R-GEA, and How Does It Work?

In New Jersey, a Government Energy Aggregation (GEA) program is defined by the enabling Statute, and the rules promulgated by the Board of Public Utilities. The "R" in Sustainable Jersey's R-GEA refers to the fact that enhanced renewable content will be part of the electricity product procured by the municipality on behalf of the aggregation entity members.

In a GEA program without enhanced renewable content, the product is required to be priced at or below tariff (or the existing utility price determined by the BGS as explained in the Introduction section of this Guidebook). However, the Statute specifically makes an exception for enhanced renewable content when it allows for higher than tariff pricing if the product has enhanced renewable content.

The simplest way describe a R-GEA is that it is an entity, created by a Municipal Ordinance that is used to procure energy products for its constituent members. By Statute, for residential customers, membership is structured as an "opt out" program and as an "opt in" program for commercial customers. For residential customers, unless the customer elects to "opt out" of the program, or is already with a third party supplier, the residential customer is automatically enrolled in the GEA program. A residential customer is able to "opt out" of the program at any time during the term of the contract without penalty.

For commercial customers, GEA is an “opt in” program, where commercial clients must voluntarily elect to participate and they are also afforded the protection of being able to opt out of the program at any time during the term of the contract without penalty.

There is no limit to the term of the contract that may be entered in a R-GEA although typically due to risk factors in the energy markets, contracts run no longer than 24 months. In addition, several municipalities can join together to create a joint aggregation entity, although each town must go through the process of creating an Ordinance.

How To Implement a R-GEA

The R-GEA Implementation Process

The following steps must occur in order for the successful implementation of an R-GEA, where “successful implementation,” means a Master Contract that is active in the market enabled under the GEA mechanism as defined by the enabling legislation: N.J.S.A. 48:3-92 – N.J.S.A. 48:3-95.

The following abbreviations are used to indicate the entity that has primary responsibility for each task below:

ML:	Municipal Leadership
ME:	Municipal Employee
EA:	Energy Agent
WS:	Winning Supplier
R:	Resident

Enactment of Ordinance creating the R-GEA entity	ML
RFP for Energy Agent	ME (with support from ML)
Outreach to constituents	EA (with support from ML/ME)
Interfacing with local utility & review of EDC agreement	EA
Interface with Department of Consumer Affairs	EA
Collecting all utility usage information	EA
Design and creation of bid documents	EA
Review of all required documents with BPU/Ratepayer	EA
Running the RFP process to solicit bids	EA
Evaluation, analysis and recommendation for award	EA
Award of contract	EA (with authority from ML/ME)
Opt Out	R (with support of EA)
Customer service/billing issues/follow up questions	EA

The Customer's point of view

For a household that has not enrolled with a TPS, the first sign of an R-GEA will typically be an announcement for a public meeting that provides information on the program. Methods of outreach will vary from town to town. This may be handled by a mailer, information on the website, information in a local newspaper, or some combination outreach elements.

Municipalities will typically provide information about the program on their municipal web site in the form of announcements of public meetings, videos of public meetings, FAQs that answer questions on the program and links to other materials.

There may also be a public presentation on R-GEA at a Town Council meeting open to the public. To form an R-GEA the township must enact an ordinance, which requires two readings. When that happens, there may be information offered about the program and opportunities to have questions asked and answered.

A household's utility usage information will be collected in order to prepare the bid documents. However, this exercise is invisible to the constituent, as this information is provided by the utility to the Energy Agent directly.

Once the bid documents have been reviewed by the BPU and Ratepayer, the request for bids is made to the supplier market. After analysis of bid results and recommendations made by the Energy Agent, an awarded supplier is selected. Typically, after the award, there will be a press release announcing the results of the bid, and any notable features of the contract (term, content, expected savings).

Before the contract may take effect, there is a mandatory 30 day opt-out period. Consistent with BPU rules, a mailer must be sent out to every eligible household, notifying households of the program, the terms of the awarded contract, and instructions for opting out should they chose to do so.. After the 30-day period has ended, a household may still opt out at any time, without penalty.

If a resident decides to take advantage of the R-GEA program, they simply do nothing and will automatically be put on the winning contract after the 30 day period ends. The participant will also receive a letter from their utility, alerting them to the switch of suppliers.

If a household wants to take advantage of the R-GEA program but is already with a TPS, they will need to either 1) terminate the contract asap or 2) enroll in the R-GEA after their TPS contract expires, assuming there are provisions in the Suppliers contract to allow "opt ins" at any point during the contract term.

The R-GEA contract will typically run anywhere from 12-24 months. As the term of the R-GEA contract comes to an end, the municipality may elect to continue to offer the R-GEA, and will need to undertake the process from the beginning. The idea timing has the new contract going into effect right after the prior contract term lapses, for a seamless transition. It is quite possible that the winning supplier may

be different than was awarded in the prior R-GEA. It will depend on the results of the current bid process.

Helpful Hints

Use competitive procurement process to hire an Energy Agent:

Although there is an exception in the Public Procurement Contracting Law (P.L. 1971 c. 198 (C.40A:11-36)) that allows a municipality to hire an Energy Agent without going through a public procurement process, Sustainable Jersey strongly recommends that the municipality go through the RFP process in order to select an Energy Agent at a competitive cost and with the relevant expertise and experience in the New Jersey energy market. A link to a template RFP is available in the Resource Section of the R-GEA Action.

Politics of R-GEA:

It is crucial to note that the RGEA action is not necessarily a good fit for every town. Forming an RGEA, or even a GEA can be seen by the political leadership as a liability. If the program fails in its' execution in any way, this will result in calls to the Mayor and the Town Administrator. There is varying sensitivity on this point depending on the town and the political leadership.

Also important to note is that "being green," may not be of interest for some political leadership. If such leadership is at all interested in a program like this, their exclusive motivation will be the greatest savings for participants. "Being green" costs more, even if that means less of a savings.

Bottom line is do some homework to understand the politics of your Municipal Leadership before you decide to pursue a R-GEA action.

Supporting your Municipal Leadership during the R-GEA process:

During the many steps of implementing an R-GEA, there will be opportunities for the elected officials to take comments and answer questions from the public about the program. More often than not in a public meeting, community members that are AGAINST something are more likely to show up to voice their displeasure. By and large, community members that SUPPORT such initiatives are not likely to show up to stand up and be counted. If we expect our municipal leadership to lead, we need to openly and publically support and follow them through this process. What that will typically entail is attending the municipal council meetings when the R-GEA is on the agenda, and if provided opportunity to comment, to voice support of the municipal leadership's decision to implement an R-GEA program. This support can be augmented by write letters of support to the editor of your local newspaper.

New Jersey towns that have established GEA with contracts currently in the market:

As of June 2014, the following towns have GEA entities with contracts that are active in the market today:

Municipalities with GEA Contracts currently in the market
Lambertville
Montgomery Township
Monroe Township
Plumstead
Toms River
West Amwell
West Orange

Patience in the process:

Given how heavily regulated the R-GEA process is, getting through all of the required steps will take time, perhaps as long as 6 months until a contract is operating in the market.

In some cases, that timeline may stretch longer due to volatile market conditions. Any number of disruptions around the world can cause spikes or volatility in what is a global energy market— instability in the Middle East, speculation on Federal regulations, severe weather events, terrorist attacks, and other impossible-to-predict events effect electricity prices. Upon advice of your Energy Agent, there may be reasons to delay going into the market for a contract. So be patient and trust your energy expert who is most familiar with the up-to-date market pricing and the forces that drive those prices. Ultimately, in order to be successful, the R-GEA program wants to deliver the desired product at the lowest possible cost.

Community Organizing Resources

There are several sources available for community support of R-GEA.

First, there is a complementary Action in Sustainable Schools – Promotion of R-GEA. This action asks volunteers to support R-GEA efforts through a variety of activities that will be at the Municipal Green Team R-GEA leader’s discretion. The types of activities will depend on the particular needs in the particular town. This will require close coordination between school-based Green Team volunteers and the Municipal Green Team R-GEA Leaders.

Second, there are several environmental organizations that have volunteers in communities throughout New Jersey they can mobilize to assist in promotion and community organizing activities to support the R-GEA.