

39398 Minnesota Pollution Control Agency Notice of Hearing on Cumulative Impacts Rule

Closed Jul 17, 2026 · Discussion · 32 Participants · 1 Topics · 39 Answers · 4 Replies · 18 Votes

32

PARTICIPANTS

1

TOPICS

39

ANSWERS

4

REPLIES

18

VOTES

SUMMARY OF TOPICS

SUBMIT A COMMENT

 39 Answers · 4 Replies

Important: All comments will be made available to the public. Please only submit information that you wish to make available publicly. The Court of Administrative Hearings does not edit or delete submissions that include personal information. We reserve the right to remove any comments we deem offensive, intimidating, belligerent, harassing, or bullying, or that contain any other inappropriate or aggressive behavior without prior notification.

Sarah Horner · Citizen · (Postal Code: unknown) · Jun 15, 2026 1:06 pm

 2 Votes

I am writing to urge the MPCA to ensure that the final rule applies to both new air permits and air permit renewals. Most of the neighborhoods in Minnesota overburdened by pollution are already built-out, so the only way to ensure pollution levels are lower and these communities are healthier is to hold existing facilities accountable when their air permits are up renewal.

AMY WESTBROOK · Citizen · (Postal Code: unknown) · Jun 15, 2026 3:50 pm

 3 Votes

As public health professionals working at the local level, my colleagues and I have been following the rulemaking process since 2024 as it will impact residents of Duluth, our biggest city in the county. Air quality is a major contributor to our public's health and something that we have connected with various organizations on so that we can communicate health risks to the public. Ensuring that community residents and those impacted by this rulemaking are aware of how to be involved in decision making is important. In our role as public health professionals, we must be mindful of how we deliver messages so that they are clear and understandable to the general public. This is important because it makes health-related communications more accessible.

We have received feedback from community residents that the phrasing and public promotion of this ruling is not accessible to some. Public Health staff attended the last public event on "How to make an effective public comment", which was to prepare stakeholders for commenting during this Cumulative Impacts comment period. During

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this event, public health staff heard from several residents in attendance that they were unaware that a rulemaking surrounding air quality permitting was the focus of the event and reason for learning about public commenting. The residents attended the event due to their interest in learning about writing public comments but expressed interest in the Cumulative Impacts rulemaking once they learned it was related to air quality permitting. The residents felt that they would have attended more events on this rulemaking if they had known that "Cumulative Impacts" regarded air quality permitting.

The title of the rulemaking "Cumulative Impacts" does not signify to the general person or organization that this rulemaking surrounds air quality permitting. Using plain language is important when communicating publicly so that the information is accessible and draws attention to the main topic. Please consider publicly describing this rulemaking process using plain language that includes phrasing related to "air quality permitting" so that all stakeholders know what is being discussed. This may improve attendance at the public events held by MPCA staff on the rulemaking process. The events have been very beneficial towards understanding the rulemaking process, please keep holding them in Duluth.

Fen Swanson · Citizen · (Postal Code: unknown) · Jul 01, 2026 5:18 pm

 1 Votes

Please see the attached comments from the Hamline Midway Coalition regarding the proposed rules.

For questions, contact Fen Swanson: fen@hamlinemidway.org
1600 University Avenue West, Suite 301, St Paul, MN, 55104

joanne Hill · Citizen · (Postal Code: unknown) · Jul 09, 2026 2:53 pm

 3 Votes

Public Comment on the Proposed Cumulative Impacts Rule

Submitted by: Dr. Joanne Hill, DNP, MPH, MSN, PHN, CHES, CRNA, APRN

I support the MPCA's proposed Cumulative Impacts Rule because it acknowledges what Environmental Justice communities have lived with for generations. However, I respectfully urge the Administrative Law Judge and the MPCA to strengthen the rule by requiring that cumulative health impacts carry significant weight in permit decisions—not simply be documented.

As a public health nurse, CRNA, and lifelong Minnesotan, I have cared for the very people these cumulative burdens affect. North Minneapolis represents one of Minnesota's clearest examples of cumulative environmental injustice. Historic redlining, industrial zoning, and the construction of Interstate 94 concentrated pollution in predominantly Black, Brown, Indigenous, and low-income communities. HERC adds another source of PM2.5, nitrogen oxides, sulfur dioxide, heavy metals, and dioxins to neighborhoods already carrying disproportionate environmental burdens.

HERC .pdf

The science is well established. Air pollution contributes to asthma, cardiovascular disease, stroke, lung disease, cancer, and premature death. Public health analyses estimate approximately 1-2 premature deaths annually associated with HERC emissions,

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asthma emergency department visits are five to six times higher in impacted communities, and pollution-related health damages have been estimated at approximately \$16 million annually from particulate matter alone.

26 Public Health Forum.pdf

These illnesses are treated every day at Hennepin Healthcare, Minnesota's largest safety-net hospital. We continue investing public dollars to treat preventable diseases while investing far less in preventing the pollution that contributes to those illnesses. Prevention should become a measurable outcome of the cumulative impacts policy. I also ask that the final rule require agencies to evaluate existing cumulative pollution from highways, diesel traffic, industrial facilities, and waste incineration together, not in isolation. HERC does not exist alone. It adds pollution to communities already burdened by multiple environmental stressors.

HERC .pdf

Community members, healthcare professionals, faith leaders, and organizations such as the Zero Burn Coalition have participated in hearings, public education, and advocacy—including a hunger strike—to bring attention to these health inequities. Their participation reflects the urgency residents feel regarding cumulative environmental harms.

26 Public Health Forum.pdf

Finally, I encourage Hennepin County and local elected officials to work collaboratively with residents, healthcare systems, environmental justice organizations, and public health experts to develop measurable strategies that reduce pollution-related disease. Success should be measured not only by regulatory compliance, but by reductions in asthma emergency visits, cardiovascular disease, cancer burden, and premature mortality in Environmental Justice communities.

The purpose of cumulative impacts legislation was not simply to acknowledge inequities—it was to reduce them. I respectfully ask that this rule ensure cumulative impacts become a meaningful factor in permitting decisions and lead to measurable improvements in health outcomes.

Health equity is not achieved by treating preventable diseases. It is achieved by preventing it.

Jim Hoffenstein · Citizen · (Postal Code: unknown) · Jul 12, 2026 11:08 pm

 3 Votes

First and Foremost: Regarding your Undefined and Subjective Comment Moderation Policy.

The official Court of Administrative Hearings eComments platform states that all submissions become public. It also "reserves the right, without notifying the commenter beforehand, to remove comments it deems offensive, intimidating, belligerent, harassing, bullying, inappropriate, or aggressive". This is some serious Reddit Edge Lord Mod behavior.

This broad policy creates serious concerns in an environmental-justice proceeding. Residents describing decades of pollution, government neglect, illness, displacement, and unequal treatment may understandably communicate with anger, urgency, or distrust. Strong criticism of MPCA, a regulated facility, government attorneys, consultants, elected officials, or the proposed rule should not be confused with threats or harassment.

Terms such as "offensive," "belligerent," "inappropriate," and "aggressive" are

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subjective. The platform does not clearly identify:
who decides whether a comment violates the policy;
whether MPCA staff, MPCA attorneys, facility representatives, or other parties may request removal;
what written standards guide the decision;
whether the commenter receives notice after removal;
whether the commenter may appeal or resubmit;
whether a removed comment remains preserved in the official administrative record;
whether the Administrative Law Judge receives and considers it;
whether only the objectionable portion is removed or the entire submission disappears;
or
whether the identity of the person requesting or authorizing removal becomes public.

These questions are especially serious because the formal rulemaking notice says the Administrative Law Judge will accept oral and written views and consider comments equally. It also directs the public to use the eComments website as one of the official submission methods.

A public-participation system should distinguish genuine threats and targeted harassment from forceful criticism of government conduct. Otherwise, the people most directly affected may reasonably fear that their comments can be erased because an agency, attorney, facility, contractor, or platform administrator considers their tone offensive.

Before the comment period closes, the Court of Administrative Hearings and MPCA should publicly disclose:

The complete moderation standards governing this docket.

The identity and role of every person authorized to remove comments.

Whether MPCA, its attorneys, or regulated facilities may request removal.

The number of comments removed from this proceeding and the reason for each removal.

Whether removed comments are retained and provided to the Administrative Law Judge.

A written notice and appeal process for affected commenters.

A requirement that criticism not be removed merely because it is angry, embarrassing, accusatory, profane, or strongly opposed to the agency or regulated facility.

A public log identifying removals without unnecessarily republishing genuinely threatening personal material.

I request an explicit assurance that no relevant comment will be excluded from the administrative record merely because government officials, attorneys, facility representatives, or platform administrators consider its criticism offensive, uncomfortable, hostile, or damaging to the agency's position.

Thanks, moving on: The sheer amount of difficulty involved to even get here is without question, the most difficult process I've ever endured with a public comment process. The email validation email to allow me to even post on here went to my Span folder, by the way, which appears to be another diversionary tactic. This is basically a SubReddit moderated by, well, I don't know who. I do not have the time to possibly explain all the issues with your data, methodology, and logic regarding this topic. If my comment is removed due to subjective and unexplained rules of organized behavior, I will be taking steps to ensure it is heard. Because most of us have lives, kids (and dogs in my case), and things to do, unfortunately I'm going to have to focus on one of the cruxes of why I fundamentally disagree with your approach to this.

Your Cancer/NonCancer Lack of Evidence, broken links, and data from 2011 comes to mind.

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Your documents state that the "MPCA relies on MNRISKS to create the cancer-risk and noncancer-risk stressors used by CI-MAP". These modeled results are assigned at census-block-group level, after which the highest block-group value is assigned to the entire census tract and converted into an adverse or nonadverse stressor classification.

The technical foundation cited for this consequential decision is not publicly reproducible.

The March 2023 MNRISKS report states that MPCA conducts a model-monitor comparison for every new MNRISKS version and calculates numerous statistical measures. It then states that an online Tableau tool contains the model-monitor comparisons and that further details of the statistical analysis are available online.

The embedded statistical-analysis hyperlink currently resolves only to an empty RPub publication shell last updated more than nine years ago. The embedded Tableau link references a workbook titled "MNRISKS2011Model-MonitorTool" on an old MPCA Tableau hostname that does not appear on MPCA's current public-data portal.

The sole model-monitor table included in the 2023 report compares measured concentrations with 2011 MNRISKS modeled concentrations. It does not present the complete statistical results MPCA claims were calculated. It provides only counts categorized as underestimates, estimates within a factor of two, or overestimates.

Even under the broad factor-of-two standard, multiple pollutants had no model-monitor pairs falling within that range. Several were consistently underestimated, while others were consistently overestimated.

MPCA therefore has not provided the public with sufficient information to determine:

- Which MNRISKS version and emissions-inventory year were used in the 2026 CI-MAP.
- Whether that specific version was validated against contemporaneous monitoring.
- The identity and location of each monitor and modeled receptor used.
- Pollutant-specific bias, correlation, error and agreement statistics.
- Whether model performance differs systematically in dense urban, industrial, highway-adjacent or environmental-justice communities.
- How missing or voluntarily reported air-toxics emissions affect the results.
- Whether actual local monitoring supersedes modeled estimates when they conflict.
- Whether the model reliably classifies areas immediately above or below a risk-score threshold of
- Whether assigning the highest block-group model result to an entire census tract is scientifically justified.
- Why a 2011 comparison is sufficient support for a 2026 rulemaking.

Lastly, Also, please tell me why you're giving a giant nod to the voluntary carbon offset market of urban forestry by including "CO2e" as something you claim to be able to meaningfully measure.

Before I move on:

Until MPCA publishes the complete current validation package, MNRISKS should not be used as a dispositive or binary basis for determining whether a tract has an adverse cancer or noncancer stressor.

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Records and corrections required

MPCA should be required to provide:

the complete model-monitor comparison for every MNRISKS version used or considered;

the missing RPubs analysis and underlying R, Python or other statistical code;

the retired Tableau workbook and all downloadable data;

all Kendall's tau, Pearson correlation, RMSE, mean bias, fractional bias, gross-error, coefficient-of-efficiency and index-of-agreement results;

exact monitor and receptor coordinates;

current emissions-inventory dates and completeness assessments;

pollutant-by-pollutant validation;

comparisons against East Phillips and other available community monitors;

version histories and quality-assurance records;

all internal decisions concerning whether MNRISKS was fit for CI-MAP use; and

an explanation of every dead, obsolete or inaccessible technical citation in the rulemaking record.

This is a defect in your 60-page report as currently drafted because the report should flag the broken validation chain rather than simply treating MPCA's MNRISKS citation as an available technical source. The screenshots of the 2023 validation page, the 2011 table, and the empty RPubs page need to be inserted together as a new evidentiary section, but I do not trust that if I attach documents, that you won't try to use MetaData something else to target me or anyone else telling the truth.

Please explain exactly why you chose to cherry-pick data sets that are 15 years old?

-Industry professional for 36 years. This is all I have time for today. Also, please explain your inclusion of CO2e very precisely, because otherwise this is very much looking like a way to use Carbon Credits to offset emissions entirely—you've left that loophole wide open

Response:

Elliana Duval · Citizen · (Postal Code: unknown) · Jul 13, 2026 8:37 am

I greatly appreciate this comment, and it helped guide some of the research I did.

There are a few areas where I think things get a bit muddy but it is just shows how the MPCA seems to be making incredibly simple things become unbelievably complicated.

Elliana Duval · Citizen · (Postal Code: unknown) · Jul 13, 2026 9:38 am

👍 1 Votes

I've been researching this since I found out about it, and it is incredibly difficult to navigate across documents, formulas, methods, indicators, layers, and stressors because even if you know what you're doing, it doesn't actually make sense. I'm just going to point out some of the large, glaring points of error/questionable choices regarding the MNRISK tool from March, 2023, the CI-Map, and the March 2026 Cumulative Impacts Mapping and Analysis Platform (CI-MAP) technical support document, and the MPCA Understanding environmental justice in Minnesota map.

MPCA's CI-MAP technical guide does not disclose the actual data vintage used for most of its 26 environmental stressors. Instead, it mixes unidentified model runs, rolling five- and ten-year windows, five-year Census estimates, biennial water lists, daily updated

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remediation data, modeled public-health estimates, traffic data of an unidentified year, and land-cover rasters of unidentified versions. It then converts each source into an equal one-point adverse-stressor flag.

The date appearing on a source document is frequently not the date of the data. For example, the cancer-risk layer cites a March 2023 MNRISKS report, but the model uses an undisclosed emissions-inventory vintage together with exposure equations and assumptions derived from guidance issued in 1989, 1991, 2005 and 2011. Its published model-monitor comparison uses 2011 modeled concentrations. MPCA must not describe this simply as a contemporary “cancer risk” value without disclosing the full model and data lineage.

The PM2.5 and ozone layers present another major inconsistency. MPCA says current pollution data generally encompass up to five years, but these indicators use unidentified ten-year windows. MPCA also relies on AirNow-Tech even though EPA states that AirNow data are preliminary, are not fully verified through the certification procedures used for AQS, and should not support regulatory or other agency decisions.

Before CI-MAP is used in any permit determination, MPCA must publish for every stressor the exact dataset name, release, version, collection date, extraction date, beginning and ending years, raw tract value, source geography, benchmark, margin of error, transformation code and update history. Where a model is used, MPCA must also identify the model version, emissions-inventory year, meteorological years, toxicity-table date, exposure assumptions and validation dataset. A database whose operative source dates cannot be determined from its technical documentation is not reproducible and is not sufficiently transparent for legally consequential environmental-justice permitting.

Thank you the opportunity

Response:

Beth Shaw · Citizen · (Postal Code: unknown) · Jul 17, 2026 3:22 pm
Yes yes and yes

Stephanie Hankerson · Citizen · (Postal Code: unknown) · Jul 15, 2026 7:06 pm

👍 0 Votes

Please see my attached comments
Stephanie Hankerson, St. Paul, MN

Tracy Whitney · Citizen · (Postal Code: unknown) · Jul 16, 2026 12:51 pm

👍 0 Votes

Conservation Minnesota submits this letter and petition on behalf of 610 of our members who support the MPCA's adoption of new cumulative impacts rules. Neighborhoods near highways, industrial facilities, or power plants — often home to low-income families and communities of color — face disproportionate and chronic exposure to harmful air, which over time can contribute to asthma, heart disease, and other serious health issues. Our members, representing communities across the state, signed on to the following statement:

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"I support the MPCA implementing rules that improve the air quality for all communities in Minnesota."

We urge the agency to adopt rules that prioritize protecting Minnesotans from harmful air pollution and address the disproportionate exposure faced by overburdened communities. The full letter and list of signers is attached.

Sophia Longsworth · Citizen · (Postal Code: unknown) · Jul 16, 2026 2:39 pm

👍 0 Votes

As Team Leaders of Coming Clean Network's Zero Emissions Whole Communities (ZE/WC) Team (comingcleaninc.org/projects/ci-mer), Kathleen Curtis and Sophia Longsworth submit the attached comments on behalf of the Team.

Elizabeth Bonin · Citizen · (Postal Code: unknown) · Jul 16, 2026 10:49 pm

👍 1 Votes

I live in North Minneapolis – one of the heaviest polluted areas of the state. Our community has a high concentration of asthma and cancer, especially among children. Knowing that, I'm extremely cognizant of how these rules could improve the health of the Northside. My area is exposed to pollution from the Hennepin Energy Recovery Center (HERC), highway 94, and highway 55.

I see that a facility can keep revising and submitting its Community Benefit Agreement (CBA) until it is approved, but there are no rules on when the Commissioner can completely deny a CBA and the permit for the facility. There should absolutely be criteria for denying a permit, such as a two-strike rule – if the facility submits a CBA and it gets sent back for revision twice, then the permit is denied. Even better, perhaps the Commissioner is required to conduct several community events (town halls) where community members living near the proposed facility can voice their concerns and recommendations about the facility and its CBA. The Commissioner could then be required to base the decision on approving or denying the CBA or permit on community input from those events. The events should also have an option to submit comments to the Commissioner virtually, as not everyone is physically able to attend in-person events.

I also see that there's no requirement for existing facilities to conduct a cumulative impacts analysis unless it has received a violation in the past three years. I think this is an oversight, as there are many existing facilities that are extremely damaging to EJ communities that have flown under the radar, and we deserve more information on the extent of that damage. Any existing facility should be required to conduct a cumulative impacts analysis based on the health of the community, such as asthma and cancer rates. The cumulative effects should also include highways, which have a massive negative effect on community health. In addition, three years is far too short to truly measure. The benchmark of violations should be raised from three years to seven to truly get an accurate picture.

I urge the MPCA to put the community's health first and center the voices of folks from EJ communities.

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Response:

Beth Shaw · Citizen · (Postal Code: unknown) · Jul 17, 2026 3:27 pm
Period. These rules allow the offenders to dictate the process and offset their CO2e emissions with Carbon+ offsets. NO CARBON OFFSETS FOR POLLUTERS!!!!

Leah Dunlevy · Citizen · (Postal Code: unknown) · Jul 16, 2026 11:15 pm

👍 1 Votes

Please see my attached comments (MPCA-cumulative impacts.pdf).

Andrew Morley · Citizen · (Postal Code: unknown) · Jul 17, 2026 8:02 am

👍 0 Votes

Please find comments from the Minnesota Chamber of Commerce attached.

Ryann Geldner · Citizen · (Postal Code: unknown) · Jul 17, 2026 8:44 am

👍 1 Votes

I am commenting on the proposed cumulative-impacts rules in Minn. R. 7007.6000–7007.6120. I support the intent of the rule but believe it must be strengthened to address airborne agricultural chemicals, sediment-binding lake treatments such as alum, macroinvertebrate decline, and the role of regenerative farming in reducing cumulative environmental stressors.

1. Airborne agricultural spraying should be included as an environmental stressor Under Minn. R. 7007.6010, “environmental stressors” include any condition that harms human health. Airborne agricultural chemicals: ammonia, nitrates, pesticides, herbicides, and VOCs drift into EJ neighborhoods, schools, parks, and lakes. These chemicals contribute to asthma, endocrine disruption, neurological impacts, and increased respiratory illness. They also deposit nitrogen and phosphorus into lakes and rivers, accelerating eutrophication.

Requested change: Add airborne agricultural chemicals to the list of environmental stressors evaluated under 7007.6050 and 7007.6090.

2. Alum lake treatments should be included as cumulative chemical stressors Although alum is applied in water, it creates long-lasting chemical layers in lake sediments. These layers interact with airborne nutrient deposition from agriculture and stormwater runoff, creating a combined chemical burden not captured in the draft rule. Repeated alum treatments create long-term chemical dependency without reducing watershed nutrient sources.

Requested change: Clarify in 7007.6010 and 7007.6090 that cumulative impacts include chemical stressors originating from watershed management practices, including alum.

3. Macroinvertebrate decline should be included as a biological stressor

Most lake macroinvertebrates live in or on sediments where alum settles. Alum alters sediment chemistry and can reduce benthic macroinvertebrate abundance, undermining fish populations and long-term lake recovery. Macroinvertebrate decline fits the rule’s definitions of “health endpoint,” “environmental stressor,” and “combined stressor total.”

Requested change: Add biological indicators — including macroinvertebrate health — to cumulative-impact evaluations under 7007.6090.

4. Regenerative farming should be recognized as a mitigation strategy

Minnesota has a long tradition of small regenerative farmers (“the ones in overalls”) who

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build soil health, reduce chemical use, and protect air and water quality. Practices such as cover cropping, reduced tillage, perennial systems, diversified rotations, and managed grazing reduce airborne chemical drift, reduce nutrient runoff, increase carbon sequestration, and protect pollinators and macroinvertebrates.

Large agribusiness operations ("the ones in suits") often rely on high-volume chemical inputs and monoculture systems that increase airborne pollutants and watershed nutrient loading.

Requested changes:

Add regenerative farming practices to 7007.6110 as eligible community benefits.

Allow cumulative-impact findings to limit large agribusiness expansion in EJ areas where burdens are already high.

5. EJ communities experience multi-pathway cumulative burdens

When airborne agricultural chemicals, alum treatments, and biological impacts are combined, EJ communities face:

inhalation of agricultural spray drift

inhalation of airborne particulates and dust

degraded water quality from nutrient deposition

ecological decline (loss of macroinvertebrates and fish forage)

repeated chemical treatments in downstream lakes

These combined stressors fit the rule's definitions of adverse environmental stressors, adverse cumulative stressors, and combined stressor total, yet they are not included in the draft rule.

Conclusion

I respectfully request that the MPCA strengthen Minn. R. 7007.6000-7007.6120 by explicitly including:

airborne agricultural chemicals

nutrient deposition from agriculture

alum treatments

macroinvertebrate decline

regenerative farming practices

limits on large agribusiness expansion in high-burden EJ areas

nature-based watershed solutions (wetlands, buffers, ARTS systems)

These additions will ensure cumulative-impact analysis reflects real ecological conditions and protects EJ communities who experience multiple pollution pathways simultaneously.

Jeanne Norrgard · Citizen · (Postal Code: unknown) · Jul 17, 2026 9:32 am

 2 Votes

To the Minnesota Pollution Control Agency,

Hello, my name is Jeanne and I appreciate this opportunity to provide my public comments on the MPCA's proposed rules on the Cumulative Impacts Analysis for Industry now under consideration. I live in Bloomington, zip code 55431. While I am not currently directly impacted by the most adverse health effects of industry, I do live within a mile of 35W, and I am also impacted by the negative environmental consequences of bad air quality on hot and smoky days such as today.

In addition, Bloomington sends our city's trash to the Hennepin Energy Recovery Center (HERC) and I am very upset personally that my trash is burned downtown and directly affects the air quality of people living in a designated Environmental Justice (EJ) area in Minneapolis and also that the resultant toxic ash is being sent to a landfill in the south metro. I would like to see the HERC closed as soon as possible, and alternative efforts

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made to deal more justly and environmentally with our trash.

Because of HERC and other such places, the proposed Cumulative Impacts draft rules should be amended to include existing facilities, not just new ones. Existing facilities should be required to submit cumulative impacts analyses based on current, updated circumstances and data before any permit is reissued.

Especially with the added burden of bad air quality on smoky days like today, everyone living in a designated EJ area is dealing on a daily basis with multiple other negative health impacts from many layers of pollution from many sources. These neighborhoods need shielding and protection from the negative cumulative health impacts from existing and potential new facilities and industries in their neighborhoods. They need to have a say in the decision-making process on whether an industry or facility is adequately addressing and mitigating negative health impacts in their neighborhoods.

It should not be left solely to the facility or industry to decide if they are being a good neighbor. Neighborhoods should be able to negotiate with a facility on a Community Benefit Agreement (CBA) and then provide their recommendation directly to the MPCA Commissioner on whether to approve or deny a permit, plus receive a response back from the MPCA with an explanation of the commissioner's response. The industry's contribution to the cumulative negative health effects in any given EJ neighborhood must be measured and factored into any permitting decision affecting that neighborhood.

The MPCA must be able to actually deny a permit. And to level the playing field for all parties, the MPCA rules should be amended to clearly and strongly state what the criteria and specific circumstances are that would support and require permit denial, consistent with state statute requirements. Potential loopholes that facilities and industries could exploit must be written out of the rules and avoided altogether.

Thank you again for the opportunity to provide input on this important topic. Besides my public comments, I fully support the Frontline Communities Protection Coalition's public comments, data and recommendations.

Linnea Weum · Citizen · (Postal Code: unknown) · Jul 17, 2026 10:50 am

 1 Votes

Please see the attached comment letter submitted on behalf of the University of Minnesota.

Leslie Myint · Citizen · (Postal Code: unknown) · Jul 17, 2026 11:01 am

 1 Votes

Please see the attached comment from the Minnesota Environmental Justice Table. For questions, please contact leslie@mnejtable.org.

Evan Mulholland · Citizen · (Postal Code: unknown) · Jul 17, 2026 11:12 am

 1 Votes

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Please see the attached comment from the Minnesota Center for Environmental Advocacy. For questions, please contact Evan Mulholland at emulholland@mncenter.org

Fue Lee · Citizen · (Postal Code: unknown) · Jul 17, 2026 11:59 am

👍 1 Votes

Please see my attached comments. If you have any questions or concerns, please contact my office at rep.fue.lee@house.mn.gov or my legislative assistant, Nhia Chang, at nhia.chang@house.mn.gov.

Sasha Lewis-Norelle · Citizen · (Postal Code: unknown) · Jul 17, 2026 12:38 pm

👍 1 Votes

Please see the attached comment from the Frontline Communities Protection Coalition. For questions, please contact Sasha Lewis-Norelle at sashaln@copalmn.org

Minnesota Public Health Association MPHA · Citizen · (Postal Code: unknown) · Jul 17, 2026 12:44 pm

👍 1 Votes

Please see the attached comment from the Minnesota Public Health Association. For questions, please contact Merry Grande, Executive Director, at admin@mpha.net

Beth Shaw · Citizen · (Postal Code: unknown) · Jul 17, 2026 12:50 pm

👍 2 Votes

MPCA Cumulative Impacts Rule

Re: Proposed Cumulative Impacts Rule, Revisor ID R-04805; OAH Docket No. 21-9003-39398

To Administrative Law Judge Kimberly Middendorf and the Minnesota Pollution Control Agency:

I support the basic principle that MPCA must consider cumulative pollution before issuing air permits. However, I oppose adoption of the proposed rule in its current form because its geographic eligibility system, census methodology, facility-controlled process, petition requirements, and community benefit agreement provisions contain serious weaknesses, most importantly the ridiculous indicators used, the use of unclear and outdated datasets that aren't relevant, and opening the door to the Twin Cities Climate Resiliency elites to sell Carbon Offsets that will now be used by factories killing us for dead trees on a corrupt, dirty market codesigned alongside the MPCA, MNdot, The City of Minneapolis, Hennepin County, and billionaires.

1. The environmental-justice map does not match the actual geography of environmental harm

The proposed system produces a map that appears disconnected from conditions on the ground in Minneapolis. Large portions of the established Northside Green Zone and Southside Green Zone appear excluded or fragmented, while portions of downtown and the North Loop appear included or surrounded by the rule's one-mile coverage area.

MPCA must explain, tract by tract, how this outcome was produced.

The statutory definition identifies an environmental-justice area through census tracts

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that meet at least one of four demographic conditions:

40 percent or more of the population is nonwhite;

35 percent or more of households have income at or below 200 percent of the federal poverty level;

40 percent or more of residents over age five have limited English proficiency; or the tract is located within Indian Country.

A facility may be covered when it is located in or within one mile of one of those tracts.

These criteria are demographic eligibility tests. They are not, by themselves, measurements of cumulative pollution. A tract can have major highways, industrial operations, contaminated land, permitted waste activities, inadequate tree canopy, elevated asthma, and other health burdens but still be excluded because its census estimate falls slightly below every demographic cutoff.

That is an unacceptable result for a rule whose stated purpose is to address cumulative environmental harm.

2. MPCA must disclose exactly why each tract qualifies or fails

The public should not have to reverse-engineer the map.

For every Minneapolis census tract, MPCA should publish:

The tract number and boundaries.

Whether the tract directly qualifies as an EJ area or merely appears because it is within a one-mile buffer.

The exact statutory criterion or criteria met.

The data year or American Community Survey vintage used.

The numerator and denominator used in every percentage.

The margin of error for every estimate.

The tract's value under each of the 26 CI-MAP stressors.

The reason a tract inside an established city Green Zone was included or excluded.

Any effect caused by tract-boundary changes, redevelopment, displacement, or population changes.

The proposed definition of an "impacted environmental justice area" includes an EJ area that lies wholly or partly within one mile of a facility's property boundary. The one-mile rule therefore creates a regulatory coverage area that is not the same thing as the underlying EJ tract. Those layers must be displayed separately and unmistakably. MPCA should specifically explain why portions of the North Loop appear covered while portions of the Northside and Southside Green Zones appear excluded.

3. The household poverty test can hide the number of low-income residents

The statute uses the percentage of households, not the percentage of individual residents, with income at or below 200 percent of the federal poverty level.

Renters are not categorically excluded. A rented apartment is a household. But counting households instead of residents can still distort conditions in renter communities.

For example, assume a tract has:

34 low-income households containing 150 residents; and

66 higher-income households containing 66 residents.

Most of the people in that example live in low-income households, but only 34 percent of the households are low-income. The tract would miss the 35 percent threshold.

This means a low-income household containing five or six people counts once, while five or six higher-income residents living separately count as five or six households. A household-based percentage can therefore obscure the actual percentage of residents experiencing poverty, especially in communities with larger families, multigenerational households, crowded rental housing, or shared apartments.

MPCA must publish an analysis comparing the household-based threshold with:

the percentage of individual residents living below 200 percent of poverty;

renter poverty;

family size;

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housing overcrowding;
severe housing-cost burden;
displacement;
residents living in shelters or group settings; and
residents without conventional housing.

I recognize that the core 35 percent household threshold originates in Minnesota Statutes section 116.065. That does not relieve MPCA of its obligation to identify the distortions produced by the threshold, use every available discretionary tool to prevent inequitable exclusions, and recommend a legislative correction where the statute prevents an adequate remedy.

4. Census-tract averages can erase block-level environmental injustice

Census tracts are administrative boundaries. Pollution does not stop at a census-tract line.

A single tract may contain:

an industrial corridor;
highway-adjacent homes;
public or subsidized housing;
newer luxury apartment buildings;
commercial properties;
vacant land; and
higher-income homeowners.

A tract-wide average can conceal the severe conditions experienced by residents living closest to pollution. New market-rate construction can also change a tract's average income or racial composition without removing its highways, contaminated sites, industrial uses, or historical health burdens.

The rule should require examination at the smallest reliable geographic level available, including block groups, residential areas near the facility, schools, public housing, senior buildings, shelters, and other sensitive locations. A tract should not lose protection simply because unrelated market-rate development elsewhere in the tract changes the overall demographic average.

5. Established Minneapolis Green Zones should not be ignored

Minneapolis has already identified Northside and Southside Green Zones through a local environmental-justice process. The state's rule should not fragment those recognized communities without a detailed factual explanation.

MPCA should either:

presumptively recognize established municipal Green Zones;
provide an alternate path for locally designated environmental-justice areas;
allow qualification based on documented cumulative environmental stressors even where a tract narrowly misses the demographic thresholds; or
seek a legislative amendment if MPCA believes the statute prevents these protections.
A person living beside a highway, industrial facility, transfer operation, waste site, or contaminated property should not lose protection because a census tract is at 34.9 percent instead of 35 percent on a household measure.

6. CI-MAP contains useful information, but its methodology is too crude to control eligibility or permit outcomes

CI-MAP includes 26 environmental, transportation, social, health, and neighborhood stressors. However, where no specific health-based reference value exists, MPCA compares a tract with the lower of the county or state median. A stressor exceeding that comparison point is marked adverse. The adverse stressors are then added together into a combined stressor total.

That approach can oversimplify very different levels of harm.

A tract barely exceeding a comparison value may receive the same adverse-stressor count as a tract experiencing an extreme burden. The method counts how many

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stressors cross a line but does not necessarily reflect:

the severity of each stressor;

the toxicity of the pollutant;

the duration of exposure;

the distance between the source and residents;

whether several stressors arise from the same underlying condition;

the number of affected residents; or

the interaction between different pollutants and health conditions.

The SONAR explains that if 13 of 26 stressors are adverse, the combined score is simply 13.

MPCA should provide both the simple count and a severity-sensitive analysis. A cancer-risk indicator, severe fine-particle exposure, childhood lead exposure, lack of tree canopy, and recreational access should not automatically be treated as interchangeable one-point items.

The technical document also states that “current” data may include information from as much as the previous five years and acknowledges that some health information is delayed or combined across multiple years.

Every CI-MAP layer should prominently identify its collection date, update date, geographic resolution, limitations, and margin of uncertainty.

7. Cumulative pollution should be an independent qualification route

The current structure effectively uses demographics to open the door and then uses CI-MAP to evaluate environmental stressors after the area qualifies.

That is backwards.

A community experiencing severe cumulative pollution should be eligible for protection because it is experiencing severe cumulative pollution, even when its current census demographics have shifted due to gentrification, displacement, student housing, institutional populations, new development, or arbitrary tract boundaries.

The final rule should allow an area to qualify through either:

the statutory demographic criteria;

an established state or local Green Zone designation;

adverse cumulative CI-MAP stressors;

documented historic pollution and health burdens; or

substantial evidence presented by residents, local government, Tribal government, health professionals, or community organizations.

8. The rule places too much responsibility in the hands of the facility seeking the permit Under the proposed rule, the facility prepares the initial assessment and states whether it believes the permit action is likely to affect residents. The initial assessment must contain the facility’s own determination and the data it used.

If a full analysis is required, the facility conducts the cumulative impacts analysis. The facility also develops the public-participation plan, hosts the meetings, prepares materials, summarizes comments, answers the comments, and prepares the draft community benefit agreement.

This structure creates an obvious conflict. The entity seeking permission to pollute should not control the initial framing, technical analysis, community outreach, and proposed remedy.

MPCA should require:

independent, MPCA-selected technical reviewers;

public access to modeling files, assumptions, raw data, contracts, and consultant communications;

funding for community-selected technical experts;

independent meeting facilitation;

translations and accessible materials;

direct outreach conducted or supervised by MPCA; and

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a clear procedure for residents to dispute inaccurate facility statements.

9. The petition requirement creates an unfair burden for residents

When MPCA does not automatically require a cumulative impacts analysis, residents may be forced to submit a petition containing at least 100 signatures, mailing addresses, and material evidence. A deficient petition must be corrected within 15 calendar days or it becomes void.

Residents should not have to become unpaid epidemiologists, air modelers, attorneys, and petition organizers merely to make MPCA study a facility that MPCA regulates.

The petition process should be revised to:

reduce or eliminate the 100-signature requirement;

permit petitions from recognized neighborhood, tenant, environmental, health, or Tribal organizations;

accept electronic signatures;

protect personal addresses from unnecessary disclosure;

require MPCA to help residents obtain relevant agency records;

provide at least 30 days to correct technical deficiencies; and

require an analysis whenever credible evidence indicates potential harm, even if a petition has a procedural defect.

MPCA already possesses permits, inspections, enforcement records, emissions inventories, complaints, monitoring data, and information about nearby regulated facilities. Residents should not carry the primary burden of assembling evidence that government already controls.

10. A “substantial adverse impact” should not be purchasable through a benefit agreement

The most serious weakness is what happens after MPCA determines that a permit would cause a substantial adverse impact.

The proposed process allows the facility and MPCA to enter into a community benefit agreement, after which MPCA may still issue the permit. The agreement is legally between the commissioner and the facility—not between the facility and the affected residents.

The rule overview states that when substantial adverse impacts are found, the permit must be denied only if the facility does not enter into a community benefit agreement with MPCA. MPCA may issue the permit when the agreement is signed and permit conditions are imposed.

That allows the system to acknowledge serious harm and then authorize it anyway.

Public meetings and comment responses are not the same as community consent. The facility prepares the draft agreement, revises it, and submits the proposed agreement to MPCA. Residents provide input but are not contractual parties with direct enforcement authority.

The final rule should require that:

Pollution prevention and emissions reduction come before unrelated benefits.

A benefit must directly address the identified adverse impact.

Jobs, donations, landscaping, short-term grants, or general economic activity cannot substitute for preventing serious health harm.

The benefit must be proportional to the duration and severity of the harm.

Residents or a democratically selected community body must approve the agreement.

A qualified community representative must be a party to the agreement.

Residents must have access to enforcement and remedies when the facility fails to comply.

Agreements must include firm deadlines, measurable outcomes, public reporting, and consequences for noncompliance.

A permit must be denied when the substantial adverse impact cannot actually be prevented, eliminated, or reduced to a protective level.

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A process that studies harm, confirms harm, conducts meetings about harm, and then permits the harm in exchange for benefits is not a sufficient environmental-justice standard.

11. GRE HERC Services LLC Issue

Great River Energy operates GRE HERC Services, LLC, which operates HERC, which involves reporting requirements. This includes the Brooklyn Park Transfer Station, which is the initial point where trash goes before it is sent to the Elk River Landfill or to HERC. Having one company in charge of so many important aspects of reporting creates some very serious issues regarding transparency. This should be looked at closer

12. MPCA's Approach to Air Monitoring: It's Complicated to Test the Air, MNRISKS is confusing and flawed

This is perhaps the most infuriating aspect, and core issue with this entire cumbersome list of Stressors and their data sources that you expected the public to digest. You attempt to use statistical terms and fancy language to confuse people, when in reality all you're saying is, "We don't want to test the air, because we cannot manipulate that data". You state, "there are two main types of tools for investigating air pollution, modeling tools like MNRISKS and air monitoring. This alone is false. NOx samplers, VOC samplers, and a world of samplers exist that allow laboratories to examine the very specific details of pollution

SKS validation record is inaccessible, stale, and incomplete

MPCA relies on MNRISKS to create the cancer-risk and noncancer-risk stressors used by CI-MAP. These modeled results are assigned at census-block-group level, after which the highest block-group value is assigned to the entire census tract and converted into an adverse or nonadverse stressor classification.

The technical foundation cited for this consequential decision is not publicly reproducible.

The March 2023 MNRISKS report states that MPCA conducts a model-monitor comparison for every new MNRISKS version and calculates numerous statistical measures. It then states that an online Tableau tool contains the model-monitor comparisons and that further details of the statistical analysis are available online.

The embedded statistical-analysis hyperlink currently resolves only to an empty RPub's publication shell last updated more than nine years ago. The embedded Tableau link references a workbook titled "MNRISKS2011Model-MonitorTool" on an old MPCA Tableau hostname that does not appear on MPCA's current public-data portal.

The sole model-monitor table included in the 2023 report compares measured concentrations with 2011 MNRISKS modeled concentrations. It does not present the complete statistical results MPCA claims were calculated. It provides only counts categorized as underestimates, estimates within a factor of two, or overestimates. Even under the broad factor-of-two standard, multiple pollutants had no model-monitor pairs falling within that range. Several were consistently underestimated, while others were consistently overestimated.

MPCA therefore has not provided the public with sufficient information to determine: Which MNRISKS version and emissions-inventory year were used in the 2026 CI-MAP.

Whether that specific version was validated against contemporaneous monitoring.

The identity and location of each monitor and modeled receptor used.

Pollutant-specific bias, correlation, error and agreement statistics.

Whether model performance differs systematically in dense urban, industrial, highway-adjacent or environmental-justice communities.

How missing or voluntarily reported air-toxics emissions affect the results.

Whether actual local monitoring supersedes modeled estimates when they conflict.

Whether the model reliably classifies areas immediately above or below a risk-score threshold of 1.

Whether assigning the highest block-group model result to an entire census tract is

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scientifically justified.

Why a 2011 comparison is sufficient support for a 2026 rulemaking.

Until MPCA publishes the complete current validation package, MNRISKS should not be used as a dispositive or binary basis for determining whether a tract has an adverse cancer or noncancer stressor.

13. Records and corrections required

MPCA should be required to provide:

the complete model-monitor comparison for every MNRISKS version used or considered;

the missing RPubs analysis and underlying R, Python or other statistical code;

the retired Tableau workbook and all downloadable data;

all Kendall's tau, Pearson correlation, RMSE, mean bias, fractional bias, gross-error,

coefficient-of-efficiency and index-of-agreement results;

exact monitor and receptor coordinates;

current emissions-inventory dates and completeness assessments;

pollutant-by-pollutant validation;

comparisons against East Phillips and other available community monitors;

version histories and quality-assurance records;

all internal decisions concerning whether MNRISKS was fit for CI-MAP use; and

an explanation of every dead, obsolete or inaccessible technical citation in the rulemaking record.

This is absolutely a defect in the 60-page report as currently drafted because the report should flag the broken validation chain rather than simply treating MPCA's MNRISKS citation as an available technical source. The screenshots of the 2023 validation page, the 2011 table, and the empty RPubs page need to be inserted together as a new evidentiary section.

This is a farce. When you click the link after "Further details of the statistical analysis are online" in the Model-Monitor Comparison section of your MNRISKS methodology, it takes you to a random page from 2016 that doesn't have a single working link. Try it:

<https://rpubs.com/kmellickson/228038>. You need to back all the way up before attempting to shove broken links from old studies down the throats of the public. Not a single link on that page actually functions, which is a massive issue.

This means the justification for using your very own model to measure air pollution is faulty.

Models are subject to uncertainties in the input data and the parameters available for the chemical and physical processes that disperse, react, and deposit pollutants. Given the uncertainties in modeling, it is important to validate model predictions against measurements to evaluate how well the model is performing. The use of monitoring data to check model performance is often termed calibration or validation of the model. The calibration process is an exercise in reducing uncertainty and improving the model agreement with measurements. Model-monitor comparisons for MNRISKS are presented in section 4.6 of this document.

14. Asthma

First of all, the word "Asthma" isn't found a single time in your MNRISKS: Minnesota statewide screening of human health risks from air pollution "Analysis", which is confusing because you state that the MNRISKS tool is how you determine this specific indicator. You cannot just claim that Asthma is just fine in North Minneapolis, without someone asking questions. Your guide says that you use the PLACES map, provided by the CDC, to determine Asthma Rates.

15. Regarding your Undefined and Subjective Comment Moderation Policy

The official Court of Administrative Hearings eComments platform states that all submissions become public. It also reserves the right, without notifying the commenter

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beforehand, to remove comments it deems offensive, intimidating, belligerent, harassing, bullying, inappropriate, or aggressive.

This broad policy creates serious concerns in an environmental-justice proceeding. Residents describing decades of pollution, government neglect, illness, displacement, and unequal treatment may understandably communicate with anger, urgency, or distrust. Strong criticism of MPCA, a regulated facility, government attorneys, consultants, elected officials, or the proposed rule should not be confused with threats or harassment.

Terms such as “offensive,” “belligerent,” “inappropriate,” and “aggressive” are subjective. The platform does not clearly identify:

who decides whether a comment violates the policy;

whether MPCA staff, MPCA attorneys, facility representatives, or other parties may request removal;

what written standards guide the decision;

whether the commenter receives notice after removal;

whether the commenter may appeal or resubmit;

whether a removed comment remains preserved in the official administrative record;

whether the Administrative Law Judge receives and considers it;

whether only the objectionable portion is removed or the entire submission disappears; or

whether the identity of the person requesting or authorizing removal becomes public.

These questions are especially serious because the formal rulemaking notice says the Administrative Law Judge will accept oral and written views and consider comments equally. It also directs the public to use the eComments website as one of the official submission methods.

A public-participation system should distinguish genuine threats and targeted harassment from forceful criticism of government conduct. Otherwise, the people most directly affected may reasonably fear that their comments can be erased because an agency, attorney, facility, contractor, or platform administrator considers their tone offensive.

Before the comment period closes, the Court of Administrative Hearings and MPCA should publicly disclose:

The complete moderation standards governing this docket.

The identity and role of every person authorized to remove comments.

Whether MPCA, its attorneys, or regulated facilities may request removal.

The number of comments removed from this proceeding and the reason for each removal.

Whether removed comments are retained and provided to the Administrative Law Judge.

A written notice and appeal process for affected commenters.

A requirement that criticism not be removed merely because it is angry, embarrassing, accusatory, profane, or strongly opposed to the agency or regulated facility.

A public log identifying removals without unnecessarily republishing genuinely threatening personal material.

I request an explicit assurance that no relevant comment will be excluded from the administrative record merely because government officials, attorneys, facility representatives, or platform administrators consider its criticism offensive, uncomfortable, hostile, or damaging to the agency’s position.

15. The Exclusion of the Green Zones

The apparent exclusion of portions of the Southside Green Zone raises serious data-validity and Indigenous-community concerns

The EJ map appears to exclude or fragment portions of the Minneapolis Southside Green Zone, including portions of East Phillips and the Little Earth community. MPCA must identify whether these areas are actually excluded, merely displayed differently because

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of the one-mile buffer, or divided by census-tract boundaries that do not correspond with the affected community.

MPCA was also specifically aware of Little Earth during this rulemaking. The SONAR records an MPCA focus group with Little Earth elders at the Little Earth Community Center on December 8, 2025. It also records MPCA participation in a Northside/Southside Green Zone meeting and lists Little Earth and the American Indian Community Housing Organization among the organizations receiving notice.

After directly consulting residents of Little Earth, MPCA cannot reasonably publish an unexplained map that appears to leave parts of the the community outside the protection created by the rule.

Five-year ACS estimates are not precise head counts

MPCA states that the demographic information used to identify EJ areas is available through the Census Bureau's five-year American Community Survey. The ACS is a survey, not a complete enumeration of every resident. Its figures are estimates, and the Census Bureau publishes a margin of error for each estimate because the actual population value may differ from the published number.

This creates an obvious problem when the law uses rigid thresholds such as 40 percent or 35 percent.

For example, a published estimate could say that 38 percent of a tract qualifies under a particular criterion, while its margin of error means the actual percentage could reasonably be above 40 percent. MPCA must explain whether it automatically excludes that tract based only on the central estimate, despite the statistical range crossing the statutory threshold.

MPCA should not treat an uncertain estimate as a certain finding of ineligibility.

Tract-wide averages can erase a concentrated community

This is precisely why MPCA must compare its tract-level results with smaller available geographies, including census block groups. The Census Bureau makes detailed ACS estimates available below tract level for many subjects.

Missing or unreliable data cannot be converted into a finding of "not eligible"

MPCA must disclose how it handles any tract or variable for which the ACS returns:

no estimate;

a suppressed value;

an annotation instead of a numerical value;

an estimate with an extremely large margin of error;

a denominator too small to produce a meaningful percentage; or

a result MPCA considers statistically unreliable.

The Census Bureau expressly recognizes that ACS systems may return special annotation values in place of ordinary numerical estimates.

If MPCA lacks reliable information, the appropriate conclusion is "qualification cannot be reliably determined from this dataset." It is not "this community fails to qualify." I'd love to know what happened to the approved MPCA Environmental Justice map from 2024—did something change? Because now this link takes you to a redirect splash page, directing you to the "new and improved" site. Either way, the current MPCA

Environmental Justice Map is still ridiculous.

The final rule should expressly prohibit MPCA from:

coding missing or suppressed data as zero;

treating an unavailable estimate as evidence that a threshold was not met;

ignoring a margin of error that crosses the qualification threshold;

excluding a community solely because its concentrated population is diluted by tract boundaries; or

denying protection because the government's chosen dataset cannot accurately represent the residents living there.

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MPCA must explain:

how American Indian and Alaska Native residents are counted;

how residents selecting more than one race are counted;

how Hispanic ethnicity is treated in the “nonwhite” calculation, meaning exactly how does your math work out regarding if someone is “Hispanic” and also an additional demographic. You need to provide the specific datasets and explanation for things like these, which you’ve had ample time to do.

whether Indigenous residents are lost or duplicated across racial categories;

whether institutional, sheltered, unhoused, or other non-household populations are included;

whether ACS margins of error were considered;

whether Census undercounting was evaluated; and

whether Little Earth was analyzed separately from the larger surrounding tract.

Required disclosure for East Phillips and Little Earth

Before the hearing record closes, MPCA should publish the following for every tract and block group included in the Southside Green Zone:

Census tract and block-group identification numbers.

Exact geographic boundaries.

The ACS dataset and five-year period used.

Every Census table and variable used.

The estimate, numerator, denominator, percentage, and margin of error.

Any missing, suppressed, annotated, or unreliable values.

Every EJ criterion the area passed or failed.

Whether the confidence interval crossed a statutory threshold.

How multiracial and Indigenous residents were classified.

Whether the area shown on the map is an actual EJ tract or only part of a one-mile buffer.

A comparison with the official Minneapolis Southside Green Zone boundary.

An explanation of why MPCA’s direct engagement with Little Earth residents did or did not affect the geographic methodology.

Requested correction

Where available information is uncertain, incomplete, suppressed, or geographically inappropriate, MPCA should apply a protective presumption rather than automatically excluding the area.

At minimum, the final rule should provide that an area remains provisionally protected when:

the margin of error overlaps a qualification threshold;

Census data are missing or unreliable;

a recognized Green Zone or concentrated residential community is divided by tract boundaries;

smaller-area information demonstrates qualifying demographics that are hidden by the tract average; or

credible local, Tribal, municipal, housing, school, public-health, or community records demonstrate that the Census estimate does not adequately represent the population.

Government data limitations must not become a loophole through which the government denies environmental protection to the residents least likely to be accurately represented in its datasets.

CO2e

CO2e has a place in environmental work, however it also opens the door for carbon offset to be used.

Requested findings and revisions

I request that the Administrative Law Judge find that MPCA has not adequately demonstrated the reasonableness of the proposed rule unless the agency addresses the

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following:

unexplained exclusion or fragmentation of the Northside and Southside Green Zones;
inclusion or apparent coverage of areas such as the North Loop without tract-level explanation;
the difference between actual EJ tracts and one-mile buffer areas;
cliff effects created by the demographic thresholds;
distortions created by counting low-income households instead of low-income residents;
the treatment of renters, larger households, shelters, group quarters, and unhoused residents;
outdated or pooled census and health data;
census-tract averaging that hides block-level burdens;
failure to recognize cumulative pollution as an independent route to protection;
the facility's dominant role in conducting the analysis and public process;
excessive petition requirements placed on residents; and
community benefit agreements that can allow a permit despite a finding of substantial adverse impact.
the broad and undefined authority of the official eComments platform to remove comments deemed offensive, belligerent, inappropriate, or aggressive without prior notice, including the absence of disclosed standards, an appeal procedure, and clarity about whether removed comments remain in the administrative record.
At minimum, MPCA should publish a complete Minneapolis tract table before the record closes so residents can evaluate the map using actual data rather than unexplained colors.

Conclusion

The communities most burdened by pollution should not disappear from an environmental-justice rule because of technical census boundaries, household denominators, outdated estimates, or redevelopment elsewhere in a tract. North Minneapolis and South Minneapolis residents have lived with the consequences of highways, industrial zoning, waste operations, contaminated properties, limited tree canopy, housing inequality, and unequal public investment for generations. A rule created in the name of cumulative impacts must begin with those real conditions. I ask MPCA to revise the proposed rule so that environmental-justice protection is determined by actual people, actual exposure, actual history, and actual health burdens—not merely whether a census estimate crosses an arbitrary percentage line.

Margaret Levin · Citizen · (Postal Code: unknown) · Jul 17, 2026 12:51 pm

 0 Votes

Please see attached individual comments, which we are submitting on behalf of 51 Sierra Club North Star Chapter members and supporters. For any questions please contact Margaret Levin, margaret.levin@sierraclub.org.

Kathleen Schuler · Citizen · (Postal Code: unknown) · Jul 17, 2026 1:18 pm

 0 Votes

See comment letter from Health Professionals for a Healthy Climate

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Margaret Levin · Citizen · (Postal Code: unknown) · Jul 17, 2026 1:56 pm

👍 0 Votes

Please see attached comment letter submitted on behalf of the Sierra Club North Star Chapter.

Lois Norrgard · Citizen · (Postal Code: unknown) · Jul 17, 2026 2:05 pm

👍 0 Votes

Please see attached comment letter submitted by Lois Norrgard

Kevin Pranis · Citizen · (Postal Code: unknown) · Jul 17, 2026 2:27 pm

👍 0 Votes

Please see attached comments submitted on behalf of the Minnesota Building and Construction Trades Council.

Mike Karbo · Citizen · (Postal Code: unknown) · Jul 17, 2026 2:45 pm

👍 0 Votes

Please see attached comments from the American Petroleum Institute.

Todd Biewen · Citizen · (Postal Code: unknown) · Jul 17, 2026 2:46 pm

👍 0 Votes

I am writing in support of the MPCA's draft Cumulative Impacts Analysis Rule. After reviewing the draft rule language and the Statement of Need and Reasonableness, these observations summarize my support of this proposed new rule.

1) MPCA has statutory authority for environmental regulations in Minnesota. 2) The Minnesota legislature has directed MPCA to complete this rulemaking. 3) The legislature gave MPCA this direction because it recognizes Minnesota's air program is deficient in its treatment of air toxics and harmful pollutants in metro communities. 4) Without Cumulative Impacts Analysis, air toxics are not adequately controlled in many communities, putting the public at risk. 5) Air toxics pose the greatest risk in communities where population is the most dense, where there are multiple sources contributing pollution, and where environmental justice communities reside. 6) The rules as drafted are reasonable. 7) The MPCA has studied cumulative impacts rules and regulations in other states, and has incorporated already established features of these rules into Minnesota's proposed rules. 8) The rulemaking process has including ongoing engagement with all interested parties, the public, community groups, businesses, and facility owners. 9) The proposed rules introduce new steps and processes into the permitting process for affected facilities, but MPCA has done a good job of tying the new rules to existing MPCA processes that regulated facilities and environmental consultants are familiar with, including annual air toxics reporting, AERA, MNRisks, permitting processes, recordkeeping requirements, air monitoring practices, and community engagement processes. 10) Finally, Minnesota needs these new rules to protect human

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health and the environment. Site specific review of cumulative impacts of pollutants is overdue, and is precisely why the legislature directed the MPCA to prepare these new requirements.

Beth Shaw · Citizen · (Postal Code: unknown) · Jul 17, 2026 3:25 pm

 0 Votes

190 people living in 50 run-down, poorly managed, privatized units counts as 50 households. 50 people living in 50 \$3,500/month apartments count as 50 households. This is such an important process, and it looks like the Downtown Council and our largest polluters wrote it...which might actually be partially true. What involvement did David Wilson, Jay Cowles, and other carbon offset stakeholders have in this process?

Monse Perez Barrios · Citizen · (Postal Code: unknown) · Jul 17, 2026 3:58 pm

 0 Votes

Dear Judge Kimberly Middendorf,

This submission is a collection of individual public comments from community members who took the time and effort to learn about Minnesota's Cumulative Impacts Law and share their perspectives through the Frontline Communities Protection Coalition's comment form.

Each comment included in this submission was individually written by the commenter and reflects their own personal experiences, concerns, and hopes for the future of their communities. These comments represent the time, care, and dedication of Minnesotans who believe deeply in protecting public health, advancing environmental justice, and ensuring that communities most impacted by pollution have their voices heard.

We respectfully ask that each comment be reviewed with the utmost care and consideration. Behind every submission is a person, a family, and a community member who took the time to participate in this important rulemaking process because they care about the future of Minnesota and the health and well-being of generations to come.

Together, these comments demonstrate the collective commitment, experiences, and values of community members across the state who are invested in creating strong Cumulative Impacts rules that meaningfully protect Minnesotans.

Thank you for your time, consideration, and for the opportunity to submit these community voices as part of this important process. On behalf of the Frontline Communities Protection Coalition and the communities we represent, we appreciate your careful review and consideration of these comments.

Sincerely,
Monse Perez Barrios

Ava Corey-Gruenes · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:05 pm

 0 Votes

Dear Judge Kimberly Middendorf,

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Thank you so much for taking the time to review our comments on this important issue. Health Professionals for a Healthy Climate submits 13 personalized comments from some of our members, attached.

Thank you,

Ava Corey-Gruenes

Margaret Levin · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:17 pm

👍 0 Votes

Please see attached our second batch of individual comments, which we are submitting on behalf of 5 Sierra Club North Star Chapter members and supporters. For any questions please contact Margaret Levin, margaret.levin@sierraclub.org.

Paula Maccabee · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:17 pm

👍 0 Votes

Dear Judge Middendorf,

Attached please find comments on behalf of WaterLegacy.

Sincerely yours,

Paula Maccabee, WaterLegacy Executive Director and Counsel

Chris Freeman · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:20 pm

👍 0 Votes

Dear Judge Middendorf, please accept the attached comment letter submitted by Cordia Energy Center Minneapolis.

Madonna Ohse · Citizen · (Postal Code: unknown) · Jul 17, 2026 4:24 pm

👍 0 Votes

Hello, my name is Madonna. I am an engaged citizen of Duluth, MN living in the Lincoln Park neighborhood, as does my daughter and her family and other loved ones. I work at a business in the Central Hillside neighborhood of Duluth. Both of these locations are environmental justice areas which is a concern to me. The air quality is paramount when you include the compounding interaction of and with other pollutants and stressors resulting in cumulative impacts and how it affects the overall health of all of us living in the environmental justice areas, which includes (but not limited to) Highway 35 and 53, Industrial rail line CN/DMIR, Resource Renew/WLSSD, ambient noise and light pollution majority of residents lacking monetary resources.

This is why I strongly urge the MPCA Cumulative Impact Rules to add a fourth determination method to more directly include in the CI analysis a section on environmental and public health stressors, with a corresponding numerical threshold for substantial adverse impacts to demonstrate the true effects communities face. In addition, I emphatically recommend that permit issuances require CI analysis based on

39398 Minnesota Pollution Control Agency Notice of Hearing on Cumulative Impacts Rule

Closed Jul 17, 2026 · Discussion · 32 Participants · 1 Topics · 39 Answers · 4 Replies · 18 Votes

existing health and environmental conditions in the community and actual pollution burden of the facility.

There are many beneficial community assets that improve the quality of my, my family and neighbors' lives that I want to protect. We enjoy Lincoln Park with its forested trails, beauty of Miller Creek, playground, picnic area and community event space by which connection with others create joyful experiences and provide helpful, vital information. Harrison Community Center is a gathering place important to my family's well being. A farmer's market provides us with healthy food, friendships, an enduring sense of delight. Also at Harrison, family friendly programming and events bring us together with community for learning and camaraderie, as well as, space for exercise-related activities. To ensure these positive aspects of our neighborhood are maintained in a healthy environment, there must be defined permit denial criteria regarding the Community Benefit Agreement, so that a community has a mechanism to say no. I recommend that facilities be required to work with local community organizations to form a representative body that can negotiate CBAs and provide the Commissioner a recommendation to approve or deny. This process creates engagement and relationship for the greater good of all.

In addition to these points, I want to express my full support for the public comments and technical amendments submitted by the Frontline Communities Protection Coalition, which include additional data-driven recommendations to strengthen these rules. Thank you for the opportunity to provide feedback. I hope you take our community's voices with the utmost consideration.

June 23, 2026

Attn: Administrative Law Judge Kimberly Middendorf
Regarding: CAH docket number 21-9003-39398
600 N. Robert St.
P.O. Box 64620
St. Paul, MN, 55164

Dear Judge Kimberly Middendorf,

Hamline Midway Coalition (HMC) represents district 11 of Saint Paul and is home to a vibrant, diverse community located in the heart of Saint Paul. We occupy a unique geographic context in which we are surrounded on all sides by major highways, industry, and railways and thus are no stranger to cumulative impacts: our communities experience disproportionately high levels of air pollution and [poor air quality scores](#) that contribute to [negative health impacts](#) such as [high rates of asthma emergency department visits](#) and [exacerbate existing social and health inequities](#).

HMC also acts as a connector in our community, allowing residents to give feedback in many ways, such as at community meetings. Specifically, the Hamline Midway Environment Committee has allowed many opportunities for residents to engage with environmental activism. This role of HMC's gives us a deeper understanding of how to engage with the community, which we believe is an aspect of the rule that requires improvement.

We are grateful for and support the work of the many community leaders that tirelessly advocated for a rule that creates pathways for community engagement in one of the many processes that determine what ends up in our neighborhood. Please accept this letter on behalf of the Hamline Midway Coalition as a list of recommendations we believe will better align with the purpose and need for community involvement in the air permitting process.

Petition Process (section 7007.6060)

We support the creation of the petition process as an essential component that gives communities a clear pathway to trigger a discretionary analysis if benchmarks are not met. However, the 15 day deadline required in subpart 4, item E to correct petitions that are incomplete is an unreasonable standard for community groups. Many small, community-based nonprofits operate on a 30 day cycle, often consisting of mostly volunteers. We recommend that the deadline for this be extended to 60 days to give sufficient time for petitioners to fully understand and address deficiencies.

We support the justification in the Statement of Need and Reasonableness (SONAR) for the use of modifiers in 7007.6060 Subp.2, item a, subitem 6 that leaves open the possibility that more analysis may be necessary because it would avoid placing a burden of proof onto impacted communities.

We are concerned about the lack of definition for material evidence. Over-defining “material evidence” has the potential to create a barrier for petitioners, however, leaving no definition leaves communities in the dark about where the bar for consideration is. Lived experience and testimony are powerful forms of evidence that often go overlooked and undercounted. We recommend that the rule language be amended to commit to considering this type of evidence equally to other forms of legal and scientific evidence.

Public Engagement requirements (section 7007.6080)

We support the creation of robust requirements for facility owners and operators that undergo CI-analysis. Public notice practices outlined in subp. 7 of this section are commonly utilized by HMC as effective ways to share information and notices. However, this is not a full list nor is it responsive to the ever-changing ways that people get information. We recommend that an additional requirement be made to include local community groups in the public engagement plan who have the skills, knowledge, and trust within a neighborhood to better inform and respond to the evolving landscape of information exchange.

In addition, we recommend that engagement with community groups be used to inform what languages are representative of a neighborhood, what times to hold meetings, and where the meetings should be held as required by 7007.6080 subp. 5, subp. 6, and subp. 7.

Neighborhood councils, school groups, faith communities, local volunteer groups, and the countless other ways in which people organize themselves on a small scale are often the most capable of identifying the needs of the community. Involving trusted community partners in the public engagement plan is essential to achieving real, meaningful community engagement.

Community Benefits Agreement (section 7007.6110)

The lack of clarity in how public comments will be considered in the decision to approve or deny a CBA creates a serious accountability concern. Additionally, it's not entirely clear at what point the proposed CBA is no longer allowed revisions or if there is a pathway to deny a permit through this process if the community at large determines no meaningful benefits can be gained from the proposed permit action. The CBA process needs to have the addition of a clearer pathway to permit denial, not endless revisions, in order to align with the statute.

Furthermore, we recommend creating a community council process for this portion of the decision making that would. It is imperative that this process grant real shared decision making power to the community rather than tokenized public meeting opportunities.

Conclusion

While the rules proposed by the Minnesota Pollution Control Agency are needed and reasonable, they fall short in key touchpoints for community involvement. The recommendations we provided in this letter will better serve impacted communities like Hamline Midway that this rule is intended to benefit. On behalf of the board and staff of Hamline Midway Coalition, thank you for this opportunity to provide comments on this proposed rule.

Sincerely,

Board of Directors
Hamline Midway Coalition
St. Paul District 11

A handwritten signature in black ink, appearing to be 'Fen Swanson', with a long horizontal stroke extending to the right.

Fen Swanson
Environmental Initiatives Project Manager
Hamline Midway Coalition
1600 University Avenue W, Suite 301
Saint Paul, MN, 55104

June 23, 2026

Attn: Administrative Law Judge Kimberly Middendorf
Regarding: CAH docket number 21-9003-39398
600 N. Robert St.
P.O. Box 64620
St. Paul, MN, 55164

Dear Judge Kimberly Middendorf,

I am a Hamline-Midway resident of more than 30 years and have dedicated my career to environmental education, gardening, and community organizing focused on creating healthier, greener neighborhoods. I am writing to encourage the State of Minnesota to adopt the Cumulative Impacts (CI) rule in the strongest form possible to provide meaningful protections for communities that have lived for decades with the health burdens associated with nearby industrial pollution.

I respectfully offer the following comments on the proposed rule.

Section 7007.6110 – Community Benefit Agreements

I have two primary concerns with this section. First, the rule does not clearly explain how Community Benefit Agreement (CBA) negotiations will be conducted. Second, it does not provide a meaningful role for the impacted community in the decision-making process.

The rule should establish a clear opportunity for public comment before a Community Benefit Agreement is approved. It should also require a transparent revision process with defined deadlines, after which no further revisions may be made, and it should explicitly provide a pathway for denying a permit if an acceptable agreement cannot be reached.

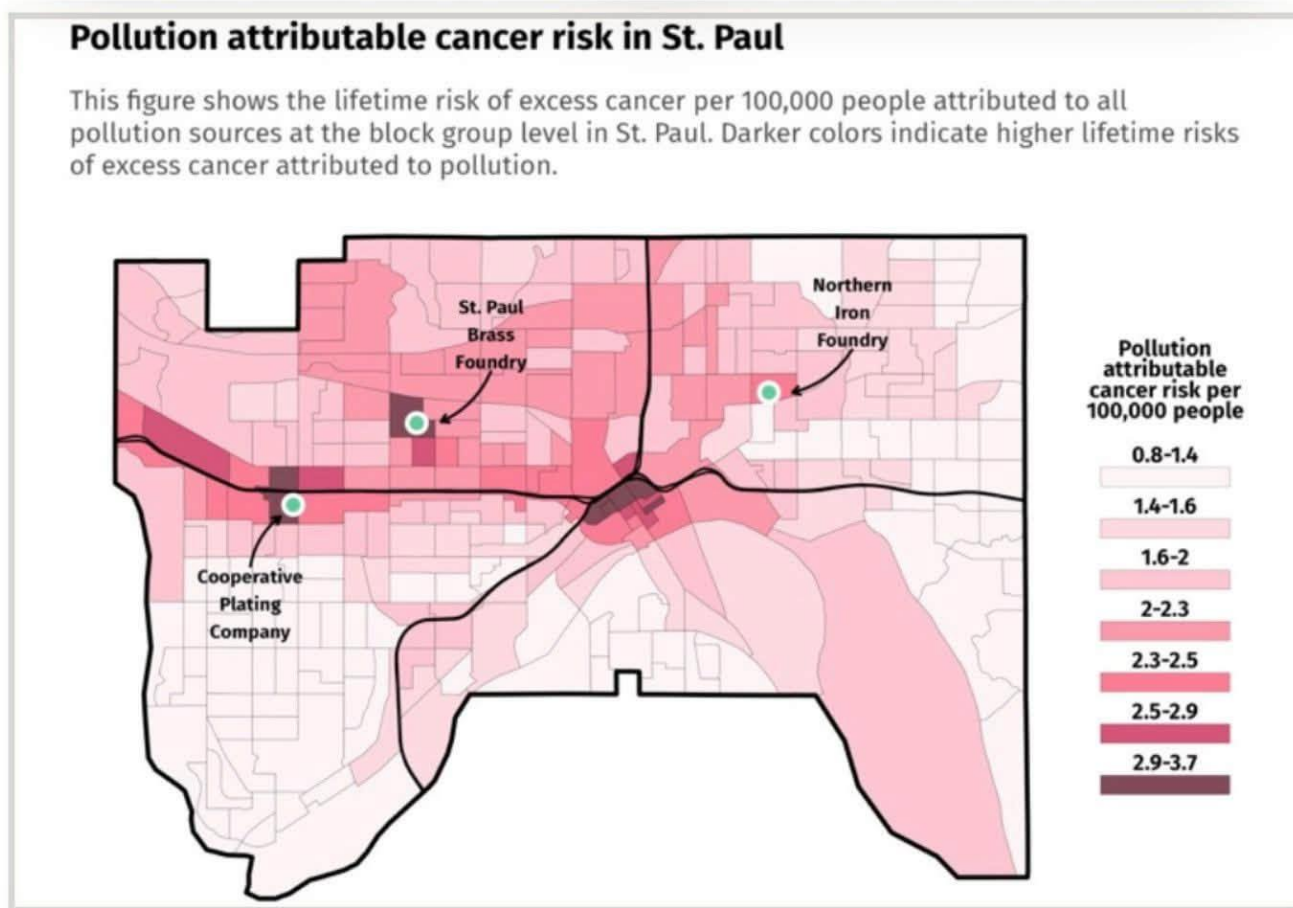
In addition, I recommend creating a community advisory council or similar body composed of organizations and individuals with established relationships and trust within Environmental Justice (EJ) communities. Meaningful community engagement cannot rely solely on the permit applicant to conduct outreach. Historically, public meetings organized by agencies or institutions have often resulted in community concerns being rushed, minimized, or overlooked.

This rule presents an opportunity to improve that process. Facilities should be required to support outreach conducted through trusted community institutions—including neighborhood organizations, faith communities, health systems, and local nonprofit organizations—so residents receive information from sources they already know and trust. The responsibility for effective community engagement should not fall on these organizations without adequate support, and communities should have meaningful representation during negotiations that affect their health and quality of life.

No clear pathway for requiring existing facilities to conduct a cumulative impacts analysis

The rule has a serious gap pertaining to the lack of a requirement for existing facilities to conduct a CI analysis based on the current cumulative impacts burden. Many environmental justice communities are already facing a significant pollution burden, but the draft rules only require a CI analysis for permit reissuances based on RECENT enforcement actions.

This aspect is very relevant to my community where I live. There is a St Paul facility CURRENTLY undergoing a permit application and with 1) the timing of their 2025 application, 2) the fact that the CI rule has a 2 year buffer period before it will be in effect (7007.6020 Subpart 2, item C) , AND 3) that the CI rule draft indicates Mandatory Determination in an enforcement situation only when the permit reissuance application happens within 3 years of enforcement. The combination of these gaps could allow this facility to avoid a cumulative impacts analysis despite its long history of pollution, violations and avoidance of mandated record-keeping. It is possible this long-time polluting facility may not need to undergo the most modern regulations that exist. The state's own data from MNRisk shows that this facility in question (St Paul Brass Foundry) has significantly increased cancer risks for my community.



Source: 2017 MPCA MNRISK (most recent data available)

Please broaden the pathway for facilities with existing permit reissuances to be required to be considered for CI analysis. In the case of the facility in my previous example, it has taken 3 years from Federal clean air violations to submission of a new application to the MPCA. Considering the time it takes the state, and often Federal agencies, to execute enforcement actions, I disagree that a 3 year history of enforcement actions is a long enough window. A stronger and more protective approach would require cumulative impacts analyses based on the actual environmental and public health conditions experienced by the surrounding community, together with the facility's demonstrated pollution burden, rather than relying on a limited enforcement timeline.

The proposed cumulative impacts rules are an important and necessary step toward addressing environmental injustice in Minnesota. However, they should be strengthened to ensure meaningful community participation in Community Benefit Agreement negotiations and to require cumulative impacts analyses whenever existing facilities continue to impose significant pollution burdens on surrounding communities.

Thank you for considering these comments. I also support the public comments submitted by the Frontline Communities Protection Coalition, which include additional recommendations and supporting data that would further strengthen the proposed rule.

Respectfully,

Stephanie Hankerson
1729 Englewood Ave
St Paul, MN 55104

St Paul, MN 55105

July 16, 2026



**CONSERVATION
MINNESOTA**

Minnesota Pollution Control Agency
520 Lafayette Road N
Saint Paul, MN 55155

Pollution Control Agency,

Neighborhoods near highways, industrial facilities, or power plants—often home to low-income families and communities of color—face disproportionate and chronic exposure to harmful air. Over time, these cumulative impacts can lead to asthma, heart disease, and other serious health issues.

At Conservation Minnesota we work to protect Minnesotans and the places they love from pollution. As you consider the adoption of new cumulative impacts rules, we encourage you to take action that prioritizes protecting Minnesotans from harmful air pollution.

We have collected 610 signatures from our members across the state who are concerned about disproportionate exposure to pollutants in several communities.

Members have signed on with this statement:

“I support the MPCA implementing rules that improve the air quality for all communities in Minnesota.”

Thank you for your consideration,

Nels Paulsen
Policy Director
Conservation Minnesota

Petition Signers

- | | | | |
|----|--------------------------------|----|---------------------------------|
| 1 | Harmon Abrahamson, Minneapolis | 27 | Margaret Beegle, Tucson |
| 2 | Daniel Abramson, Duluth | 28 | Mary Bendzick, Barnum |
| 3 | Brian Adams, White Bear Lake | 29 | Heidi Benedict, Shakopee |
| 4 | Chuck Addison, Minnetonka | 30 | Eric Benson, Minneapolis |
| 5 | Debra Ahlborg, Roseville | 31 | Richard Bergslien, Excelsior |
| 6 | Barbara Ahlstrom, Minneapolis | 32 | Susan Beseke, Maplewood |
| 7 | Anna Alba, Saint Paul | 33 | Chris Betzler, Chaska |
| 8 | Nikki Aliota, Roseville | 34 | Shirley Bever, Shoreview |
| 9 | Sally Allen, Minneapolis | 35 | Lisa Bey, Stevens Point |
| 10 | Doris Amundsen, Rochester | 36 | James Bierwerth, Mound |
| 11 | Scott Anderson, Owatonna | 37 | Lyn Bissen, Caledonia |
| 12 | Brian Anderson, Big Lake | 38 | Julie Bjoraker, Dover |
| 13 | Dale Anderson, Minneapolis | 39 | Craig Blacklock, Moose Lake |
| 14 | Susan Andrews, White Bear Lake | 40 | Grace Bocek, Minneapolis |
| 15 | Cheryl Appeldorn, Minneapolis | 41 | Loretta Boegeman, Prior Lake |
| 16 | Sharon Bachman, Lindstrom | 42 | Larry Bogolub, Ely |
| 17 | Ryan Baka, Minneapolis | 43 | Dr. Elizabeth Brack, Chanhassen |
| 18 | Dawn Baker, Minneapolis | 44 | Neil Breiland, Minneapolis |
| 19 | John Bankson, Duluth | 45 | Linda Bridges, Athens |
| 20 | David Barr, Minneapolis | 46 | Susan Brink, Mahtomedi |
| 21 | Cindy Bartl, South Saint Paul | 47 | Kelsey Brodt, Coon Rapids |
| 22 | Bob Bartlett, White Bear Lake | 48 | Ashley Broeker, Two Harbors |
| 23 | Harvey Bartz, Stillwater | 49 | Char Brooker, Saint Paul |
| 24 | Sharon Bassett, Lakeville | 50 | Martha Brown, Faribault |
| 25 | Susan Bauer, Saint Paul | 51 | Jennifer Bruenger, Rochester |
| 26 | Matthew Bauske, Blaine | | |

Petition Signers (continued)

- | | |
|------------------------------------|-------------------------------------|
| 52 Patrick Brueske, Minneapolis | 78 Susan Chandler, Edina |
| 53 Lynn Buckley, Annandale | 79 JI Charrier, Wayzata |
| 54 Shonie Buenvenida, Stewartville | 80 Roger Cheyne, Bethel |
| 55 Frank Bures, Winona | 81 Joe Chovan, Saint Cloud |
| 56 Laura Burlis, Minneapolis | 82 Bob Christie, Saint Charles |
| 57 Linda Burns, Minneapolis | 83 Anne Clark, Minneapolis |
| 58 Kay Cahill, Hampton | 84 Gayle Cole, Saint Paul |
| 59 Anna Camarata, Maitland | 85 Jerome Comeau, Minneapolis |
| 60 Noah Cameron, Minneapolis | 86 Mary Conboy Gorfine, Rochester |
| 61 Don Cappaert, Maple Grove | 87 Patricia Cooper, Minneapolis |
| 62 Richard Cardinal, Sauk Centre | 88 Ava Corey-Gruenes, Mankato |
| 63 Kara Carlson, Hopkins | 89 Chris Corrigan, Saint Paul |
| 64 Christopher Carlson, Minnetonka | 90 Larry Coulter, Champlin |
| 65 Laura Carlson, Fridley | 91 Christina Cowan, Saint Paul |
| 66 Luna Carlson, Rochester | 92 Kathryn Cox, Jordan |
| 67 Alan Carlson, Stillwater | 93 Susan Cox, Brooklyn Center |
| 68 Mary Carlson Pap, Hugo | 94 Andrew Cragun, Duluth |
| 69 Anika Carlsted, Stillwater | 95 Ruth Crane, Bloomington |
| 70 Karen Carr, Minneapolis | 96 Diane Crane, Saint Paul |
| 71 Margaret Carter, Red Wing | 97 Mary Creighton, Virginia |
| 72 Neale Carter, Anoka | 98 Ellie Crosby, Long Lake |
| 73 Kathryn Carter, Minneapolis | 99 Cleve Crowningshield, Northfield |
| 74 Dan Casar, Minneapolis | 100 Dennis Cuchna, Grand Marais |
| 75 Deborah Castaneda, Minneapolis | 101 Rhenea Cupper, Apple Valley |
| 76 Ruth Cesa, Plymouth | 102 Karina Curbelo, Minneapolis |
| 77 Peg Challgren, Apple Valley | 103 John Curry, Minneapolis |

Petition Signers (continued)

104	Cathy Curtis, Buffalo	129	Margarite Dinndorf, Saint Cloud
105	Sandra Daby, E Grand Forks	130	Jill Doerfler, Duluth
106	Dawn Daehn, Rochester	131	Diane Droeger, Maplewood
107	Elizabeth Dahl, Cook	132	Cathie Duncan, Saint Paul
108	Austin Dailey, Dundas	133	Jennifer Eckes, Saint Paul
109	Becky Dale, Saint Paul	134	Karen Eckman, Saint Paul
110	Josh Dalki, Chanhassen	135	Chari Eckmann, Maple Grove
111	Christina Dalki, Chanhassen	136	Randee Edmundson, Maplewood
112	Lona Dallessandro, Bloomington	137	Andrea Egbert, Lakeville
113	Jon Damon, Minneapolis	138	Lori Ekholm, Minneapolis
114	Jonathan Datta, Winona	139	Roy Eliason, South Haven
115	Laurie David, Woodbury	140	Lena Ellingson, Chaska
116	Ann Davis, Minneapolis	141	Ryan Ellis, Minneapolis
117	Roger Davis, New Ulm	142	Kirk Enzenauer, Brooklyn Park
118	Patricia De Francis, Saint Paul	143	Alan Epp, Minneapolis
119	Gary Deason, Long Lake	144	James P Erickson, Saint Paul
120	Ruth Delgehausen, West Saint Paul	145	Julie Erickson, Winona
121	Gino Delmont, Saint Joseph	146	Darcy Erickson, Fridley
122	Annette Des Lauriers, Minneapolis	147	Stephen Erickson, Lanesboro
123	Soren Desjarlais, Dilworth	148	Kelley Erickson, Apple Valley
124	Susan Dewey, Fergus Falls	149	John Evans, Stillwater
125	Rose Deziel, Rochester	150	Randy Evans, Minneapolis
126	Laura Dillon, Saint Paul	151	Don Evans, Laporte
127	Sheila Dillon, Willmar	152	Jean I Evens, International Falls
128	Michelle Pettit De Dimayuga, Saint Paul	153	Julia Farnham, Saint Paul

Petition Signers (continued)

- | | |
|---|--|
| 154 Mary Faulkner, Minneapolis | 179 Debra Gerads-Brodie, Red Wing |
| 155 Jeffrey Feldmeier, Minnetonka | 180 Carol Gieseke, Duluth |
| 156 Julie Fetch, Champlin | 181 Patricia Gilmore, Rochester |
| 157 Rick Filibeck, Rogers | 182 Michelle Gobely, Saint Paul |
| 158 Robert Fillmore, Bloomington | 183 Samantha Godard, Columbia Heights |
| 159 John Finazzo, Mound | 184 Jody Goldstein, Rochester |
| 160 Anna Finke, Minneapolis | 185 Yazmin Gonzalez, Bellflower |
| 161 John Firkus, Bloomington | 186 Gretchen Goodman, Minneapolis |
| 162 Paula Fischer, Minneapolis | 187 River Gordon, Minneapolis |
| 163 Lindy Fischer, Northfield | 188 Alpa Goswami, Burnsville |
| 164 Marnie Fischer, Saint Cloud | 189 Steve Gray, Faribault |
| 165 Richard Fish, Minneapolis | 190 Barbara Green, Minneapolis |
| 166 Mary Flatten, Mound | 191 Andrea Greer, Rochester |
| 167 Sharon Fortunak, Saint Paul | 192 Jan Gregerson, Minneapolis |
| 168 Emily Fourniea, Saint Paul | 193 Deb Guenthner, Rochester |
| 169 Donald Frame, Rosemount | 194 Les Gunderson, Perham |
| 170 Jim Frazee, Minnetonka | 195 Adam Haines, Andover |
| 171 Audrey Frederickson, Plymouth | 196 Peggy Halverson Kasak, Minneapolis |
| 172 Judy Fredrickson, Ely | 197 Verlaine Halvorsen, Minnetonka |
| 173 Candace Freemon, Prior Lake | 198 Lynda Hanly, Champlin |
| 174 Heidi Fryman-Van Rossum,
Minneapolis | 199 Marshall Hansen, Northfield |
| 175 Rebecca Fuller, Woodbury | 200 Kathryn Hansen, Wyoming |
| 176 Greta Gaard, Minneapolis | 201 Keith Hanson, Rochester |
| 177 Maurice Geiger, Rochester | 202 Sandra Hardwick, Starbuck |
| 178 Rachel Geissinger, Excelsior | 203 John Harford, Bayport |
| | 204 John Harrington, Stacy |

Petition Signers (continued)

205	Paul Harris, Moorhead	230	Tommy Hjelmgren, Lino Lakes
206	Kathleen Harrison, Eagan	231	Bruce Hlodnicki, Indianapolis
207	Pam Hartwell, La Crescent	232	Karl Hochsprung, South Saint Paul
208	Nancy Hauer, White Bear Lake	233	Jesse Hoekstra, Rochester
209	Corrine Haulotte, Winona	234	Sandy Hoffman, Saint Paul
210	Sally Hausken, Detroit Lakes	235	Annabelle Hooge, Coon Rapids
211	Beth Hawkins, Minneapolis	236	James Howitt, Minneapolis
212	Tim Hawkinson, Hopkins	237	Edward Hubbard, Madison
213	Jon Hayenga, Stewartville	238	Virginia Huber, Minneapolis
214	Jon Hayman, Afton	239	Joan Hughes, Minneapolis
215	Eric Heggernes, Eden Prairie	240	Helen Hughes, Minneapolis
216	Laura Hegre, Minneapolis	241	Gary Huss, Minneapolis
217	Jonathan Heiberg, Moorhead	242	Kenneth Ikier, Rochester
218	Mark Heilman, Coon Rapids	243	Alyce Ilg, New Prague
219	Laurel Hemstad, White Bear Lake	244	Elinor Jackson, Shoreview
220	Annette Hennekens-Sklenar, Lino Lakes	245	Stan Jacobson, Stillwater
221	Lisa Hensel, Buffalo	246	Brittany Jacobson, Big Lake
222	Nicholas Hentges, Circle Pines	247	Rolf Jacobson, Saint Paul
223	Kent Hering, Bemidji	248	Gordon Jans, Minneapolis
224	Janelle Higdem, Willmar	249	Evelyn Jennings, Stillwater
225	Julie Hildebrand, Duluth	250	Jan Jensen, Minneapolis
226	Avery Hildebrand, Duluth	251	Justin Jensen, Andover
227	Vernon Hill, Saint Paul	252	M Jenson, Saint Paul
228	Doug Hint, Rochester	253	Annette Jewell-Ceder, Ham Lake
229	Ken Hirsch, Champlin	254	Keith Johansen, Coon Rapids
		255	Amy Johnson, Mantorville

Petition Signers (continued)

256	Helen Johnson, Chanhassen	281	Scott Kerl, Saint Anthony
257	Gary Johnson, Farmington	282	Betsy Kerr, Minneapolis
258	Sue Johnson, Stillwater	283	Holly Ketelsen, Minneapolis
259	Karen Janice Johnson, Columbia Heights	284	Tristan Kick, Cottage Grove
260	Patrice Johnson, Mankato	285	Nancy Kilb, Plymouth
261	David Johnson, Duluth	286	George Kinney, Northfield
262	Richard Jones, Edina	287	Monica Kinny, Chisago City
263	Barbara Jones, Ely	288	Kevin Klitz, Plymouth
264	Tracy Jones Anderson, Saint Paul	289	Barry Knapp, Rochester
265	Susan Jordan, Minneapolis	290	Todd Kneebone, Minneapolis
266	Alena Jorgensen, Temple City	291	John Kniprath, Saint Paul
267	David Jorgenson, Rochester	292	Dianne Knoben, Tamarack
268	George Joyce, Oakdale	293	Kris Knutson, Zumbrota
269	Colleen K, Lake Geneva	294	Deanne Knutson, Zumbrota
270	Sarah Kabes, Oakdale	295	Anna Kobett, Chaska
271	Shawn Kakuk, Saint Cloud	296	Lauren Kofsky, Minnetonka
272	Margaret Kallal, Apple Valley	297	Michael Koppy, Hermantown
273	Gregory Kapphahn, Alexandria	298	Ellen Kraft, North Oaks
274	Gloria Karbo, Minneapolis	299	Patrick Krasky, Circle Pines
275	Nancy Karjalahti, McGregor	300	Tony Krick, Chanhassen
276	Samantha Katner, Mankato	301	Robert Kriesel, Stillwater
277	Mary Kaysinger, Hopkins	302	Vanessa Kronzer, Rochester
278	Greg Keel, Lake Elmo	303	David J. Krych, Osseo
279	Patrick Keene, Minneapolis	304	Sandra Kuschel, Coon Rapids
280	Nancy Kelly, Minneapolis	305	Steven Kvale, Bemidji
		306	Colleen Ladd, Stillwater

Petition Signers (continued)

- | | | | |
|-----|-----------------------------------|-----|---------------------------------|
| 307 | Jeanie Lahn, Oro Valley | 333 | Rose Martinez, Columbia Heights |
| 308 | Martin Lang, Saint Peter | 334 | Jen Martinson, Eden Prairie |
| 309 | Michelle Lange-Pearson, Rochester | 335 | Nancy Mattson, Anoka |
| 310 | David Larson, Saint Cloud | 336 | Kenneth McBride, Bemidji |
| 311 | Andrew Larson, Rochester | 337 | Loren Mccaghy, Lakeville |
| 312 | Liisa Le, Minneapolis | 338 | Ashley McCormick, Minneapolis |
| 313 | Allen Lee, Spring Park | 339 | Moira Mcdonnell, Rochester |
| 314 | John Leinen, Stillwater | 340 | Pete Mcdonnell, Bemidji |
| 315 | Lee Leines, Victoria | 341 | Cynthia Mckeen, Saint Paul |
| 316 | Christine Lell, Mankato | 342 | Debi McMahan, Hugo |
| 317 | Marylin Levoir, Minneapolis | 343 | Michelle Mcquillen, Chaska |
| 318 | Mark Lex, Scandia | 344 | Kelli Mcshea, Rogers |
| 319 | Jeffrey Lockhart, Winona | 345 | Raul Medina Delgado, Burnsville |
| 320 | Paula Long, Saint Paul | 346 | Greg Mehlhop, Laporte |
| 321 | Jason Ludwigson, La Crescent | 347 | Diane Meier, Wayzata |
| 322 | Dennis Lund, Lakeland | 348 | Mark Mellstrom, Northfield |
| 323 | Lynette Lusk, Jackson | 349 | Carol Mertesdorf, Anoka |
| 324 | Ann Lyons, Harmony | 350 | Jackie Metelak, Mahtomedi |
| 325 | P.T. Magee, Saint Paul | 351 | Paul Metz, Rochester |
| 326 | Darlene Mahowald, Carver | 352 | Curt Meyer, Minnetonka |
| 327 | Mary Jo Majerus, Rochester | 353 | Barbara Meyer, Elk River |
| 328 | Sergio Maldonado, Saint Cloud | 354 | David Meyers, Rochester |
| 329 | Barry Maloney, Minnetonka | 355 | Christopher Miller, Owatonna |
| 330 | Gordon Manary, Duluth | 356 | Stephanie Mirocha, Aitkin |
| 331 | Laurence Margolis, Minnetonka | 357 | Mohamedkader Mohamed, Shakopee |
| 332 | Amy Martin, Stillwater | 358 | Kyle Momsen, Alexandria |

Petition Signers (continued)

359	Charles Monroe, Circle Pines	385	Dale Newton, Stillwater
360	Stephen Monson Geerts, Duluth	386	Bruce Nicklay, Winona
361	Virginia Montey, Northfield	387	Bernie Nierman, Austin
362	Kathleen Moraski, Woodbury	388	Lois Nokleby, Hampton
363	Lydia Morken, Ham Lake	389	Garry Nordhorn, Owatonna
364	Moranda Morris, Rochester	390	Jean Novotny, Northfield
365	Lisa Morse, Shoreview	391	Ruth Nygard, Maple Grove
366	Kathryn Mosher, Eagan	392	Kerry Nyland, Anoka
367	Anne Moyano, Moorhead	393	Bonnie Oconnor, Rochester
368	George Muellner, Minneapolis	394	Therese Oconnor, Stewartville
369	Scott Mullaney, Hastings	395	Laurel Ogorman, Roseville
370	Joe Muller, Monticello	396	Debra Ohmann, Rosemount
371	Tobias Mulvihill, Moorhead	397	Jesse Okie, White Bear Lake
372	Ulrike Munderloh, Deerwood	398	Alan Olander, Nevis
373	William Munson, Saint Paul	399	Wendy Olney-Rattel, Northfield
374	Lauren Murdock, Santa Barbara	400	Cheryl Olseth, Minneapolis
375	Pam Murphy, Richmond	401	Linda Olson, Duluth
376	April Narcisse, Minneapolis	402	Carolyn Sue Olson, Chaska
377	Amelia Narigon, Saint Paul	403	David Olson, Prior Lake
378	Sarah Nassif, Minneapolis	404	Diana L. Olson, Saint Paul
379	Paul Nasvik, Hudson	405	Farhiya Omar-Samatar, Minneapolis
380	Barbara Neal, Farmington	406	Tiffany Orth, Minneapolis
381	Jeffrey Nelson, Wayzata	407	Chris Ottosen, Shell Lake
382	Warren Nelson, Annandale	408	Bob Ottosen, Shell Lake
383	Jodie Nelson, White Bear Lake	409	Michael Overend, Cohasset
384	Julie Nester, Ely	410	Stacy Owecke, Winona

Petition Signers (continued)

411	Stephen Paladie, Minneapolis	437	Steve Quinn, Brainerd
412	Marcia Palma, Minneapolis	438	Charlotte Quinton, Minneapolis
413	Gordon Palzer, Mendota Heights	439	Elaine R, Saint Paul
414	Linda Parenteau, Cottage Grove	440	Kristen Rafinski, Hibbing
415	Katie Parke-Reimer, Saint Paul	441	Pat Raftery, Faribault
416	Anna Paul, Minneapolis	442	Tamara Rakow, Rosemount
417	Bruce Paulson, Northfield	443	Suzanne Ramthun, Rochester
418	Gail Pearmon, Burnsville	444	Hailey Rathgeber, Minneapolis
419	Jenny Marie Pederson, Bloomington	445	Ron Reich, Minneapolis
420	Kathy Pepin, Albertville	446	Marcia Reiter, Woodbury
421	James Angelo Percich, Bloomington	447	Timothy Reker, Rochester
422	Marsha Peterson, Eagan	448	Thomas Renshaw, Bloomington
423	Randy Peterson, Chaska	449	Staci Revers, Minneapolis
424	Fern Peterson, Minneapolis	450	Michael Revier, Circle Pines
425	Darrel Peterson, Blue Earth	451	James Reynolds, Winona
426	Nancy Pinke, Elko	452	Curtis Rhodes, Minneapolis
427	Keith A Poets, Rushford	453	Jeff Richards, Minneapolis
428	Dianne Polasik, Stillwater	454	Sarah Richardson, South Haven
429	Steven Poncin, Hastings	455	Gary Richter, Comfrey
430	Betsey Porter, Minneapolis	456	Robert Ries, Plymouth
431	Leslie Prael, Maplewood	457	Adeline Riha, North Mankato
432	Janice Pray, Alexandria	458	Jonelle Ringnald, Saint Paul
433	Carly Puch, Grand Marais	459	Anthony Riniker, Glyndon
434	Koral Purdy, Minneapolis	460	Jerry Rivers, Roosevelt
435	Matt Purl, Austin	461	Nathan Rohne, Willmar
436	Christine Quinn, White Bear Lake	462	Barbara Ronningen, Afton

Petition Signers (continued)

463	Nancy Rose, Minneapolis	489	Jane Schuler, Saint Paul
464	Suzanne Ross, Saint Cloud	490	Maribeth Schulke, Maple Lake
465	John Rouse, Inver Grove Heights	491	Leeandra Schultz, Winona
466	Edward Rowley, Rochester	492	Jeff Schultz, Ely
467	Kara Rud, Monticello	493	Gary Schulz, Woodbury
468	Juliann Rule, Avon	494	Paul Schurke, Ely
469	Trevor Russell, Minneapolis	495	Sharon Lee Schwartz, Stillwater
470	Paul Ryals, Stanchfield	496	Rebecca Seal-Soileau, Rosemount
471	Anne S, Saint Paul	497	Sarah Sederstrom, Stillwater
472	Stanley Sabin, Austin	498	Carl Seltz, Circle Pines
473	Barb Sager, Maple Grove	499	Elizabeth Seltzer, Media
474	Richard Salge, Mankato	500	Mandy Senechal, Marine On Saint Croix
475	Samantha Salsman, Shakopee		
476	Ellen Sanford, Duluth	501	Em Senten, North Branch
477	Sam Sant, Minneapolis	502	Laurie Severson, Eden Prairie
478	Gabriela Santiago, Saint Paul	503	Georgia Shankel, Chicago
479	Stephanie Sarich, Minnetonka	504	Janet Shannon, Hastings
480	Amanda Schaeppi, Farmington	505	Rebecca Shedd, Minneapolis
481	Richmond Scharf, Two Harbors	506	Natasha Sherwood, Saint Cloud
482	Deb Scheil, Faribault	507	Craig Shirk, Mankato
483	Heidi Schleicher, Circle Pines	508	Joanne Sieck, Rochester
484	Ann Schley, Saint Paul	509	Dale Siegfleid, Austin
485	Joann Schmidt, Gaylord	510	Sarah Silva, Bayport
486	James Schoettler, Saint Paul	511	Kurt Simer, Minneapolis
487	Randy Schreifels, Saint Cloud	512	Nancy Simmet, Eagan
488	Don Schuld, Stillwater	513	Brian Singer-Towns, Winona

Petition Signers (continued)

514	Annette Skrukrud, Chatfield	540	Courtney Tchida, Saint Paul
515	Jeanine Smegal, Minneapolis	541	Ava Tervola, Glyndon
516	C. M. Smiley, Bloomington	542	Brant Thomas, Chaska
517	Erin Smillie, Afton	543	Brent Thomas Gurtek, Homer
518	Sallie Smith, Minneapolis	544	Barbara Thomborson, Minneapolis
519	Brianna Smith, Fridley	545	Edith Thorstensson, Saint Peter
520	L Smith, Byron	546	Susan Thuraiatnam, North Olmsted
521	Meredith Smith, Saint Paul	547	Joann Tjepkes, Delano
522	Diane Sneve, Rochester	548	Krista Tommerdahl, Circle Pines
523	Susan Soule, Minneapolis	549	Timothy Torgerson, Duluth
524	Steve Spigarelli, Aitkin	550	Carol Torkelson, Pine River
525	Elizabeth Spletzer, Minneapolis	551	Jane Townsend, South Saint Paul
526	Beth Stanford, Winona	552	Joe Tremel, Nisswa
527	Megan Starr, West Saint Paul	553	Brad Trom, Blooming Prairie
528	Susan Starr, Oak Grove	554	Bethel Tsegaye, Blaine
529	Regina Stemm, Minneapolis	555	Jenna Udenberg, Two Harbors
530	Jim Stemper, Saint Paul	556	David Undlin, Apple Valley
531	Leo Stern, Minneapolis	557	Michele Vaillancourt, Saint Paul
532	Paul Stoki, Saint Paul	558	Julia VanAvery, Ramsey
533	Carolyn Strub, Shorewood	559	Maryann Vandevusse, Savage
534	Scott Sundgaard, Andover	560	Mai Vang, Minneapolis
535	Karen Sutherland, Saint Paul	561	Erika Vickerman, Hopkins
536	Ken Swanson, Brimson	562	Ryan Vierstraete, Coon Rapids
537	Amy Sykes, Forest Lake	563	Heidi Voss, Bloomington
538	Beth Tamminen, Duluth	564	Wallace Wadd, Woodbury
539	Kevin Taralseth, Duluth	565	Audrey Wade, Saint Paul

Petition Signers (continued)

566	Andrew Wadsworth, Reading	592	Mary M Williams, Bayport
567	Rachel Wagner, Minneapolis	593	Frieda Wilson, Minneapolis
568	Patricia Waldorf, Stillwater	594	Cindy Winters, Mankato
569	Bob Walker, Gheen	595	Karen Wolf, Henderson
570	Leslie Ann Walkowiak, Fairmont	596	Kate Wolford, Minneapolis
571	Linda Walling, Woodbury	597	Marsha Wood, Forest Lake
572	Jonathan Walseth, Cottage Grove	598	Jeanne Wright, Grand Marais
573	Sheila Ward, San Juan	599	Charles Wurrey, Kansas City
574	Teresa M. Ward, Minneapolis	600	Bryan Wyberg, Roseville
575	Karin Ward, North Saint Paul	601	Va Xiong, North Saint Paul
576	Susan Warner, Paynesville	602	Chue Yang, Maplewood
577	Susan Warner, Paynesville	603	Cheryl Yasis, Mahtomedi
578	Alex Warren, Saint Paul	604	Arthur Yeske, Prior Lake
579	Nicki Weber, Farmington	605	Wayne Zellmer, Akeley
580	Jan Weber, Saint Paul	606	Britt Zimmer, Farmington
581	Robert Wellemeyer, Hastings	607	M Zink, Saint Paul
582	Meagan Wells, Minneapolis	608	Mary Zink, Saint Paul
583	Yana Wencil, Saint Peter	609	Jeff Zlonis, Cass Lake
584	Carolyn Wenger, Detroit Lakes	610	David Zumeta, Saint Paul
585	Rita Wenner, Saint Paul		
586	Jordan West, Dilworth		
587	Alice West, Grand Marais		
588	Cynthia Whitman, Saint Paul		
589	Tracy Whitney, Wayzata		
590	Candice Wielinski, Lino Lakes		
591	Marilyn Williams, Minneapolis		

**To: The Honorable Kimberly Middendorf, Administrative Law Judge
c/o William Moore, Rules Coordinator
Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620**

From: The Coming Clean Network's Zero Emissions/Whole Communities Team

**Re: Proposed Permanent Rules Relating to Cumulative Impacts Analysis in
Environmental Justice Areas**

Date: July 17, 2026

The Coming Clean Network's Cumulative Impacts/Mandatory Emissions Reduction (CI/MER) Team works to ensure assessment of cumulative impacts, and adoption and effective implementation of policies to reduce and eliminate them through mandatory emission reductions and requiring safer substitutes <https://comingcleaninc.org/projects/ci-mer>. We do so through comments, testimony, sign on letters, organizing assistance and all tools available in the advocacy toolbox, as well as proactively through development and promotion of our own messaging, Community Guide ([The Community Guide to Cumulative Impacts — Coming Clean, Inc.](#)), and principles.

The team supports and mobilizes environmental organizations and directly impacted community members to speak and submit comments to federal, state and local governmental agencies tasked with regulating pollution, to ensure that these bodies hear from people most affected by new methods and policies, listen to their concerns and implement their recommendations. Our long-term goals are to reduce harm from cumulative impacts and to require mandatory emissions reductions, in alignment with the [Louisville Charter for Safer Chemicals](#).

Similarly, we support community-centered work, and the Proposed Permanent Rules Relating to Cumulative Impacts Analysis in Environmental Justice Areas could be improved and strengthened to center that work. This policy involves multiple units of government coordinating programs to provide more efficient and protective services to overburdened communities. Moreover, when health and environmental protections are developed and implemented to protect the most overburdened communities, everyone is simultaneously protected.

For all of these reasons, we support cumulative impacts reduction work and appreciate the opportunity to comment on these proposed rules. As Team Leaders, Kathleen Curtis and Sophia Longworth submit these comments on behalf of the Team.

Strong Regulatory Provisions

Robust requirements for public participation - We believe that communities being informed and engaged during the cumulative impacts process is an essential part of this law. These rules outline a solid set of requirements for companies to reach out to impacted communities, and we call upon the MPCA to reinforce them by requiring collaboration with local partner organizations and exploring compensation for community member participation.

Thorough analysis of existing conditions in EJ communities - While we are still advocating for a more direct inclusion of environmental stressors in the cumulative impacts analysis, the initial assessment and cumulative impacts analyses currently require significant consideration of the existing environmental and community conditions in and around facilities. These requirements should be retained, as they are necessary to understand the full context surrounding a permit application.

Weak or Inadequate Requirements

No clear path to deny a permit

Under the current draft, a facility can keep revising its Community Benefit Agreement (CBA) until it gets approved. There is no mechanism for a community to say "no," and no circumstances are defined under which the Commissioner would deny a permit. This provision does not fulfill statutory requirements, which say the Commissioner must deny a permit unless a CBA is entered.

Existing facilities lack health-based benchmarks

The rules need clearer, health-based standards for what "substantial adverse impact" means. These benchmarks must be rooted in the actual health and environmental conditions of the community, not just air quality modeling thresholds.

Community outreach is led by the polluting facility

Facilities do not have existing relationships or trust within EJ communities. Outreach run entirely by the facility ensures many community members will have doubts about engaging. This risks low participation at a critical point in the process, which prevents MPCA from having high quality information necessary to improve health conditions in the community where the facility is located .

There is no method for determining substantial adverse impacts from cumulative environmental stressors

The CI analysis has three methods to determine substantial adverse impacts, but none specifically examines how many total adverse environmental stressors an existing facility is contributing to in the community. A fourth determination method based on cumulative stressors would better capture the full burden communities face. Without this fourth determination method, this regulation does not truly address cumulative impacts.

Necessary Improvements to the Draft Regulations

Create a community council process. Require facilities to work with local community organizations to form a representative body that can negotiate CBAs and provide the Commissioner a recommendation to approve or deny, with required justification.

Define permit denial criteria. Spell out the specific circumstances under which the Commissioner must deny a permit, consistent with what the statute actually requires.

Require outreach through trusted organizations. Mandate that facilities partner with neighborhood associations, churches, and local nonprofits so information reaches community members through voices they trust.

Add a fourth determination method. Include a section in the CI analysis on cumulative environmental and public health stressors, with a corresponding threshold for substantial adverse impact.

Set health-based benchmarks. Base substantial adverse impact standards on the real health and environmental conditions in the community and the actual pollution burden of the facility.

Thank you for reviewing and considering the improvements we outlined above. Please take the voices of the community seriously and take the necessary steps to safeguard their health.

Sincerely,

Kathleen Curtis | kccspecialist@gmail.com | 518-708-3922

Sophia Longworth | sophia@cleanhealthyny.org | 917-359-7155
Team Leaders - Zero Emissions/Whole Communities
[Coming Clean Network](#)

July 16, 2026

Minnesota Pollution Control Agency
520 Lafayette Road,
N Saint Paul, MN
55155

To the Minnesota Pollution Control Agency,

My name is Leah Dunlevy and I am a resident of South Minneapolis.

Three years ago, I learned that my neighbors in North Minneapolis were forced to live, breathe, and play in the smog of an incinerator, absorbing the pollution of an entire city's burning trash — waste they didn't generate — including mine.

We already know what Minnesota looks like without a cumulative impact assessment and have seen it play out in our state time and time again. Maps of redlining align with maps of environmental toxicity. Big polluters move into Black, brown, Indigenous and working class neighborhoods, where they stay for decades poisoning the people that live there. Incinerators are built, despite local opposition, in overburdened areas like North Minneapolis where they remain 40 years later.

In my comment, I focus on the HERC because it is what I have worked most closely on and also because it was a major impetus for the passage of the cumulative impacts law. However, HERC is certainly not the only discriminatory polluter in our state, and I have heard countless stories from residents of East St. Paul and South Minneapolis, who too, have been asked to bear the burden of pollution that should never have been there in the first place. I am also holding those stories close in my submission of this comment.

After three years of organizing around the shutdown of the HERC and nearly a decade of work on environmental issues, I have come to the conclusion that it is impossible to make progress on the climate crisis when our state's regulatory agencies permit certain neighborhoods to become dumping grounds for big polluters. Six out of Minnesota's seven trash incinerators are located next to environmental justice communities. We would not be burning trash at all in this state if certain communities weren't treated as disposable. In fact, we would likely already be on our way to better solutions to the waste crisis altogether.

The cumulative impacts law is our chance to get it right. Evaluating how the CI analysis will apply to a massive polluter like the HERC serves as a helpful framework for how it will be applied to other facilities — existing and future. With that in mind, I want to focus on two gaps in the proposed rules:

First, the proposed rules include no clear pathway for requiring existing facilities to conduct a cumulative impacts analysis. We must be proactive and rigorous in our assessment of both new facilities and existing polluters. The rules must not create additional barriers, like requiring an enforcement action, in order for a CI analysis to take place.

I recommend requiring a cumulative impact analysis for permit reissuances based on the existing health and environmental conditions in the community. Environmental pollution is why the zip codes 55411 and 55412 in North Minneapolis have the highest asthma rates in the state; this requires the due diligence of the cumulative impacts law.

Second, the proposed rules stipulate that community outreach will be led by the polluting facility. I appreciate that the draft rules are intended to encourage robust public participation, but I am concerned that leaving community outreach to profit-motivated facilities compromises meaningful community engagement.

In practice, this looks like wealthy executives flying in for one day to “engage the community” at town halls that are poorly communicated and held at inconvenient times and places. Having rules that mandate the facility outreach is done through trusted organizations (such as neighborhood associations, churches, health systems, and local nonprofits) will ensure that residents receive the information in the first place and opportunities for genuine participation are supported.

Finally, I want to express my full support for the public comments and technical amendments submitted by the Frontline Communities Protection Coalition, which include additional data-driven recommendations to strengthen these rules.

By strengthening the law even further, we have the power to decrease discriminatory pollution and health disparities, support our state’s climate resiliency, and build a better future for *all* Minnesotans. I sincerely thank you for the opportunity to provide feedback.

Thank you for your consideration,
Leah Dunlevy



July 17, 2026

Minnesota Court of Administrative Hearings
Administrative Law Judge Kimberly Middendorf
600 N. Robert Street
St. Paul, Minnesota 55101

Comments submitted electronically through CAH eComments

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, Minnesota Rules Chapter 7007; Revisor R-4805; CAH Docket No. 21-9003-39398

Dear Judge Middendorf:

On behalf of the Minnesota Chamber of Commerce (Chamber), a statewide organization representing more than 6,300 businesses and more than half a million employees, we appreciate the opportunity to submit comments on the Minnesota Pollution Control Agency's (MPCA) Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas (Rules), as proposed on May 18, 2026, in response to Minn. Stat. 116.065. Of note, many facilities listed by the MPCA as potentially affected by the Rule are members of the Chamber.¹

The proposed rule fails to provide clear, objective decision criteria, relies on broad agency discretion, creates uncertainty regarding how permit decisions will be made, and introduces significant and unquantified impacts to permitting timelines and costs. Without targeted revisions, the rule risks reducing regulatory predictability and discouraging timely investment while extending beyond the scope intended by the Legislature.

Air emissions are already subject to extensive federal, state, and local regulatory oversight. The federal Clean Air Act establishes health-based air quality standards, emissions limitations, permitting requirements, and technology-based controls for many emission sources. Minnesota has adopted a comprehensive air permitting and regulatory program that implements and, in some areas, exceeds federal requirements. In addition, many projects are subject to environmental review under the National Environmental Policy Act (NEPA), the Minnesota Environmental Policy Act (MEPA), or both, requiring evaluation of potential environmental impacts before project approval.

Minn. Stat. 116.065 does not replace or diminish these existing regulatory programs. Rather, the statute is narrowly focused on evaluating whether air emissions-related projects may contribute to adverse

¹ <https://www.pca.state.mn.us/sites/default/files/aq-rule2-25f.pdf>

cumulative impacts on human health within an environmental justice area. Accordingly, the rule should be implemented consistent with that limited statutory purpose. The Chamber urges the Court to interpret the proposed rule as requiring a demonstrated nexus between a permit action, an air emission-related environmental stressor, and the identified cumulative impact. Any requirement for a community benefit agreement or similar mitigation measure should be limited to circumstances where the record demonstrates that the proposed permit action would contribute to those impacts.

This letter addresses the Chamber’s concerns on the proposed rule, categorized as follows:

1. Failure to Implement Statutory Requirements
2. Lack of Objective and Reasonable Decision Standards
3. Recommended Procedural Changes to Accelerate Permit Actions, Avoid Duplication, and Provide Clarity
4. Rule Statement of Need and Reasonableness (SONAR) Failure to Appropriately Evaluate Economic and Timeline Impacts
5. Greater Clarity Regarding Community Participation and the Requirements for Petitions
6. Air Quality Modeling and Air Emissions Risk Assessment
7. Environmental Stressors
8. Additional Comments

These are discussed in more detail below. Please note that for brevity, the term “permittee” is used to refer to the owner or operator of the stationary source requesting a permit action, and “MPCA” is used to refer to the “Commissioner”.

1. Failure to Implement Statutory Requirements

- a. Minn. Stat. 116.065, subd. 6 (c), indicates that rules adopted under this section must:

“(1) establish benchmarks to assist the commissioner’s determination regarding the need for a cumulative impacts analysis; ... (3) define conditions, criteria, or circumstances that establish an environmental or health impact as a substantial adverse impact.”

The proposed rule does establish emissions-based benchmarks as one mandatory trigger but allows MPCA to require a cumulative impacts analysis (CIA) based on broad discretionary considerations beyond the established benchmarks. A hybrid of partly prescriptive and partly open-ended, qualitative balancing criteria introduces material ambiguity in implementation.

Minn. Stat. 116.065, subd. 3 addresses how MPCA should determine the need for a CIA. It indicates that “The commissioner is responsible for determining whether a proposed permit action may substantially impact the environment or health of residents of an environmental justice area” [emphasis added].

The proposed rule establishes a structural framework or process for implementing the statute, but it does not provide clear, objective, or consistently reproducible decision standards for determining:

- (1) When a permit action “may substantially impact” the environment or health of residents of an environmental justice area, and therefore requires a CIA; and

- (2) When a permit action results in “a substantial adverse impact”, therefore requiring a community benefit agreement (CBA).

Instead, the proposed rule relies on broad, case-by-case agency discretion that limits predictability, transparency, and regulatory consistency for permittees and the public. The absence of objective decision criteria creates uncertainty regarding when a CIA will be required and when a permit action may result in a finding of substantial adverse impact. This approach is inconsistent with the statutory directive to establish benchmarks and criteria for these determinations.

- b. Minn. Stat. 116.065, subd. 3, states that “The commissioner is responsible for determining whether a proposed permit action may substantially impact the environment or health of the residents of an environmental justice area” (emphasis added). The stressor analysis, as established in the proposed rule and current version of the Cumulative Impacts Mapping and Analysis Platform (CI-MAP) tool, does not account for the potential impact of the permit action at all, and therefore, should not be a strongly weighted factor in determining either whether a CIA is required, or whether a permit action results in a substantial adverse impact. In the stressor analysis, what the permit action is, and whether it will have an adverse health impact, or any culpability of the facility on the stressor evaluation, does not appear to be relevant. Under the plain language of the statute, MPCA must make a determination that the proposed permit action will have adverse effects. The rule should require a demonstrable nexus between the requested permit action and the identified environmental or health impact. Existing environmental conditions, historical stressors, or community conditions that are unrelated to the permit action should not independently support a determination that a permit action may substantially impact the environment or health of residents. Any attempt to impute the effects of stressors to every “permit action” in a given area without considering the specific effects of a particular “permit action” will violate the plain language of the statute and leave MPCA vulnerable to challenge that such decisions violate or exceed MPCA’s legal authority.

The Chamber is also concerned that certain provisions of the proposed rule allow MPCA to consider broad categories of information without establishing clear limits on the types of information that may be relied upon or how that information will be evaluated. For example, the proposed rule (7007.6050, subp. 3, (A)(6)) permits consideration of “any other information and data the commissioner deems relevant.” Without additional guardrails, this provision creates uncertainty regarding what information may influence permitting decisions and how that information will be weighed.

In both the determination of the need for a CIA and the determination denying a permit and/or requiring a CBA, the expected impact of the proposed permit action on the environment or public health should be the central focus. There should be evidence that the permit action may contribute to relevant stressors in a way that poses the potential for an adverse health or environmental impact. Denying a permit action or requiring measures to reduce environmental stressors to which the facility contributes should be commensurate with the degree to which the permit action causes the substantial adverse impact.

- c. In addition to establishing mandatory thresholds for a CIA, the rule should also define situations where a CIA is not required, including based on discretion. Permit actions that do not include an emissions increase, including but not limited to permit reissuances without operational changes,

should clearly meet the criteria for not substantially impacting the environment or health of residents of an environmental justice area. It is still possible that a proposed increase in emissions may not result in an adverse health impact, in which case, a CIA should not be required.

2. Lack of Objective and Reasonable Decision Standards

- a. The proposed rule includes several MPCA decision points:
 - (1) determining whether the permittee needs to conduct a CIA (either mandatory or discretionary; the latter may include determining whether a petition is complete);
 - (2) determining whether additional information is necessary to evaluate the CIA;
 - (3) determining whether the permittee needs to prepare a draft CBA, (i.e., whether the requested permit action would have a “substantial adverse impact”);
 - (4) determining whether additional information is necessary to determine “substantial adverse impact”; and
 - (5) determining whether to issue or deny the requested permit action.

Since these determinations do not rely solely on defined benchmarks or threshold values and involve a level of judgment, they introduce an unacceptable level of uncertainty into the permitting process. Moreover, even when the proposed rule does establish benchmarks, those benchmarks often do not relate to the likelihood that there may be a substantial adverse impact caused by the permit action under consideration. The Chamber recommends that appropriate benchmarks be established for these main decision points to promote transparency, predictability, and ensure consistency in the air permitting process. Such criteria should identify both circumstances where a CIA is required and circumstances where a CIA is not required. The Chamber is not currently proposing specific additional quantitative benchmarks in these comments, but may do so in comments following the hearing and would welcome agency input.

- b. The proposed rule also does not impose any timeframes for MPCA to make the determinations described above, which adds to the overall regulatory uncertainty.
- c. In the proposed rule, there is uncertainty and a lack of clarity around how the determination of “may substantially impact the environment or health” in the context of the need for a CIA, and the determination of a “substantial adverse impact” in the context of a permit denial/CBA decision will be made. In particular, it is unclear how the analysis of a facility’s contribution to either the potential for a substantial adverse impact or an actual substantial adverse impact will be factored into each of those decisions. The Clean Air Act has been very effective in reducing the human health risk (impact) resulting from permitted facilities’ air emissions. Risk analyses based on United States Environmental Protection Agency (USEPA), MPCA, and Minnesota Department of Health (MDH) procedures have demonstrated very low contributions to cancer and non-cancer risks at receptors by permitted facilities. The need to add substantial time and complexity to the permitting process by requiring a CIA, and the need to enter into CBAs that require extensive offsetting measures either on- or off-site, should be commensurate with the degree to which a facility’s air emissions are causing human health risks.

Similarly, the determination of whether a CIA demonstrates a “substantial adverse impact” relies on a broad, multi-factor evaluation without defined weighting, prioritization, or outcome

thresholds. Although the rule incorporates quantitative risk metrics, environmental stressor data, and qualitative considerations, it does not establish how these factors translate into a definitive finding of substantial adverse impact. The SONAR acknowledges that “countless possible scenarios” exist and that impacts cannot be exhaustively defined, reinforcing that final determinations will depend on case-by-case agency judgment. As a result, the framework lacks the clarity needed to ensure predictability, consistency, and transparent decision-making in permitting outcomes.

- d. The proposed rule (7007.6070 Subp. 4. B.) requires MPCA, when determining whether issuing the requested permit action may substantially impact the environment or the health of the residents of the impacted environmental justice area (and the need to conduct a CIA), to consider cumulative potential impacts, specifically “whether the potential impact is significant” and “whether the contribution from the requested permit action is significant when viewed in connection with other contributions to the potential impact” (emphasis added). Similarly, the proposed rule (7007.6100, subp. 2. B.) requires MPCA, when determining whether issuing the requested permit would result in a substantial adverse impact to the environment or the health of the residents of the impacted environmental justice area (and the need to prepare a CBA), to evaluate cumulative impacts, considering “whether the impact is significant” and “whether the contribution from the requested permit action is significant when viewed in connection with other contributions to the impact” (emphasis added). However, the rule does not define “significant” as used in either part of the rule. The Chamber recommends that quantitative benchmarks be established to determine whether such impacts are “significant”. The rule should also define the factors that are considered in making significance determinations and explain how quantitative and qualitative information will be evaluated in reaching those determinations.
- e. The proposed rule does not explicitly require MPCA to consider the likelihood that the potential impacts will occur when evaluating a CIA and determining whether there will be a substantial adverse impact if a permit is granted. However, it would be unreasonable and contrary to the plain language of the statute for MPCA to make a finding of substantial adverse impact unless it believes that impact is likely. See Minn. Stat. 116.065, subd. 5. B. (basing Commissioner’s determination on whether issuing the permit in combination with other factors “would” have a substantial adverse impact). The Chamber recommends amendment of Minn. R. 7007.6100, subp. 2, B to add a new (2) (with the following numbered items renumbered consecutively), providing as follows: “(2) the likelihood of the impact and its probable significance.” Similarly, the Chamber recommends that proposed Minn. R. 7007.6100, subp 1. A 3. be amended as follows: “the Commissioner determines that an environmental or health impact identified in the cumulative impacts analysis is a substantial adverse impact under item B that is measurable and reasonably likely to occur.”
- f. The “benchmarks” that are set forth in the rule for when a CIA is required, i.e., emissions thresholds, are not indicative of potential for an impact. Environmental or health impact is a function of risk to a receptor. While there is a connection between emissions and risk, risk is a function of the resulting concentration at the receptor location, and the degree to which that concentration affects the health of the receptor. An emissions increase at a facility, does not, in and of itself, represent a health impact.

MPCA has tools available to evaluate the impacts of a facility’s emissions on the health of receptors. One example that could be incorporated into the stressor analysis is the use of

MNRisks data directly related to a facility. The MNRisks cancer and non-cancer “score” that is currently proposed to be used in the stressor analysis is a function of the cancer and non-cancer risk to receptors in a census tract resulting from emissions from all sources (permitted or point sources, area sources, and mobile sources) contributing to the air concentrations that are the basis of the MNRisks cancer and non-cancer risks (emphasis added). MPCA does have the ability to parse out the portion of the cancer and non-cancer risk that results from the particular facility that is proposing the permit action.

As an example, if the portion of the census tract score that results from the permittee’s emissions is less than 20% of the score, then it would be reasonable to conclude that the facility, and whatever permit action the permittee is proposing, is not likely to substantially impact the environment or health of the residents in that particular census tract and therefore, would not trigger a CIA.

- g. Another proposed benchmark in the rule for when a CIA is required is enforcement actions. The statute (Minn. Stat. 116.065, subd. 6 (c) (1)) requires MPCA to establish benchmarks to determine the need for a CIA. The proposed rule (7007.6070, subp. 1, A and 7007.6050, subp. 4, C) requires a CIA to be conducted as part of a permit reissuance if any of four types of enforcement actions for any environmental media have been issued to the permittee in the previous three years. The Chamber considers this unreasonable if the enforcement actions have been resolved to MPCA’s satisfaction. Once corrective actions have been completed and accepted by MPCA, the enforcement action should not independently trigger future CIA requirements. This proposed benchmark also does not account for the possibility that the enforcement actions in question may have arisen from paperwork errors that did not increase emissions or otherwise contribute to environmental stressors. If retained, the Chamber requests that this provision be limited to air-related enforcement actions. Otherwise, it is likely that every air permit reissuance will trigger a CIA due to minor enforcement actions (for example, actions related to construction stormwater, industrial stormwater, tanks, etc.).

3. Recommended Procedural Changes to Accelerate Permit Actions, Avoid Duplication, and Provide Clarity

In addition to recommending further clarity regarding benchmarks, criteria, conditions, and standards, the Chamber recommends some changes to accelerate permit actions, avoid duplicative analyses, and increase transparency and predictability.

- a. MPCA should prepare “vulnerability” analyses for environmental justice areas upon promulgation of the rule.

As noted, a significant problem with the proposed rule is its imprecision and unpredictability. Air emissions have traditionally been regulated through a combination of ambient air quality standards and pollution control performance standards for source categories. These are known by permittees in advance. When contemplating a facility change that will involve emissions of a regulated pollutant, the permittee can evaluate how the emissions will be regulated, the likely cost and time needed for the permitting action, and plan accordingly. None of these is reasonably forecastable by permittees under the proposed rule. Rather, as proposed, MPCA will develop a bespoke, wide-ranging environmental assessment with the potential for evolving

considerations. In addition to being unpredictable, as discussed below, this process could easily take years.

Importantly, much of the required analysis has nothing to do with the permittee's specific proposed emissions, but rather a searching assessment of the environmental conditions and vulnerabilities of nearby Environmental Justice communities. Because this analysis is independent of specific permittees, and the universe of Environmental Justice communities in the metro area is known, MPCA need not wait until specific permit actions have been proposed. Upon promulgation of the Rule, MPCA could do an assessment of the Environmental Justice communities and identify which types and quantities of incremental emissions would be reasonably likely to have a substantial adverse impact on each community. This area-specific information could then be used by MPCA to help establish benchmarks to determine whether cumulative impact analyses are necessary, and could also be used to determine in advance what types of environmental analyses are required.

This exercise would have several benefits. First, it would comply with the statute in a manner that the proposed rule does not, by enabling MPCA to provide specific criteria and benchmarks. Second, it would provide greater clarity to communities and the regulated sector regarding the environmental issues in those communities and better facilitate a determination of whether a given facility's project will impact those issues and cause a substantial impact. Third, it will slightly mitigate the Rule's impact on permitting timelines, because much of the key work required under the proposed rule (on an ad hoc, facility-specific basis) will have been performed in advance (more holistically). Fourth, it will allow immediate community engagement on the benefits and tradeoffs associated with cumulative impacts-based permitting, separate from the emotions associated with permitting specific facilities. Notably, many metro-area communities are designated as Environmental Justice communities principally because of a large proportion of people for whom English is not their predominant language. Much of the intended benefit of the proposed rule is *procedural*, i.e., giving these communities a voice in environmental regulation that may be difficult for them to achieve in typical statewide rulemaking. Commencing that process sooner rather than later and before the time pressures associated with individual permitting actions would be beneficial to both the communities and the regulated facility. The Chamber urges MPCA to consider this proposal, which would help MPCA ameliorate many of the concerns expressed in these comments.

- b. Air toxics emissions should be presumptively excluded from cumulative impact analyses. MPCA is developing new air toxics regulations concurrently with the Cumulative Impacts Rule. See "Proposed New Rules Governing Air Toxics Regulations, Minnesota Rules, Chapter 7012; with Amendments to Chapter 7007. Revisor's ID Number 04807; CAH Docket Number 5-9003-39347" ("Air Toxics Regulation rule"). The Air Toxics Regulation rule covers 581 substances and is expressly intended to be more protective than and to fill in perceived gaps in the federal air toxics regulations with regard to Environmental Justice Areas. The Air Toxics Regulation rule also has a cumulative impacts component, through the preparation of an Air Emissions Risk Analysis (AERA). See proposed Minn. R. 7012.0560, subp. 2 D.. Since the Air Toxics Regulation rule will represent the current state-of-science and is designed to be broadly protective, it should be quite rare for there to be a need for *additional* air toxics controls beyond those required by the Air Toxics Regulation rule. Moreover, because the Air Toxics Regulation rule will have more traditional standard specifications, presumptively excluding air toxics from cumulative impact analyses will reduce the imprecision and uncertainty of the Cumulative Impacts Rule, while still

permitting adjustments where there is an exceptional need for additional cumulative impact-based controls.

4. SONAR Failure to Appropriately Evaluate Economic and Timeline Impacts

- a. The Chamber is concerned that the proposed rule will significantly extend the time taken to obtain an air permit. The Chamber's February 2024 report titled "Streamlining Minnesota's environmental permitting process: Essential for economic growth" (2024 report) identified significant issues associated with the timeliness of issuing Tier 2 air permits and permit amendments, especially compared to peer states.² The proposed rule is likely to exacerbate long timelines, not only for facilities subject to the statute, but for all permittees due to the burden imposed on MPCA resources to support implementation of the rule.

The proposed rule is based on a similar program in New Jersey. While Minnesota's program would differ in certain respects based on the proposed rule, the New Jersey framework has been implemented and provides one empirical benchmark for estimating timeline impacts. The Chamber notes that the submittal of permit applications for projects subject to New Jersey's similar Environmental Justice rules (NJAC 7:1C, which became effective on April 17, 2023) was delayed by between 391 to 646 days as a result of its EJ process. The following table shows projects that have obtained a decision document under New Jersey's program, and the time recorded in the decision documents from the Draft Environmental Justice Impact Statements (EJIS) to the date of the decision documents. These timelines would not include the time required for the permittee to prepare the draft EJIS, which, given its contents being similar to Minnesota's proposed rule, would also be significant, adding even more time delay.

Project	Draft EJIS Submittal	Decision Document	Days
Hackensack University	4/10/2025	5/6/2026	391
Kuehne Chemical	11/25/2024	5/6/2026	527
Mercer Group	3/18/2025	5/6/2026	414
Merck Sharp & Dohme	9/6/2024	5/6/2026	607
Corning Pharmaceutical	11/5/2023	8/12/2025	646
Safety Kleen	12/8/2023	6/3/2025	543

The SONAR fails to consider an important aspect of the reasonableness of the proposed rule by not adequately evaluating the impact of the proposed rule on permitting timelines. The rule introduces multiple substantive and procedural requirements — including preparation and review of cumulative impacts analyses, expanded public participation processes, and additional MPCA determinations — that will foreseeably extend significantly the time required to issue permits and amendments. While the SONAR acknowledges that these requirements will increase complexity and duration, it does not quantify the expected timeline impacts, compare them to existing permitting timeframes, or evaluate how the additional steps interact with current permitting processes. In particular, the SONAR does not address the cumulative effect of these requirements on already lengthy permitting timelines, nor does it assess whether the resulting delays are reasonable or proportionate to the anticipated benefits of the rule. The SONAR also fails to evaluate the impacts associated with permitting uncertainty. For many projects, the inability to predict permitting timelines can affect capital planning, project

² <https://www.mnchamber.com/sites/default/files/Minnesota%20Foundation%20permitting%20report.pdf>

scheduling, procurement activities, and investment decisions independent of the ultimate permit duration. The proposed rule should include concrete and binding timelines for public engagement and final MPCA action.

This omission in the SONAR is significant because permitting timelines are a central component of the practical and economic impact of the rule on regulated parties, affected communities, and the MPCA itself. By failing to assess the magnitude, variability, and drivers of timeline extensions — including the duration of CIAs, iterative MPCA review cycles, public participation requirements, and potential CBA negotiations—the SONAR does not provide a reasoned evaluation of a key consequence of the proposed rule. Nor does it identify measures to mitigate or manage these impacts while still achieving the statutory objectives. As a result, the SONAR does not demonstrate that MPCA has fully considered the relevant factors associated with implementation of the rule, raising concerns that the rulemaking record is incomplete with respect to an important aspect of the problem.

- b. When deciding whether to invest in a given facility and community, Chamber members consider whether they will be able to obtain necessary environmental permits within a defined and reliable timeframe. One potential outcome of a rule that has significant time and cost implications is that affected permittees may not pursue projects that will make them subject to the rule. Without procedural constraints to ensure certainty in that respect, a company may be discouraged from continuing or expanding economic activity, investing in facility modernization, replacing aging equipment, or implementing projects that improve environmental performance even if it would not have any significant adverse impact on the surrounding community, or if the proposal may have substantial positive impacts, due to an inability to estimate the amount of time needed to navigate the CIA process. They will conduct expansions or propose new facilities outside the geography affected by the rule. This could ultimately be counterproductive to the intent of the rule; if permittees do not pursue projects subject to the rule, there will be no opportunity to implement CBAs. The rule should not be so burdensome that it discourages the very goal that was intended, benefitting communities.
- c. In the SONAR under “Costs to Comply”, MPCA estimates the probable costs of complying with the proposed rule. MPCA used a limited number of responses to an economic survey about the estimated cost of multiple steps of the proposed rule process. MPCA concluded from the survey responses that the total investment would be \$151,000 if a permittee had to complete all steps. MPCA also speculated that the actual costs to comply would be less than what was inferred from the survey responses. MPCA’s own analysis indicated that the total compliance cost would range from \$69,000 to \$170,000.

Costs associated with preparation of the CIA alone (e.g., traffic study; federal and state endangered species, threatened or rare plant or animal species; odor, dust and noise impacts; existence of contamination, historical remediation activities; air quality modeling; AERA; assessment of localized impacts of climate changes, vulnerabilities) would be similar to environmental review-level analyses (Environmental Assessment Worksheet/Environmental Impact Statement), far exceeding the estimates that MPCA associated with those steps of the process. Further, the costs associated with “Step 4: Additional Pollution Control Measures” and “Step 5: Community benefit agreement” were collectively estimated at \$45,000 (from the survey language, it appears these costs did not address capital costs associated with pollution control equipment or other benefits agreed to in the CBA). Costs for additional pollution control

measures can vary significantly, but can be in the millions of dollars. The SONAR also does not evaluate costs associated with project delays, construction escalation, procurement impacts, deferred environmental improvements, operational constraints, or other opportunity costs that may result from extended permitting timelines. In many cases, these costs may exceed the direct costs of preparing the CIA itself.

This omission means the SONAR does not provide a reasoned evaluation of a key consequence of the proposed rule – the economic impact. The SONAR does not demonstrate that MPCA has fully considered the relevant factors associated with implementation of the rule, raising concerns that the rulemaking record is incomplete with respect to an important aspect of the problem.

- d. The proposed rule (7007.6060, subp. 1, B) allows a petition to conduct a CIA to be filed with MPCA up to and including the date the public notice and comment period for the draft permit ends. A requested permit action may have been reviewed and processed by MPCA, received a negative declaration regarding the need for a CIA, and a draft permit prepared, negotiated, and posted for public comment, only for the process to revert back to requiring a CIA right before the final permit was about to be issued. This creates significant uncertainty for the permittee and could have real-world implications for the procurement of equipment for the project. The Chamber recommends that the final rule require a petition to be filed within 60 days of MPCA posting notice of receipt of an initial assessment as part of a requested permit action. Within that 60-day period, MPCA should not wait to see whether a petition will be filed, but should proceed with deciding the need for a CIA, and processing the permit application if a petition is not received.
- e. The proposed rule imposes specific timelines associated with conducting public meetings, of which a minimum of four are required (one before and one after conducting a CIA, and one before and one after preparing a CBA, if a CBA is required). These timelines include:
 - (1) Submitting a public participation plan to MPCA within 30 days of MPCA determining (i) the need for a CIA and (ii) the need for a CBA;
 - (2) Providing MPCA with written notice of each public meeting at least 45 calendar days before each meeting;
 - (3) Posting notice of each public meeting at least 30 calendar days before each meeting;
 - (4) Providing at least 30 calendar days for public comment after each public meeting;
 - (5) Posting a video and audio recording of each public meeting within 15 calendar days after each meeting
 - (6) Providing MPCA an electronic copy of all written comments and a transcript of all oral comments received at each public meeting within 30 calendar days after each meeting; and
 - (7) Providing MPCA with a report responding to each public comment within 30 calendar days after the end of each public comment period and at least 45 calendar days before the next public meeting.

Collectively, these requirements may add approximately fourteen months to the current air permitting timeline (four public meetings, each requiring 45 days prior notice, a 30-day comment period, and 30 days post-meeting follow-up), which seems unreasonable. One suggestion to shorten the timeline would be to allow the permittee to request that the post-CIA

and pre-CBA public meetings be merged if the permittee believes it is likely that a CBA will be required.

- f. Currently, an application for a permit reissuance does not trigger any immediate action by MPCA other than a determination of completeness. In practice, this has meant that such an application may not be processed for years after submittal. The proposed rule does not impose a timeline for MPCA to determine whether a CIA is needed. The SONAR should address how MPCA intends to process reissuance applications subject to the proposed rule. Will reissuances subject to the proposed rule be given higher priority than reissuances are currently given? If a reissuance application subject to the rule is not going to be “picked up” by a permit writer for five to seven years (as an example, and not atypical under the current permitting scheme), will the determination of the need for a CIA be made after application submittal, or will it be made at the time the application is “picked up”? In any case, the CIA, if required, should only be prepared once per permit action (including timely comments). A CIA should not have to be updated if MPCA delays processing of the reissuance application by multiple years.
- g. The proposed rule (7007.6090, subp. 4) requires the permittee to “conduct an air quality modeling analysis in accordance with a protocol approved in advance by MPCA” (emphasis added). Air modeling protocols required by other MPCA programs often take considerable time and effort to prepare and months for MPCA to review and approve. The Chamber recommends that a simpler protocol (not requiring e-services submittal) be sufficient for the purposes of the proposed rule. If not, we anticipate that this could add several months to the air permitting process.
- h. The proposed rule (7007.6090, subp. 5, B) requires the permittee to “conduct an air emissions risk analysis in accordance with a protocol approved in advance by the commissioner” (emphasis added). The Chamber assumes that MPCA intends to require the existing two-stage AERA program to be followed, the first stage being the preparation, submittal, and MPCA review and approval of a detailed protocol. As with the air modeling analysis, the AERA protocol often takes considerable time and effort to prepare and months for MPCA to review and approve. The Chamber recommends that a simpler protocol (not requiring e-services submittal) be sufficient for the purposes of the proposed rule. If not, we anticipate that this could add several more months to the air permitting process.
- i. The statute (Minn. Stat. 116.065, subd. 7) states that in addition to the costs incurred by the permittee itself in complying with the rule, “the reasonable costs of the agency to comply with this section are to be borne by permit applicants subject to this section, as required under section 116.07, subdivision 4d, paragraph (b).” The Chamber understands that this will increase the annual \$/ton fee that regulated facilities pay each year based on the actual emissions of a select set of air pollutants. This fee is currently \$214.32/ton based on a numerator of \$20,809,684.86 and a denominator of 97,098.39 tons. MPCA does not provide an estimate of how the fee will increase due to the proposed rule. However, the underlying legislation, HF 2310, indicates that \$2,500,000 will be taken from the environmental fund beginning in fiscal year 2027. The Chamber seeks clarification whether this amount will be added to the numerator when calculating the \$/ton fee in future years. If so, the numerator will increase by approximately 12 percent, and this does not include costs associated with implementing the Air Toxics Regulation rule, which is being processed in parallel with the Cumulative Impacts rule and is likely to also draw funds from the environmental fund. Page 170 of the SONAR states that “The

MPCA will not be collecting fees from permit holders as part of their compliance obligations in this proposed rule, and there are no other elements of the proposed rule that are expected to lead to any inflows into our outflows out of the state's coffers." The Chamber questions the accuracy of this statement.

The 2024 report indicated it takes much longer, costs more, and is less certain to acquire an environmental permit in Minnesota compared to other states, especially when acquiring an air permit. The Chamber then acknowledged and applauded improvements made by the MPCA in the follow-up 2025 scorecard.³ The Rule as drafted endangers eliminating any marginal improvements made by adding significantly more time, cost, and uncertainty to permitting while adding even more difficulty than before the original report.

5. Greater Clarity Regarding Community Participation and the Requirements for a Petition

- a. Public participation will be a challenging aspect of the Cumulative Impacts rule. The Chamber recommends that the proposed rule be amended to provide greater clarity regarding the process and requirements for public participation. Similarly, the Chamber also recommends that MPCA amend the petition portions of the rule.
- b. The technical details of the analysis will not be very accessible to the general public. MPCA and project proposers will need to reference details and include that complexity in decision-making while simplifying the process and outcomes as much as possible for public engagement. The Chamber recommends that the proposed rule indicate that information shared with the community should clearly indicate whether it is based on what is known, what is unknown, and what is uncertain, given constraints. The Chamber also recommends that information focuses on the specific impacts and stressors relevant to the permit action at issue, and not on other, unrelated environmental stressors. Meetings and informational documents related to a specific proposed permit action should not be focused on problems that, however meaningful and real, are not relevant to the impacts from the project at issue.
- c. The proposed rule does not include measures for qualifying the representativeness of the engaged individuals. In many public permitting processes, there is a small number of very engaged people from the community and a slightly larger number who are paying attention. Most people are often not engaged at all. MPCA should not assume that the engaged group represents the views of the larger disengaged group. MPCA should therefore consider how to weigh such community input into decision-making.
- d. In addition, MPCA should clarify within the rule a definition of who or what constitutes "the community" regarding a "permit action" and input for a CBA. The proposed rule does clarify this with respect to the petition process. However, further clarifying this with regard to the permit action generally, and who can provide input on the CBA, will be necessary for best representing the appropriate affected parties. The Chamber recommends that community representatives participating in the CBA process be individuals who reside or own property in the impacted environmental justice area (i.e., the same criteria that the proposed rule requires for someone to sign a petition requesting a CIA)

³ <https://www.mnchamber.com/minnesota-chamber-foundation/streamlining-minnesotas-environmental-permitting-process-2025-update>

- e. A defined process for collecting and considering the experiences of community members that may be relevant for a project or facility may be a useful part of a CIA. However, a facility should have the discretion to collect but not respond to input that is outside the scope of the project and analysis. Lived experiences and stories may be considered, but such information is often anecdotal, unverifiable, unquantifiable, and difficult to connect to a cause and effect.
- f. The proposed rule (7007.6060, subp. 4, A) requires MPCA to determine whether the petition complies with subparts 1 to 3. The Chamber seeks clarification whether MPCA will confirm that at least 100 of the individuals signing the petition either reside or own property in the impacted EJ area.
- g. The proposed rule (7007.6060, subp. 4, E) requires MPCA to notify the petitioners' representative that the petition is void if the petition does not comply with subparts 1 to 3 and the petitioners fail to remedy all of the deficiencies identified in item D, subitem (2), within 15 calendar days. The Chamber requests that MPCA also send the same notification to the permittee.
- h. The proposed rule (7007.6080, subp. 7, A (1)) requires the permittee to "post and maintain, in a legible condition, physical signs in the impacted environmental justice area that comply with item C" and that the signs "be posted in at least four public spaces in each environmental justice area within the impacted environmental justice area" per 7007.6080, subp. 7, C (2)). The Chamber considers this requirement to be excessive and unnecessary, given the other requirements for notifying the public. In urban areas, the impacted environmental justice area can be geographically large and include multiple environmental justice areas, each of which requires at least four signs. These signs must also be maintained for at least 30 days prior to each public meeting. This will require multiple visits by the permittee to ensure that the signs have not been defaced or removed.
- i. The proposed rule (7007.6080, subp. 5, B) requires the following: "An owner or operator must hold a public meeting...at a location that is convenient to persons expected to attend the meeting." Convenience will vary in the community; a better way to frame the location would be "a centrally located, accessible venue."
- j. The proposed rule (7007.6080, subp. 5, C (2)) requires the following: "include a video and audio recording of the entirety of the public meeting that is made available online for the public to view." The "entirety" of the public meeting could be difficult to capture and could limit the format/effectiveness of the public meeting; a better way to frame the requirement would be "...recording of the public meeting presentation..."
- k. The proposed rule (7007.6080, subp. 5, C (3)) requires the following: "provide language interpretation services, translation services, and translated written materials upon request." Providing language interpretation service upon any request could lead to significant costs and even time delays, depending on when the request is made. For example, what if the request were made during the public meeting? A better way to frame this requirement would be "provide written translated materials in the language that was used in any public notice posted (see Subp. 7, A (3))" and "provide language interpretation services, translation services, and/or translated materials if requested at least 2 weeks in advance of the public meeting".

- I. Consistent with Minn. Stat. 216I.05, subd. 8(d), the following should be added to 7007.6080, subp. 7: “E. The failure to provide mailed notice to a property owner or defects in the notice do not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.”

6. Air Quality Modeling and Air Emissions Risk Assessment

Air quality modeling and air emissions risk analysis will be important aspects of CIAs, when one is required. However, some clarification is necessary for the proposed rule to fit with standards for such analysis.

- a. The proposed rule (7007.6090, subps. 4 and 5) separately outlines the air quality modeling analysis and air emission risk analysis for the CIA but omits language from Subp. 3. G. that states “an analysis and proposal of emission limits...necessary to avoid the negative impacts of the stationary source to the environment or the health of residents of the impacted environmental justice area and minimize or reduce the negative impacts of the stationary source to the environment or health of residents of the impacted environmental justice area” (emphasis added). NAAQS and AERA guidance require the maximum modeled values at the ambient air boundary to be compared to the standards for determining compliance, however, this location is not necessarily located within an environmental justice area. Subpart 4. E. should be revised to “An air quality modeling analysis report must document the results of the air quality modeling analysis and demonstrate whether issuing the requested permit action will cause or contribute to an exceedance of any ambient air quality standard within the impacted environmental justice areas identified in the initial assessment” (emphasis added). Subp. 5. A. 3. should be revised to “evaluates the potential impacts from the stationary source and whether issuing the requested permit action is likely to cause or contribute to an exceedance of acceptable risk levels identified in item D within the impacted environmental justice areas identified in the initial assessment” (emphasis added).
- b. The proposed rule (7007.6100, subp. A. (1) and (2)) should include clarifying language that the results of the air quality analysis are to be assessed at the maximum receptor within the impacted environmental justice area. A facility’s maximum modeled impacts are typically located along its fence line, and if that fence line is not within the environmental justice area, using that value as the determination of the substantial adverse impact would be incorrect. The air impacts analysis determination of a substantial adverse impact should only be considered for the receptors located inside the area where the residents are impacted. It is important again to note that the Cumulative Impacts rule is being promulgated against the backdrop of a well-established and generally protective state and federal permitting regime, and is intended to satisfy a specific statutory directive focused on environmental justice communities. Compliance boundaries outside of environmental justice communities exceed the agency’s statutory authority.
- c. The proposed rule (7007.6090, subp. 4) requires an air quality modeling analysis to address each pollutant that the stationary source (i.e., not the requested permit action) has the potential to emit in an amount greater than or equal to the rates identified in 40 CFR 52.21(b)(23)(i) (the “significant emission rates” associated with a PSD “major modification”). This imposes PSD-like modeling on expansion projects that would not by themselves qualify as a PSD “major

modification". The Chamber believes this to be unreasonable and requests that modeling for expansion projects be limited to PSD major modifications, recognizing that such modeling would be required anyway by the PSD rules.

- d. The proposed rule (7007.6100, subp. 1, A (1)) requires MPCA to determine "substantial adverse impact" if "the results of the air quality modeling analysis required under 7007.6090, subpart 4, indicate that emissions from the stationary source would result in a contribution to modeled air pollution concentrations of pollutants that are greater than or equal to 50 percent of any ambient air quality standard." Given the conservative assumptions already built into air modeling and the requirement to model worst-case emissions scenarios, this threshold appears arbitrary and could result in impacts being identified where actual risks are unlikely to occur.
- e. The Chamber is aware that an AERA can be triggered for stationary sources located in the seven-county metropolitan area by the Air Toxics Regulation rule that is being proposed in parallel to the Cumulative Impacts rule. The two rules need to avoid duplication of effort. An AERA conducted within the preceding five years for the purposes of the Air Toxics Regulation rule should satisfy the requirements of the Cumulative Impacts rule. In addition, if an AERA is determined not to be necessary under the Air Toxics Regulation rule, an AERA should not be required under the Cumulative Impacts rule.
- f. The proposed rule should clarify that an AERA conducted as part of a CIA does not need to include insignificant activities.

7. Environmental Stressors

- a. Minn. Stat. 116.065, subd. 5(f) required MPCA to establish a database of environmental stressors and subd. 5(b) contemplates that the impact of permit issuance be considered in combination with environmental stressors when determining cumulative impacts. MPCA's CI-MAP contemplates consideration of twenty-six different environmental stressors in various categories. However, MPCA has not sufficiently addressed the process for changing the stressors listed in CI-MAP, and should also consider data quality assurance for the database. In addition, the number of environmental stressors and lack of clarity regarding how they will apply to given permit actions contribute to the lack of clarity and transparency regarding the operation of the proposed rule.
- b. MPCA has not proposed language in the proposed rule that specifically establishes the list of environmental stressors and their reference values; instead, it leaves those specifics to other documents that are not explicitly incorporated into the rule by reference. This leaves open the possibility that MPCA may seek in the future to add or modify existing environmental stressors without going through rulemaking. Such action would be contrary to the law and could trigger a challenge under the unpromulgated rule statute. See Minn. Stat. 14.381. To clarify that the stressors and their reference values are part of the rule, the Chamber recommends that the definition of "environmental stressors" set forth at proposed Minn. R. 7007.6020, subp. 18 be modified so as to explicitly list the stressors the agency is planning to use. Moreover, subpart 34 of that same section should be modified to incorporate by reference the specific reference points MPCA proposes to use. These proposed edits would clarify for MPCA and others that changes to the list of stressors and their reference values require a rulemaking. The Chamber

recommends that the rule require the list be reviewed every five years via a public comment process.

- c. CI-MAP relied on multiple MPCA databases when it developed stressor values, and this historical data could have a significant impact on the initial cumulative impacts stressor score. Datasets that were relied on should go through a robust QA/QC process, and data that was included that relies on individual facility inputs for environmental factors should be confirmed with those facilities before the rule is finalized. Examples of this information include: MNRISK facility-specific model inputs (emissions and stack parameters) and permitted and remediated site locations (confirm coordinates are in the correct location).
- d. The “vulnerability” analyses proposed above would partially alleviate the uncertainty stemming from the use of multiple environmental stressors. If permit applicants have advanced information and benchmarks regarding the types of emissions of concern to MPCA for given environmental justice areas and the relevant environmental stressors, they will have more certainty regarding determinations on the need for a CIA and what sorts of impacts are likely to be considered substantially adverse.
- e. It is unreasonable to expect or require a facility to reduce stressors to which it does not contribute. Such stressors could be a legacy of other long-closed facilities or associated with activities by other nearby (potentially competitor) facilities, or the general population (traffic, for example) that are unrelated to the proposed permit action and over which the project proposer will have little to no control. The Chamber supports any facility acting as a good neighbor by voluntarily adopting measures in the community to reduce stressors, regardless of whether the facility contributes to those particular stressors; however, clearer definitions of the “community” and permit applicant’s responsibilities with regard to community input are needed to avoid confusion.

8. Additional Comments

- a. Several provisions of the proposed rule allow MPCA to exercise substantial discretion when determining whether impacts are significant, but do not establish corresponding standards governing the evidence that may be relied upon in making those determinations. The Chamber recommends that any information relied upon by MPCA in determining whether a CIA is required or whether a substantial adverse impact exists be disclosed to the permittee and made available for review and response before a final determination is made.

Further, the proposed rule (7007.6070, subp. 5) grants MPCA wide discretion to determine whether there is insufficient information to determine the need for a CIA. This could result in MPCA requiring unreasonable and extensive efforts to obtain the lacking information.

- c. The proposed rule (7007.6050, subp. 3, G (3)) requires the initial assessment to “identify the impacts at every stage of construction and operation of the stationary source”. For facilities like landfills, mines, and quarries, there can be many stages over the stationary source’s lifetime. The Chamber recommends that the requirement instead say, “identify the impacts at the stages of construction and operation of the stationary source representing worst case conditions, as known at the time of permitting”.

- d. The proposed rule (7007.6070, subp. 1, A) states that a CIA is required if the requested permit action meets or exceeds any of the benchmarks specified in 7007.6050, subp. 4. The proposed rule (7007.6050, subp. 4, B) sets benchmarks for a “facility expansion” as the potential hourly emission rates that would trigger a minor amendment (i.e., emission rates greater than what would be considered insignificant, as explained on pages 87 to 88 of the SONAR). However, “facility expansion” is defined in 7007.0020, subp. 19, to include only moderate and major permit amendments (i.e., minor amendments are exempt from the proposed rule). The proposed rule, as currently written, would require every facility expansion to conduct a CIA because all moderate and major amendments would have potential emissions greater than the “insignificant thresholds” in 7007.6050, subp. 4, B. The Chamber requests that the moderate amendment emission rate thresholds be the benchmarks for requiring a mandatory CIA under 7007.6050, subp. 4, B.
- e. The proposed rule should include an option for a permittee to choose to bypass the steps between the application and initial assessment submittal and the permittee preparation of the CBA public participation plan. The bypassed steps would include everything from the evaluation of mandatory and discretionary triggers, and MPCA’s determination of need for a CIA, to MPCA’s determination of a substantial adverse impact. In this situation, the permittee would forego the need to do a CIA, but agree to enter into a CBA; and the process would include all the CBA steps.
- f. The contents of a CIA in the proposed rule (7007.6090, subp. 3) are duplicative of those required for an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS), which are required only if triggered by the Minnesota Environmental Quality Board’s Environmental Review program (Minn. R., chapter 4410). The Chamber believes that a detailed review should continue to be triggered by that program rather than by the Cumulative Impacts Rule. In addition, facility expansions, projects subject to federal New Source Review permitting, or new construction that are otherwise subject to environmental review should not require a CIA under 7007.6050, subp. 4, because this would be redundant with a separate CIA process to evaluate whether there is an adverse impact. The Chamber recommends that MPCA revise the proposed rule to exempt permit actions undergoing environmental review or New Source Review permitting from requiring a CIA. If MPCA disagrees, the Chamber requests that components of the CIA be waived if they have been covered by an environmental review conducted and approved within the preceding five years, or that the rule allow use of relevant analyses and information from permit actions undergoing environmental review or New Source Review permitting in the CIA.
- g. Currently, a permittee may begin actual construction of a moderate amendment upon receipt of a letter of approval from MPCA authorizing the construction. The proposed rule prohibits construction until either a negative determination of the need for a CIA is issued or the amended permit has been issued. The Chamber believes it is unreasonable to override the established procedure for moderate amendments, which allows construction to begin upon receipt of an authorization letter from MPCA.
- h. For stationary that have a large footprint, the proposed rule should clarify that a CIA/CBA, if required, would only have to address environmental justice areas within a mile of the location of the facility expansion permit action. For example, it would be unreasonable for a permit action for an expansion occurring in downtown Minneapolis to address environmental justice areas on the east side of St. Paul.

- i. The proposed rule should include clear protections for proprietary and confidential business information when preparing an initial assessment, a CIA, or a CBA.
- j. The proposed rule grants MPCA substantial discretion throughout the cumulative impacts process but does not appear to provide a meaningful mechanism for permittees to challenge, appeal, or seek independent review of agency determinations. The rule should include such a process.
- k. The proposed rule should provide a mechanism for a permittee to seek expedited reviews.
- l. Proposed projects addressing emergency engines and/or natural gas-fired boilers below a certain design capacity should be exempt from the rule or should only be required to be addressed as part of a reissuance.
- m. Typographical error: 7007.6030, subp. 1, B “Subparts 3 to 5 identifies ...” should be “Subparts 3 to 4 identify ...”.

Based on the issues raised herein, the Chamber respectfully requests that the Administrative Law Judge find that the proposed rule requires significant revision to (1) establish clear, objective decision thresholds, (2) define key terms, including “significant” and “substantial adverse impact,” and (3) fully evaluate and mitigate the rule’s impacts on permitting timelines and costs. Absent these revisions, the rule does not demonstrate reasonableness or full consideration of the relevant factors required under Minnesota law.

The Chamber appreciates the opportunity to comment on this important stage of the Rules.

Sincerely,



Andrew Morley
Director, Environmental Policy
Minnesota Chamber of Commerce
amorley@mnchamber.com



July 17, 2026

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings



Comments submitted electronically through CAH eComments

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, Minnesota Rules Chapter 7007; Revisor R-4805; CAH Docket No. 21-9003-39398

Dear Judge Middendorf:

The University of Minnesota appreciates the opportunity to engage in this rulemaking process and respectfully submits these comments regarding the draft Cumulative Impacts Rules, published on May 18, 2026. We sincerely thank the Minnesota Pollution Control Agency staff and leadership for their hard work, extensive stakeholder engagement, and continued dedication to environmental justice. We hope you will take our comments under meaningful consideration as you finalize these rules.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregg Goldman', written over a horizontal line.

Gregg Goldman
Executive Vice President for Finance and Operations
University of Minnesota

Introduction

The University of Minnesota (“the University”) serves as an engaged contributor to the state’s efforts to address environmental, public health, and socioeconomic disparities. The University operates more than two dozen programs directly addressing environmental justice (“EJ”) issues, ranging from a comprehensive sustainability program to childhood nutrition and community healthcare access. These programs support thousands of people living in low-income and historically marginalized areas every year. Along with these community efforts, the University has reduced its permitted air emissions by over 90 percent in the last 30 years through energy reduction and facility modernization, even while expanding its facilities by several million gross square feet.

Our commitment to EJ aligns with the objectives of Minn. Stat. § 116.065 (“the Statute”). However, the University is concerned that several of the draft Cumulative Impacts Rules (“Draft Rules”) requirements do not consider the size and complexity of an expansive institution like the University. The University’s Twin Cities campus neighbors 22 designated EJ areas across two counties and, as described below, operates more like a city dedicated to state service than a for-profit industry.

The University’s Duluth campus also falls within the applicability requirements under the Statute. Because the campus has eliminated certain historical fuel types from its operations, the University is currently evaluating a transition to a registration permit, which would not be subject to the Statute or the Draft Rules. While this permit change is under review, future expansions could still trigger these rules. Therefore, our comments primarily focus on the Twin Cities campus but apply with equal force to the Duluth campus.

Background

As a public land-grant institution, the University holds a unique constitutional responsibility to serve the State of Minnesota and its local communities. The University fulfills this charter through a threefold mission of education, research, and outreach. Beyond supporting a daily statewide population of approximately 68,000 students and 27,000 faculty and staff members, the institution directly serves millions of Minnesotans who visit our campuses to receive vital medical and clinical care, access statewide agricultural extension services, and participate in public educational and cultural events.

Delivering these services requires an immense and complex physical footprint. The Twin Cities campus covers approximately 1,200 acres across Minneapolis and St. Paul. This dense urban campus encompasses more than 270 buildings comprising nearly 25 million square feet of space, including teaching spaces, research laboratories, healthcare facilities, student housing, libraries, childcare facilities, and recreation areas.

In nearly all respects, the Twin Cities campus operates as a self-contained municipality. The institution manages its own Building Code Department (designated under Minn. Stat. § 326B), public health inspectors, a licensed police force, and public works and transportation departments that manage campus-wide stormwater, sanitary sewers, roadways, and district steam generation and distribution.

The University also has several core institutional initiatives dedicated to equity and the environment. The University's goals are formalized in the following plans, as directed by the University Board of Regents:

- **Elevate Extraordinary 2030 Strategic Plan**

The University's primary systemwide strategic plan commits institutional operations to support the public health and socioeconomic well-being of Minnesota's communities. This plan directly aligns with the intent of the Draft Rules through the following strategic imperatives:

- Strategic Imperative #3: Directs the University to leverage its clinical and research infrastructure to reduce health disparities and improve health outcomes for all Minnesotans.
- Strategic Imperative #4: Directs the University to deepen engagement and collaboration with local communities, ensuring University resources actively support community-driven socioeconomic goals.
- Strategic Imperative #5: Directs the University to incorporate sustainability into daily facility management, optimize its physical footprint, and accelerate the campus Climate Action Plan and Climate Resilience Plan, described below.

- **2023 Climate Action Plan**

The 2023 Climate Action Plan is a blueprint for the decarbonization of the Twin Cities campus, building upon previous efforts that reduced greenhouse gas emissions (GHG) by 50% from 2008 to 2022. The plan commits the University to achieve a 60% reduction in GHG by 2033 (from a 2019 baseline), on the path to full carbon neutrality by 2050. Key milestones include sourcing 100% carbon-free purchased electricity by 2033, eliminating carbon emissions from campus energy plants by 2045, and eliminating emissions from institutional commuting and travel by 2050.

- **2024 Climate Resilience Plan**

Working in parallel with the 2023 Climate Action Plan's energy goals, the 2024 Climate Resilience Plan establishes an institutional framework to protect the campus community, infrastructure, and natural environment from climate-driven risks. The plan serves as a guide to future physical plant investments, prioritizing goals such as expanding resilient tree canopy coverage to mitigate extreme urban heat, upgrading campus green infrastructure and stormwater management systems to control runoff, and targeting 99.5% emergency generator reliability to guarantee life-safety power and protect critical systems during extreme weather.

University Title V Air Permit

The Twin Cities campus is aggregated as a single “stationary source” under a Title V Air Permit. The University’s significant air emission sources consist of three centralized district energy plants: the Main Energy Plant and the Southeast Steam Plant in Minneapolis, and the St. Paul Heating Plant. Other permitted sources include decentralized, low-capacity boilers and emergency generators. These non-centralized systems exist strictly to provide critical building comfort heating, emergency power, and operational support to the campus community in our land-grant mission of world-class education, groundbreaking research, and community-engaged outreach. The systems do not serve commercial or industrial manufacturing processes.

Because these utilities function as a municipal-scale network rather than as a discrete industrial facility, the Draft Rules create distinct operational challenges for the University. Specifically, as discussed in the comments that follow, the University’s stationary source boundary encompasses the entire University of Minnesota Twin Cities campus. In addition, several requirements in the Draft Rules require a consideration of EJ areas within one mile of the stationary source boundary, which includes 22 distinct EJ areas, as illustrated in Figure 1.

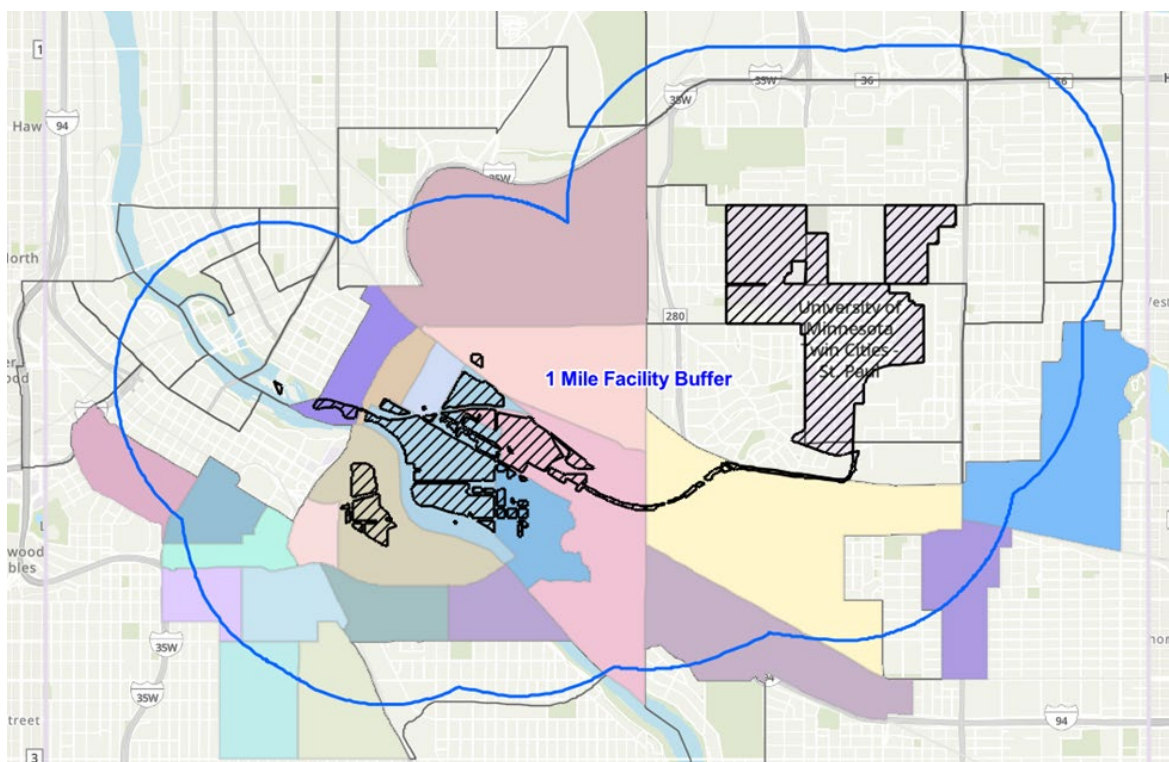


Figure 1: Area Subject to Cumulative Impacts Review
(Designated “Environmental Justice” census tracts within a 1-mile buffer of the UMTC campus)

The University shares the Legislature’s and the Minnesota Pollution Control Agency’s (MPCA or “the Agency”) goals of addressing decades-old permitting and zoning decisions that resulted in heavily polluting industrial and manufacturing facilities being located near homes, schools, and

parks, which result in an unequal pollution burden and disparate health outcomes.¹ But the University is concerned that the Draft Rules do not account for the other types of facilities the Draft Rules will apply to, including the University's Twin Cities campus.

For the University, the Draft Rules would impose a considerable administrative burden by requiring data collection that is disconnected from the proposed permit action or the impacts of the action on an EJ community. For any proposed permit action at the University, the Draft Rules would require the University to evaluate the facility as a whole—including all 22 neighboring EJ communities, resulting in an unreasonably broad geographic scope. And this broad scope of analysis in the Draft Rules could apply to the addition of even a few emergency backup generators, which are necessary to ensure the University can fulfill its mission to serve the State of Minnesota through education, research, and public outreach.

The University offers the following Comments and Recommendations to tailor the Cumulative Impacts Rules to their environmental justice purpose, as “Environmental justice” is defined by the Statute:

the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies; and

in all decisions that have the potential to affect the environment of an environmental justice area or the public health of its residents, due consideration is given to the history of the area's and its residents' cumulative exposure to pollutants and to any current socioeconomic conditions that could increase harm to those residents from additional exposure to pollutants.

Comments & Recommendations

The University's proposed modifications to the Draft Rules language are formatted using [blue text](#) to denote proposed additions and ~~red strikethrough~~ to denote proposed deletions.

Comment 1: The Draft Rules and Statement of Need and Reasonableness (SONAR) fail to evaluate the need and reasonableness of the data-collection scope for large-scale public institutions.

The Draft Rules list the compliance elements that must be submitted for an Initial Assessment (Minn. R. 7007.6050, subp. 2.B) and a Cumulative Impact Analysis (CIA) (Minn. R. 7007.6090, subp. 2.B), but do not include explicit parameters, definitions, or guidance regarding the scope of the required evaluations. This open-ended framework creates an uncertain regulatory burden that is not connected to “the potential to affect the environment of an environmental justice area”

¹ Statement of Need and Reasonableness (SONAR) at 11.

in every circumstance. Consequently, data collection tasks that may be straightforward for commercial facilities become considerably more complex when scaled to a 1,200-acre public institution, as demonstrated by the following examples:

Initial Assessment

- The Draft Rules require an Initial Assessment that includes, “the location of and proximity to public spaces, residential dwellings, child day cares, prisons, and other stationary sources with air permits in and around the surrounding area.” (Minn. R. 7007.6050, subp. 3.B(3)).

The University includes numerous public spaces and is supported by dormitories and other University-run residential dwellings, along with University-run childcare facilities. In addition, the neighborhoods that surround the University have more public spaces, residential dwellings, day cares, and other facilities that support the University and student life. An identification of the location and proximity of public spaces, residential dwellings, and day cares would be burdensome for a large-scale public institution like the University.

- An Initial Assessment would also need to include “a description of the stationary source’s current and proposed operations, including . . . types of production equipment, types of pollution or environmental control measures and monitoring, hours of operation, traffic routes, number of employees, and other information relevant to assessing the potential for the stationary source to impact the environment or the health of the residents of the impacted environmental justice area.” (Minn. R. 7007.6050, subp. 3.C(3)).

As discussed, the “stationary source” for the University includes the entire Twin Cities campus. For this large-scale public institution, the hours of operation, traffic routes, number of employees, and other information would be burdensome to compile, and varies seasonally based on the school and athletic calendars. In addition, at a campus-wide scale, the types of production equipment, types of pollution or environmental control measures, hours of operation, traffic routes, and number of employees will not always be relevant to assessing the potential for the proposed permit action to impact the environment or health of residents in the EJ area.

Cumulative Impacts Analysis (CIA)

- The Draft Rules require that a CIA include, “A traffic study that describes the transportation routes that will service the stationary source; site access capability; and existing traffic flow patterns expressed in terms of daily peak hour volumes, off-peak hour volumes, levels of service, and average daily round trips; and the stationary source’s current and proposed contributions thereto for all vehicles associated with the stationary source’s operations.” (Minn. R. 7007.6090, subp. 3.D.)

The rules requiring traffic metrics, such as levels of service and peak hour volumes, would require an enormous scope of work for an open, urban campus. The University's Twin Cities campus is split into three distinct sub-campuses where public city, county, and state roads run directly through the property.

Campus transit is a mix of regional rail and bus services, campus shuttles, and personal and official University vehicles that use local roads and a dedicated transitway. Traffic patterns and mobile emissions are highly seasonal, fluctuating during the academic year, summer session, and for major sporting events. Tens of thousands of people travel to and through the campus on any given day, many of who are not associated with the University and are therefore neither "servicing" nor being serviced by the Twin Cities campus.

Because general public transit and daily campus operations are intertwined, it is impossible to isolate the University's distinct contributions to local peak hour volumes, round trips, or associated mobile emissions. Neither the SONAR nor the Draft Rules provide any guidance on how a public institution with the University's unique physical outline could reasonably comply with this requirement.

- A CIA must also include, "Information pertaining to the existence or absence of contamination on site, which may include the existence of known or suspected contaminants, historical uses of the site, and any remediation activities that have occurred on the site." (Minn. R. 7007.6090, subp. 3.B)

Large portions of the Twin Cities campus, in particular the Minneapolis East Bank and West Bank areas, were formerly occupied by industrial rail, milling, and manufacturing facilities. Over the course of decades, the University has acquired these brownfield properties and acted as a responsible development partner, performing necessary remediation under MPCA oversight. Consequently, there are over one hundred listed historical release sites within the broad campus boundaries that are administratively closed and carry no ongoing cleanup or monitoring obligations. Because the Draft Rules language is open-ended, it creates an immense and unnecessary burden by requiring the University to review and analyze "*information*," which could include thousands of historical records for sites that are administratively closed.

- And a CIA must include, "air quality modeling analysis" (Minn. R. 7007.6090, subp. 4) and "air emissions risk analysis" (Minn. R. 7007.6090, subp. 5)

To determine the scope of these analyses, the Draft Rules rely on existing Agency guidance documents: Air Dispersion Modeling Practices Manual (aq2-58) and the Air Emissions Risk Analysis (AERA) guide (aq9-18), respectively. This reliance introduces significant regulatory uncertainty for the University because both technical manuals grant the Agency case-by-case discretion to require the quantification and modeling of

Insignificant Activities (IAs). Under Minn. R. 7007.1300, IAs are categorized as such because their emissions are below the de minimis permitting thresholds as determined by the Agency. Unpromulgated guidance documents should not be allowed to override determinations set forth in properly adopted rules. The final rules should make that clear.

The University operates thousands of IAs, primarily laboratory fume hoods and benchtop research equipment, that have very low emissions. Cataloging and modeling thousands of chemical usage rates, fume hood configurations, and stack parameters for activities the MPCA considers insignificant is technically and administratively impossible at a public teaching and research institution. Without an explicit exemption for laboratory-scale research activities in the rules, this discretion creates an unpredictable and potentially unnecessarily burdensome regulatory requirement for a major research campus.

Public Participation Plan

The University appreciates the Draft Rules' focus on the importance of public participation, including the importance of public notice. The University intends to comply with any public notice requirements, but notes that for a public facility like the University, maintaining newspaper notices and signage can be a burdensome task with the potential for minor errors. Accordingly, consistent with other requirements for public notice under state law, the University recommends that the rules be revised to add that a bona fide attempt to comply with the notice requirements and public participation plan meets the notice requirements. See, e.g., Minn. Stat. § 216I.05, subd. 8(d).

Recommendations:

- Revise Minn. R. 7007.6050, subp. 1, to add, “emissions facility,” and “emissions unit” after “stationary source” to reflect instances where a proposed permit action will involve less than the entire “stationary source.”
- Revise the content requirements for an initial assessment under Minn. R. 7007.6050, subp. 3, to limit the required information to just information for the area surrounding the stationary source, emissions facility, or emissions unit that is the subject of the proposed permit action.
- Revise the content requirements for a CIA under Minn. R. 7007.6090, subp. 3, to limit the required information to just information relevant to the stationary source, emissions facility, or emissions unit that is the subject of the proposed permit action.
- To reduce the administrative burden of an Initial Assessment and CIA, add a clause to Minn. R. 7007.6050, subp. 3 and Minn. R. 7007.6090, subp. 3 to allow for the submission of substantially similar, representative information from a previous environmental review or other studies as follows:

- Minn. R. 7007.6050, subp. 3.M: [For the purposes of this subpart, the owner or operator may submit information from a previously completed environmental review or other study that provides the same or substantially similar information.](#)
- Minn. R. 7007.6090, subp. 3.J: [For the purposes of this subpart, the owner or operator may submit information from a previously completed environmental review or other study that provides the same or substantially similar information.](#)
- Revise Minn. R. 7007.6050, subp. 3 to tailor the administrative burden of preparing an Initial Assessment as follows:

B(3)	a description of the location of and proximity to public spaces, residential dwellings, child day cares, prisons, and other stationary sources with air permits in and around the surrounding area, and
C(3)	a description of the types of production equipment, types of pollution or environmental control measures and monitoring, hours of operation, traffic routes, number of employees, and other information, as relevant to assessing the potential for the stationary source, emissions facility, or emissions unit that is the subject of the proposed permit action to impact the environment or the health of the residents of the impacted environmental justice area; and
D	a list of all federal, state, and local environmental permits that are required, or will be required, for construction or operation of the stationary source, emissions facility, or emissions unit that is the subject of the proposed permit action , including and in addition to those listed in part 7007.6010, subpart 31;
J	a detailed and complete environmental compliance history for the stationary source, including copies of any environmental enforcement actions issued to the stationary source, emissions facility, or emissions unit that is the subject of the proposed permit action , for the three years preceding the date the requested permit action is received, but not including citations issued under Minn. Stat. § 116.073, or related citations issued by a County or City ;
K	a description of any structural or operational changes with the potential to impact permitted emissions that have occurred at the stationary source, emissions facility, or emissions unit that is the subject of the proposed permit action , since the effective date of this part, or the date the most recent permit was issued with a cumulative impacts analysis approved under parts 7007.6000 to 7007.6120, whichever is later; and

- Further revise Minn. R. 7007.6090, subp. 3 to tailor the administrative burden of preparing a CIA as follows:

B	Information pertaining to the existence or absence of contamination on site the parcel or parcels of real property that include the stationary source .
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	<u>emissions facility, or emissions unit that is the subject of the proposed permit action, and with a potential for migratory pollution to water systems or land outside the stationary source boundary. This information</u> which may include the existence of known or suspected contaminants, historical uses of the site, and any remediation activities that have occurred on the site;
D	A traffic study that describes the transportation routes that will service the stationary source; site access capability; and existing traffic flow patterns expressed in terms of daily peak hour volumes, off-peak hour volumes, levels of service, and average daily round trips; and the stationary source's current and proposed contributions thereto for all vehicles associated with the stationary source's operations. <u>A description of the greenhouse gas emissions and vehicle emissions from increases in traffic caused by the proposed permit action.</u>

- Revise Minn. R. 7007.6090, subp. 4.B to state:

An owner or operator must conduct an air quality modeling analysis in accordance with a protocol approved in advance by the commissioner according to item C. The owner or operator's modeling protocol need not include modeling for insignificant activities as defined in Minn. R. 7007.1300, if the insignificant activities serve a compelling public benefit. The air quality modeling analysis must address each pollutant that the stationary source has the potential to emit in an amount greater than or equal to the rates identified in Code of Federal Regulations, title 40, section 52.21(b)(23)(i).

- Revise Minn. R. 7007.6090, subp. 5.B to state:

An owner or operator must conduct an air emissions risk analysis in accordance with a protocol approved in advance by the commissioner according to item C. The owner or operator's modeling protocol need not include modeling for insignificant activities, as defined in Minn. R. 7007.1300, if the insignificant activities serve a compelling public benefit.

- Add a definition of "compelling public benefit" to Minn. R. 7007.6010 as follows:

"Compelling public benefit" means activities conducted by a government entity as defined under Minn. Stat. § 13.02, subd. 7a, that serve an environmental, medical, educational, research, or safety purpose as certified by the government entity.

- Add a subpart to Minn. R. 7007.6080 stating that:

The failure to provide mailed notice to a property owner, failure to follow the public participation plan, or defects in notice do not invalidate the proceedings, provided a bona fide attempt to comply with this part has been made.

Comment 2: The Draft Rules are inconsistent with the Statute's requirement that the MPCA evaluate the impacts of the specific proposed permit action.

The Statute directs the commissioner to evaluate whether a proposed permit action will result in adverse impacts on the environment or health of an EJ area and its residents, but the Draft Rules evaluate a facility as a whole. As applied to the University, this inconsistency between the plain language of the Statute and the Draft Rules imposes excessive regulatory burdens that are untethered to the commissioner's determination of whether a CIA or a Community Benefit Agreement (CBA) should be required.

The statutory purpose of the Initial Assessment is to determine if a specific proposed permit action may substantially impact the environment or health of the residents of an EJ area. Minn. Stat. § 116.065, subds. 3(a)(1) & 3(d)(2).² The plain language of the Statute gives the commissioner authority to regulate whether the requested permit action results in impacts to an EJ community. However, the Draft Rules and accompanying SONAR fail to distinguish between the scope of information required for a localized facility expansion versus a total facility permit reissuance and instead measure from the stationary source location and property boundary.

Under existing state air rules (Minn R. 7007.0100, specifically), the MPCA maintains clear operational distinctions between a “stationary source” (the collective contiguous property), an “emission facility” (a specific building or structure), and an “emission unit” (individual equipment). The MPCA failed to consider that localized facility expansions at the emission facility or emissions unit level would represent a significantly less costly, less intrusive, and more technically accurate method that still fully achieves the legislative directive to consider impacts of the proposed permit action. While the University appreciates that impacts from a stationary source versus an emissions facility or emissions unit may be similar for other facilities, this distinction is particularly critical for expansive public institutions like the University.

In particular, applying rules by reference to a stationary source rather than to particular emissions facilities or emissions units creates the following issues:

- **The Draft Rules are over-inclusive in defining Impacted EJ Areas for certain Facility Expansions.**

The Draft Rules define an impacted EJ area as, “one or more environmental justice areas, in whole or in part, that are within one mile of the property boundary of a stationary source, including any environmental justice area that a stationary source is located in.” Minn. R. 7007.6010, subp. 26. In the SONAR, the MPCA justifies its one-mile radius metric by stating: “This term describes the EJ areas that are relevant to the

² Similarly, a CBA is required for a facility located in an EJ area if the commissioner “determines that issuing the permit, in combination with the environmental stressors present in the environmental justice area and considering the socioeconomic impact of the facility to the residents of the environmental justice area, would have a substantial adverse impact on the environment or health of the environmental justice area and its residents.” Minn. Stat. § 116.065, subd. 5(b) (emphasis added).

requested permit action and stationary source," and notes this is intended to be a "plain reading of these terms" based on the applicability criteria in Minn. Stat. § 116.065, subd. 2.

However, the SONAR fails to consider expansive public institutions when making the assumption that any EJ area within one mile of a stationary source boundary is relevant to a requested permit action. For the Twin Cities campus, this includes 22 distinct EJ areas, as illustrated in Figure 1 above. This creates an unreasonably large area in which to perform a CIA for a discrete facility expansion, such as a single emergency generator used for life, safety or preservation of research.

Measuring the one-mile radius directly from the actual emission facility or unit site (permit action footprint) rather than the total stationary source would ensure public engagement, physical notices, community meetings, and CBAs are focused on immediate neighbors bearing actual potential risk. Without this distinction, the University could be required to undertake public engagement activities (including up to four public meetings) or to execute a CBA that encompasses several EJ areas for a small expansion project such as adding a single emergency backup generator.

- **The Draft Rules require submission of extraneous information.**

For example, if the University initiates a discrete facility expansion on the St. Paul campus that requires a moderate permit amendment under Minn. R. 7007.1450, the Draft Rules would require a completely new data collection process spanning the entire stationary source. This entails gathering and submitting information for the Cedar Riverside neighborhood, which is adjacent to Minneapolis' West Bank campus and over three miles away from the proposed project in St. Paul, including, but not limited to:

- Mapping of topographic conditions, zoning, existing water classifications and designated uses, public scenic attributes and public spaces
- Site contamination and remediation records
- A comprehensive traffic study
- Inventories of physical neighborhood stressors, such as existing area light pollution, urban noise levels, and odor
- Community vulnerability metrics, including linguistic isolation, income, poverty, and educational attainment
- Baseline public health metrics for the area, including emergency department visits for asthma, hospitalizations for cardiovascular disease, cancer incidence, and low birth weight.

The MPCA can analyze the aggregated levels of past and current air, water and land pollution at the permit action (emission facility or unit) scale without requiring a review of the entire stationary source (1,200-acre campus). When scaled to the size of the University, the Draft Rules represent an unnecessary expansion of impact considerations intended by the underlying statute. These expansive requirements to

implicate the entire stationary source also represent an unreasonable administrative burden that is not justified in the SONAR.

Recommendations:

- Add definitions for “stationary source,” “emissions facility,” and “emissions unit” to Minn. R. 7007.6010, by reference to existing definitions in Minn R. 7007.0100.
- Define an impacted EJ area in Minn. R. 7007.6010, subp. 26. as, “one or more environmental justice areas, in whole or in part, that are within one mile of the stationary source boundary, emissions facility, or emissions unit that is the subject of the proposed permit action, ~~property boundary of a stationary source~~, including any environmental justice area that a proposed permit action ~~stationary source~~ is located in.” Minn. R. 7007.6010, subp. 26.

Comment 3: The SONAR severely underestimates the costs and schedule for a CIA at a public research institution.

Under Minn. Stat. § 14.131(5), the MPCA is required to evaluate within the SONAR the probable cost of implementation and compliance, including the specific fiscal impact on distinct categories of affected parties, such as separate classes of governmental units. The SONAR fails to meet this responsibility for the University, which is a unique constitutional corporation operating teaching and research facilities at a municipal scale.

Consequently, the MPCA’s compliance cost estimate of \$69,000 to \$170,000 per review is severely underestimated. Given the University’s scale and operational complexity, campus-wide air dispersion modeling alone will exceed \$100,000. Additionally, the scope uncertainties and overly broad permit action boundaries detailed in Comments 1 and 2 act as immediate cost multipliers.

Beyond understated compliance costs, the anticipated timeline for the CIA greatly complicates the design and engineering process for facility expansions involving emergency generators, which are auxiliary safety components, not standalone industrial expansions. The specifications for these types of expansions depend on building electrical loads, which cannot be finalized until well into the design process. Requiring a secondary safety component to undergo a two-plus-year CIA creates a major project bottleneck that could delay projects that are important to the University’s education, research, and outreach mission. Further, by eliminating the ability to begin project construction upon receipt of a Letter of Approval for moderate amendments under Minn. R. 7007.1450, subp. 7.B, the Draft Rules would stall major institutional projects.

Finally, the University relies on state legislative appropriation and project bond funding. This process requires a level of budget certainty during the early planning phases before requests are submitted to the State. The Draft Rules introduce significant timeline and budget uncertainty that conflicts with how projects are funded and executed for a public institution.

Recommendations:

- In considering the amount of information that is reasonable and necessary for MPCA to require an Applicant to submit as part of an Initial Assessment or CIA, MPCA should consider the costs of collecting information within one mile of a stationary source boundary for an expansive public institution. There are less costly methods to evaluate whether a proposed permit action may substantially impact the environment or health of the residents of an EJ area, or if issuing a proposed permit action would have a substantial adverse impact on the environment or health of the EJ area and its residents, including by implementing Recommendations 1 and 2, above, which would tailor the Draft Rules to the information required to evaluate the proposed permit action.
- Revise the Draft Rules to remove the prohibition on construction until either a negative determination of the need for a CIA is issued or the amended permit has been issued for moderate amendments to allow a permittee to begin actual construction of a moderate amendment on receipt of an authorization letter from MPCA, consistent with existing procedure.

Comment 4: To ensure the Draft Rules focus on projects with substantial impacts on the environment or health of the residents of an EJ area as intended by the Legislature, the proposed definition of "facility expansion" should be modified to explicitly exclude emergency engines, heating equipment, and IAs.

The proposed definition of "facility expansion" is overly broad and results in an unjustified mandatory trigger for a comprehensive CIA. The Draft Rules fail to distinguish between true expansions of a facility's primary operational capacity and the routine installation of supporting infrastructure for life safety, building comfort, and research continuity.

According to the SONAR, the MPCA excludes insignificant modifications and minor permit amendments from this definition to, "focus efforts on potential impacts on the environment and health of residents from facility expansion permits that result in higher emissions increases" and "higher regulatory analyses." This justification supports the understanding that facility expansion was meant to apply only to large projects with higher potential impacts.

However, the Draft Rules fail to achieve this objective because they rely upon emission rates (pounds per hour) without considering intermittent, non-production equipment. Equipment installed for comfort, research support, and life safety, such as emergency generators and small institutional boilers, do not expand industrial capacity and should not trigger a mandatory CIA.

Emergency Generators and Small Institutional Boilers Operations:

Emergency generators sit idle roughly 99% of the year. Outside of actual power grid failures, their operation is limited to brief reliability testing that typically lasts one hour or less each month. Although they do not operate often, emergency generators as a backup power source

are essential to the provision of life-safety power, the preservation of critical research, and the continuous operation of medical and clinical facilities.

Small comfort-heating boilers have a similar operational profile. Facilities install parallel identical boilers for redundancy. Because these units alternate to share the seasonal heating load, their actual combined throughput is just 15% of their theoretical annual maximum. In both cases, this equipment exists to protect life safety.

Emergency generators are already subject to significant regulation and emissions review:

- Emergency generators undergoing a moderate amendment require screening steps and air quality dispersion modeling to ensure compliance with National Ambient Air Quality Standards via air permit forms CH-19 (Permit Action Emissions Screening) and CH-20 (Evaluation of Ambient Air Quality Impacts)
- New emergency engines are subject to federal standards through National Emission Standards for Hazardous Air Pollutants Subpart ZZZZ, and New Source Performance Standards (NSPS) Subpart IIII and Subpart JJJJ, which together control both criteria and hazardous air pollutants through equipment standards and testing that include:
 - Non-emergency operation and readiness testing limited to 100 hours per year
 - Manufacturer certification to verify compliance with the Environmental Protection Agency (EPA) short-term emissions limits
 - Mandatory engine maintenance and runtime tracking
- In many cases, this equipment requires incorporating “Best Management Practices” into the facility’s operating permit. These permit conditions include specific stack designs, strict limits on testing during poor air quality days, and requirements for non-simultaneous generator testing.

Nevertheless, a project consisting exclusively of these sources could be classified as a “facility expansion” under the Draft Rules and require a CIA. The SONAR does not justify this level of analysis for such a project and their inclusion in the scope of the Draft Rules is inappropriate.

Inconsistencies with Cited Regulatory Precedent:

The SONAR relies on New Jersey’s EJ Rule (N.J.A.C. Title 7, Chapter 1C) as a comparable framework within the General Reasonableness Section, stating:

Specifically, these rules utilize a similar methodology to that used by the state of New Jersey in their [sic] Environmental Justice Rule.

* * *

The New Jersey rules are structured in a similar manner to what the directives in Minn. Stat. § 116.065 require the MPCA to create for the cumulative impacts rules. It is reasonable for these rules to align

with other state rules when appropriate because using similar processes to evaluate environmental and health impacts provides for a common understanding and a real life example of how similar rules work and are implemented in practice.

However, the Agency's Draft Rules omit a key operational allowance made in the comparable New Jersey rule.

Specifically, New Jersey regulations recognize the unique nature of safety and heating equipment. Under its rules, qualifying equipment, including federally compliant engines (all natural gas-fired engines and diesel engines up to 30 Million British Thermal Units per hour (MMBtu/hr)) and natural gas boilers/heaters (1-50 MMBtu/hr), can be constructed and operated under a General Operating Permit. This exempts such equipment from the New Jersey EJ process until the permit is incorporated into the facility's Title V permit at renewal or modification.

While a similarly structured allowance is made for equipment included within insignificant modifications and minor amendments, these allowances in the Draft Rules are drastically narrower than the New Jersey rule cited as precedent. For example, a minor amendment in Minnesota only covers certified diesel emergency generators up to approximately 6.5 MMBtu/hr. The University believes, if Minnesota is intent on aligning its proposed rules with the regulatory precedent set by New Jersey, that Minnesota also must include comparable operational exemptions for emergency and heating equipment (or, at the very least, justify the deviation).

Recommendation:

For each of the reasons listed above, explicitly excluding this emergency and heating equipment from the Cumulative Impact Rules' definition of "facility expansion" will align with MPCA's stated goal in the SONAR to exclude sources already considered to have lower impacts and to align with other applicable state rules. Minn. R. 7007.6010, subp. 19, should be amended to correct this as follows:

Minn. R. 7007.6010, subp. 19. Facility expansion.

"Facility expansion" means a modification, as defined under part 7007.0100, subpart 14, at an existing permitted stationary source that:

- A. will cause an increase in emissions of an air pollutant; or
- B. makes the stationary sources subject to the requirement to obtain a permit

Facility expansion does not include a modification at a permitted stationary source that is allowed under part 7007.1250, a change to permit conditions that is allowed under part 7007.1350, any administrative permit amendment under part 7007.1400, any minor permit amendment under part 7007.1450, [or a physical change in or change in method of operating a stationary source, emission facility, or an emission unit that consists solely of the installation or replacement of one or more of the following equipment categories:](#)

1. [Emergency Standby Engines: Emergency compression-ignition or spark-ignition internal combustion engines that are certified by the manufacturer to meet EPA New Source Performance Standards \(NSPS\) under 40 CFR Part 60, Subpart IIII or Subpart JJJJ, and that support a compelling public benefit.](#)
2. [Natural gas-fired boilers and heating equipment with less than 50 MMBtu/hr heat input that support a compelling public benefit.](#)
3. [Insignificant activities as defined in Minn. R. 7007.1300, or conditionally insignificant activities that comply with Minn R. 7008.4000 to 7008.4110, if the activities support a compelling public benefit.](#)

Comment 5: The justification for the mandatory CI analysis criteria pollutant emission rate benchmark values in Minn. R. 7007.6050, subp. 4.B, do not align with the definition of “facility expansion” in Minn. R. 7007.6010, subp. 19.

In Minn. R. 7007.6050, subp. 4.B, the Draft Rules set pollutant thresholds for facility expansions for determining when owners and operators applying for a facility expansion permit are required to conduct a cumulative impacts analysis. These thresholds are too stringent and are inconsistent with the “facility expansion” definition in Minn. R. 7007.6010, subp. 19.

Specifically, in subp. 4.B(1), the Draft Rules establish pollutant thresholds to be used as benchmarks for facility expansion permits that are based on the thresholds for insignificant modifications under Minn. R. 7007.1250, and insignificant activities. Similarly, subp 4.B(2) establishes thresholds for certain individual hazardous air pollutants (HAPs) at the same level that is used for determining whether an emissions unit qualifies as an insignificant activity for the purpose of an initial application.

These thresholds are too restrictive and contradict the definition of “facility expansion” in Minn. R. 7007.6010, subp. 19. The definition of “facility expansion” states that “Facility expansion does not include a modification at a permitted stationary source that is allowed under part 7007.1250... or any minor permit amendment under 7007.1450.” (Emphasis added.) In other words, “facility expansion” excludes the same activities at the same thresholds that Minn. R. 7007.6050, subp. 4 would use to require a mandatory CIA. The emissions from equipment such as small boilers that would otherwise not trigger a mandatory CIA by themselves if permitted through a minor amendment would, if included in a major amendment, require a mandatory CIA.

The SONAR justifies setting the mandatory CIA threshold at “the level for when a permit amendment is needed because it has been previously established that emissions above those thresholds are not insignificant.”³ It further states “[i]t is reasonable to set facility expansion thresholds for individual HAPs at the level used to determine that an emissions unit qualifies as an insignificant activity because an increase in excess of those thresholds is no longer insignificant.”⁴ MPCA does not provide any data to support this statement, and the fact that

³ SONAR at 88.

⁴ SONAR at 88.

MPCA has set thresholds at which activities are “insignificant” does not mean that any exceedance of that threshold is “no longer insignificant.”

This is particularly true when, as here, the Draft Rules do not always use the same units for the thresholds. Under Minn. R. 7007.1300, subp. 5, the thresholds for de minimis levels of certain emissions are measured in tons per year, but Minn. R. 7007.6050, subp. 4.B(2) would convert those thresholds to pounds per hour with no explanation for why the more stringent pounds per hour standard is justified.

Recommendation:

The emission rate benchmarks established under Minn. R. 7007.6050 subp. 4.B should be increased to the minor permit amendment thresholds established in Minn. R. 7007.1450, subp. 2. This change aligns with the proposed “facility expansion” definition, which explicitly excludes insignificant modifications under 7007.1250 and minor amendments under 7007.1450, ensuring that a cumulative impacts analysis is reserved for moderate-to-major scale facility expansions that possess the potential to substantially affect public health or the environment, consistent with the statutory intent of Minn. Stat. § 116.065.

Comment 6: MPCA should refine the compliance history criteria under proposed Minn. R. 7007.6050 to exclude mandatory CIA triggers for monetary infractions if the violation did not result in actual emissions, discharge or environmental contamination.

Because the University manages a large facility spanning hundreds of academic, medical, and operational programs, it maintains thousands of routine regulatory touchpoints across various local, state, and federal agencies. Within an operation of this size and complexity, minor administrative oversights inevitably occur that bear no relationship to air quality, emissions, or community health risk.

For example, in the underground storage tank (UST) program, a tank owner can be issued a \$50 citation for not passing the agency-administered Class A and B UST operator exam. Additionally, under the hazardous waste program, an out-of-date emergency contact on a contingency plan or a mislabeled hazardous waste container can result in a nominal monetary fee or a technical notice of violation. Under the Draft Rules, because these technically involve a monetary penalty, they could automatically trigger a full, resource-intensive CIA during a permit reissuance.

Recommendation:

Minn. R. 7007.6050, subp. 4.C should be revised to state:

If the requested permit action includes reissuance of a permit, the owner or operator of a stationary source must conduct a cumulative

impacts analysis under part 7007.6090 if an enforcement action was issued to the stationary source by the commissioner, a county governmental authority delegated powers by agreement with the commissioner, or the United States Environmental Protection Agency for [a violation that results in unpermitted emissions, discharges, or environmental contamination to](#) any environmental media within the three years before the date the application for reissuance is received, for a violation:

- (1) ~~for~~ [relating to](#) a failed performance test;
- (2) that includes criminal enforcement;
- (3) that includes a forgivable or nonforgivable monetary penalty; or
- (4) that results in an administrative order.

[A field citation under Minn. Stat. § 116.073, or similar citations issued by a County or City, alone does not result in a cumulative impact analysis under part 7007.6090.](#)

Comment 7: The Draft Rules fails to clarify regulatory interaction with the existing Minneapolis Cumulative Levels and Effects Statute.

The University requests that the MPCA address the regulatory overlap between the Draft Rules and the existing South/Southeast Minneapolis Cumulative Levels and Effects (CL&E) process required under Minn. Stat. § 116.07, subd. 4a. As currently drafted, the Draft Rules and the SONAR leave procedural uncertainty regarding whether facilities in this geographic overlap will be subjected to duplicative or conflicting cumulative impact analyses.

Recommendation:

The Final Rules should clarify the relationship between the requirements of Minn. Stat. § 116.07, subd. 4a and the Statute for a facility that is subject to both. The University believes that the Statute fully satisfies the requirement of Minn. Stat. § 116.07, subd. 4a(C), that, “[t]he agency may not issue a permit to a facility without analyzing and considering the cumulative levels and effects of past and current environmental pollution from all sources on the environment and residents of the geographic area within which the facility’s emissions are likely to be deposited.” Accordingly, the Cumulative Impact Rules should clarify that compliance with the Rules constitutes compliance with Minn. Stat. § 116.07, subd. 4a.

Comment 8: The CBA requirements are too broad.

Under Minn. Stat. § 116.065, subd.5(b), the commissioner must enter into a CBA if the project would “have a substantial adverse impact on the environment and health of the environmental

justice area and its residents.” Minn. Stat. § 116.065, subd. 6(c)(3), further requires the commissioner to adopt rules that “define conditions, criteria or circumstances that establish an environmental or health impact as a substantial adverse impact.”

The Draft Rules do not fully define “substantial adverse impact,” as required by the Statute. Instead, under the Draft Rules, the commissioner can find a substantial adverse impact based on “the environmental stressors present in the impacted environmental justice area,” and “the comments received during the public notice and comment periods required under part 7007.6080 and during the public participation conducted according to part 7007.6080.” Minn. R. 7007.6100, subp. 1.B(3) and (4).

Further, the CBA does not require a relationship between environmental stressors and estimated project impacts has not been established within the Draft Rules. As a result, the permittee cannot estimate the costs and/or timeline of the proposed project and the associated CBA, even after the CIA is completed or, in fact, if the proposed project is even viable. The University recognizes the MPCA has considerable discretion to, “establish the content of a community benefit agreement,” but urges the MPCA to better delineate within the rules its criteria for acceptable benefits. In particular, community benefits should be proportionate to the impacts from the proposed project and should be tailored to benefit the EJ community impacted by the proposed project.

To protect public safety, these criteria must explicitly prevent well-intentioned but operationally infeasible community requests from compromising critical infrastructure. For example, community groups or the Agency might look to mandate zero-emission alternative technology, such as replacing a proposed diesel generator with a battery backup system. However, current battery technologies lack capacity and reliability to maintain clinical operations or protect critical research during extended grid failures. Permittees must not be required to compromise proven, highly regulated life-safety infrastructure in a CBA negotiation.

In addition, the University urges MPCA to include consideration of impacts already provided to the community—such as existing programs to combat environmental racism and its impacts, to clean up existing brownfields, and to address health inequities—to avoid perverse incentives to wait until CBA negotiations to present already-planned-for projects to the public.

The process of the planning, design and funding of a University building takes several years. Under the Draft Rules, these projects could be at risk because of the uncertainty related to previously undefined community benefits due to a qualitative determination of a substantial adverse impact.

Recommendation:

Modify Minn. R. 7007.6110, subp. 4 to:

- Establish parameters for community benefits to provide the community, permittees, and the MPCA with clear direction on what community benefits will be acceptable;
- Require that the community benefits be proportional to the potential impacts of the requested permit action to the environment or the health of residents of the impacted environmental justice area, considering both positive and negative impacts; and
- Preclude community benefits that would require pollution controls or alternative technologies that could impede the function of permitted activities that provide environmental, medical, educational, research, or safety functions.

The MN Environmental Justice Table (MNEJT) is an organization dedicated to empowering Minnesotans, and especially frontline communities, to advocate for environmental justice and systemic protections that build safe, healthy, regenerative, and sustainable communities.

We appreciate the considerable work and thought that went into the draft rules. The rules clearly uplift the importance of community participation through the multiple rounds of public engagement present in the petition process and stages leading up to and including the development of the community benefits agreement.

As a member of the Frontline Communities Protection Coalition, MNEJT fought for the Cumulative Impacts Law with a particular polluting facility in mind: the Hennepin Energy Recovery Center (HERC). The intent of the law passed was to force existing large polluters like HERC to examine the cumulative burden they place on EJ communities and engage with communities about mitigating these impacts. We can see this in the law's definition of environmental justice (MN Statute 116.065, Subdivision 1, Part d): "the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies." This fair treatment involves acknowledging and addressing the existing harm faced by communities already living near major polluters. MPCA has itself mentioned HERC in relation to this law on multiple occasions, including on its website.

We are deeply concerned that the rules as drafted would allow the HERC to skip the cumulative impacts analysis because it is an existing facility that has not had a violation listed in 7007.6050, Subpart 4, Item C. This is not fair treatment of the EJ communities near North Minneapolis, and we strongly urge the MPCA to reconsider this portion of the rules in particular.

Our following comments go into detail about the strengths of the rules and areas for improvement.

Initial assessment

Overall the content requirements of the initial assessment are fair. If completed accurately, all of this information is important for determining whether a CI analysis is needed. However, we have some concerns about facilities' capacity (and motivation) for conducting this work as completely and accurately as needed for a fully-informed Determination of Need.

The facility is required to provide "the location of and proximity to public spaces, residential dwellings, child day cares, prisons, and other stationary sources with air permits in and around the surrounding area". Facility management might not be familiar with the surrounding area and may miss key information that could affect the Commissioner's decision. Much like the CI-MAP tool provides a standardized tool for the environmental stressors, **creating another tool that provides a standardized interface to key neighborhood information would help ensure that the facility's assessments are complete.** Ultimately, **we would like MPCA to verify the**

accuracy of these assessments and share this verification when providing information on initial assessments.

Finally, to facilitate transparency and increase access to information, we ask that the MPCA **create a notification system that emails interested parties when an initial assessment is posted**. A user should be able to subscribe to notifications for all postings or postings within geographical areas that they select.

Petition

We appreciate the MPCA's inclusion of the petition process to give communities a voice and understand the basis for the material requirements of the petition. However, some of the material requirements are steep.

- Requiring 100 signatures is a substantial organizing endeavor. The community, which is already facing burdens, must take time to research, understand, and communicate concerns to neighbors outside of their work and family time. **The signature threshold should be lowered or be considered flexibly in consideration of the entire petition.** (e.g., 90 signatures might suffice in light of the other information in the petition.)
- We appreciate the MPCA giving communities the chance to revise their petition if information is missing, but the requirement to resubmit within 15 days under penalty of voiding the petition could be a hard requirement to meet. We ask the MPCA to **consider extending the resubmission deadline if the petition represents the first time the community is working with the Agency.**

The draft rules state that a petition may be filed in between the submission of an initial assessment and the end of the comment period for the draft air permit. The [MPCA air permits page](#) indicates that this time frame is 150 days for new constructions, but it is unclear what the time frame would be for other types of permit actions. We understand that these time frames can vary but **ask that the MPCA make timeline information publicly available** so that communities can best prepare for the petition process.

Determination of need

In terms of the benchmarks for requiring a CI analysis, we appreciate that new facilities must conduct a CI analysis, but we are concerned about the requirements for existing facilities.

- Existing facilities that are undergoing an expansion must meet threshold requirements for at least one pollutant. It seems logically incongruent to require a CI analysis for any new facility by default but not for facility expansions when facilities that are expanding could be increasing their emissions by the same amounts that a new facility is creating. **Expanding facilities should be treated just like new facilities.**

- Existing facilities that are undergoing permit reissuances would only be required to conduct a CI analysis if they received particular violations in the last 3 years. The effects of this stipulation are unfortunate. Many large polluting facilities could avoid CI analysis even though they are major contributors to the existing cumulative impacts in those areas. **Instead, we recommend that 7007.6050, Subpart 4, Item C be replaced with one of the following three options for existing facilities undergoing permit reissuances:**
 - **These facilities are required to conduct a CI analysis upon their first permit reissuance after these rules take effect.**
 - **Such facilities that are already emitting above certain thresholds or ones that are located in communities with a high number of existing adverse stressors are required to conduct a CI analysis upon their first permit reissuance.**
 - **Community members have the opportunity to petition for a CI analysis for such an existing facility.**

Public engagement

Overall, we found that the public engagement portion of the draft rules thoughtfully considered the frequency of public meetings and the information made available to the community.

We see an area of improvement in the public participation plan for both the cumulative impacts analysis and the community benefits agreement. Currently, these plans are submitted to the MPCA, and the MPCA is currently the sole reviewer. **We recommend that the impacted community be able to see these draft plans and give feedback.** The community will have a deeper understanding of how they want communication with the facility to proceed, including aspects like trusted channels for outreach about public meetings, format of information provided by the facility, and availability constraints of residents who would like to attend these meetings. **Furthermore, the MPCA should be required to address this community feedback in its decision making.**

Cumulative impacts analysis

We appreciate the comprehensiveness of the information required in a CI analysis. However, we have similar comments here as in the Initial assessment section. The content requirements are extensive to the point that a facility might not complete the analysis as completely or accurately as they could. **For the information in 7007.6090 Subpart 3, we suggest offering a standardized tool or requiring that data sources from a trusted list are used.**

We have technical concerns about the air emissions risk analysis. It seems likely that the MPCA's AERA will be recommended, as implemented through [spreadsheet aq9-22](#).

- The “Tox Values” sheet does not have protected cells, so the toxicity values could easily be manipulated to alter risk calculations. **We recommend creating protected cells that cannot be modified** if offering this option to facilities.
- Particulate matter is not included in the “Tox Values” sheet. We understand that the variation in the composition of PM makes it difficult to determine health benchmarks, but given its inclusion in 7007.6050 Subpart 4 item B, **it is important that PM is included in this risk assessment in some manner**. For example, this could involve providing a range of plausible health benchmarks.
 - A related concern is that PM is not included in the cancer and noncancer risk calculations in the CI-MAP tool. More generally we have concerns about the potential of the underlying MNRISKS tool to underestimate these risks due to missing pollutants. **We would like information on how the risks are computed to be accessible within the CI-MAP tool**. This includes the polluting sources within each census tract, the amount/concentration of each pollutant from each source, and the amount that each pollutant from each source contributes to the overall risk.

Substantial adverse impacts determination

The quantitative evaluations that the MPCA will use to make the substantial adverse impact determination (7007.6100, Subpart 1, Item A) are based on solitary (source-level) impacts rather than on cumulative impacts. For example, a facility may pass both the air quality modeling and AERA threshold criteria but be in an area already facing cumulative adverse stressors such that the facility, on top of these existing stressors, would be causing a substantial adverse impact. It is unclear if or how existing adverse stressors are weighed *in conjunction* with the cumulative adverse stressors from the CI-MAP analysis because the components in 7007.6100, Subpart 1, Item A are listed in an *OR* clause. **We would like to see a guarantee that the MPCA will look at the air quality modeling, AERA results, and an area’s adverse stressors jointly, rather than separately, when making the substantial adverse impacts determination**. One option is to quantitatively combine AERA results with key information from the CI-MAP (such as the cancer and non-cancer risks). Another option is to create additional quantitative rules that incorporate the number and types of existing adverse stressors in conjunction with the air quality modeling and AERA results.

If the MPCA determines that the facility’s requested permit action will have a substantial adverse impact, the facility can propose controls, limits or other measures to prevent the substantial adverse impact. The draft rules state what will happen if the MPCA determines that these measures will prevent the substantial adverse impact. **They do not state what will happen if the proposed measures will *not* prevent the substantial adverse impact. If the proposed measures fall substantially short in preventing the substantial adverse impact, we would like to see the permit denied.**

Community benefit agreement and air permit decision

We appreciate the intent of the community benefit agreement (CBA) and believe that it has the potential to create true mutual benefits for the facility and community. However, it is possible that a community may not ultimately want a CBA if they feel that the harms from the facility outweigh the benefits in the CBA. **Communities should be able to provide a recommendation to the MPCA about whether they want a CBA, and the Commissioner should take this recommendation into consideration when making the air permit decision.**

In addition to these points, we want to express support for the Frontline Communities Protection Coalition's public comments, which include additional recommendations and data. Thank you for holding this public comment process, and we look forward to following developments in this rulemaking.



The Honorable Kimberly Middendorf, Administrative Law Judge
c/o William Moore, Rules Coordinator
Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

July 17, 2026

RE: Proposed New Rules Governing Cumulative Impacts Analysis for Permit
Decisions in Environmental Justice Areas, Minnesota Rules chapter 7007;
Revisor's ID Number R04805;
Court of Administrative Hearings Docket Number 21-9003-39398

Dear Judge Mittendorf,

Minnesota Center for Environmental Advocacy (MCEA) uses law and science to protect Minnesota's environment, natural resources, and the health of its people.

MCEA is part of the Frontlines Community Protection Coalition (FCP Coalition) and supports and incorporates the full comment submitted today by the FCP Coalition. MCEA writes today to emphasize one section of that comment, regarding the benchmarks for mandatory cumulative impacts assessments.

Under Section 7007.6050, subpart 4, of the draft rule, MPCA proposes benchmarks for when a permit applicant must perform a cumulative impacts (CI) analysis. This section of the draft rules implements Minn. Stat. section 116.065, subd. 3 (c)(2) and subd. 6(c)(1).

In subpart 4.A of the draft rule, a CI analysis is required for all permit applicants proposing a newly constructed facility. MCEA and the FCP support this provision.

However, in subpart 4.B of 7007.6050 of the draft rule, a CI analysis is only required for a facility expansion when that expansion *independently* has the potential to contribute to air pollution above certain listed rates. In other words, the benchmark for a cumulative impact assessment does not account for ongoing pollution from the pre-existing facility.

Similarly, in subpart 4.C of 7007.6050 of the draft rule, a CI analysis is only required for permit reissuances when the source was the target of an enforcement action for a violation within the past three years. Because of this, a stationary source seeking a permit reissuance can avoid a mandatory CI analysis if it has not been the subject of an enforcement action, regardless of how much ongoing pollution the source is contributing to harming public health.

MCEA agrees with the recommendation stated in the FCP Coalition comment: “we strongly recommend having the benchmarks for permit expansions and permit reissuances be the same: specifically, the MPCA should set a benchmark that considers total emissions from the stationary source **and** any proposed expansion, as well as the existing health stressors in the community.”

This approach would align the implementing rule more closely with the statute. Section 116.065, subd., 1 defines “permit” to include permits for new construction, permits for facility expansions, and permit reissuances.” Nowhere in the statute does the text direct the MPCA to use different benchmarks depending on whether the facility is new or pre-existing. The pollution from old facilities is as harmful as the pollution from new facilities. This approach is consistent with what a cumulative impact regulatory structure is typically designed to address: the disparities in health and well-being from many overlapping factors, including the impacts of multiple ongoing pollution sources, social and economic stressors, and systemic environmental injustice.

Thank you for the opportunity to comment on the proposed rule implementing Minnesota’s critical cumulative impacts law.

Evan Mulholland
Healthy Communities Program Director
Minnesota Center for Environmental Advocacy

Fue Lee
State Representative

District 59A
Hennepin County



Minnesota House of Representatives

Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, *Minnesota Rules* chapter 7007

CAH Docket. No. 21-9003-39398

Attn: Administrative Law Judge Kimberly Middendorf

Submitted by: State Representative Fue Lee

7007.1300 Insignificant Activities List, subp. 5. Threshold table; hazardous air pollutants, item B

This proposed rule requires an applicant to conduct a cumulative impacts analysis if the applicant emits a hazardous air pollutant (HAP) at a rate 25 percent or higher than the threshold amounts listed in the table on pp. 6-14. If that level is not achieved, the emission is deemed an “insignificant activity” and under the proposed rule, no cumulative analysis is required.

The 25 percent figure comes from part 7007.1300, subpart 4, item C, subitem (1). But the rule as written overlooks an important qualification of item C in subitem (2) regarding the HAPs listed in the table. Subitem (2) lists 16 chemicals of which it says, “If the emissions unit emits one or more of the HAPs listed in this subitem, the emissions unit is not an insignificant activity under this subitem. . . .” As a result, to maintain consistency with the current rule, the proposed rule should recognize that the potential to emit **any** amount of these 16 HAPs is not an “insignificant activity” and require that a cumulative analysis be conducted.

A more basic criticism of this provision is that it makes a decision on whether **cumulative** impacts should be analyzed based solely on a facility’s **current or future** potential to emit a certain level of HAPs. That is contradictory to the statute’s meaning and displays a more basic misunderstanding of the statute’s applicability and scope.

The statute’s definition of “permit” “includes the reissuance of an existing permit.”¹ Many of these reissuances do not alter emissions limits. By making reissuances subject to the statute, **the statute authorizes the commissioner to deny a permit based on the cumulative impacts experienced in an EJA in combination with a facility’s previously permitted emissions.** The statute’s innovative feature is that it recognizes the harm that cumulative impacts have imposed on EJA residents and requires that these be evaluated anew and taken into account in decisionmaking, rather than ignored as they have been until now, and that by doing so the status quo – cumulative plus continuing impacts – can rise to the level of a “substantive adverse effect” and result in a permit denial.

¹ Mn. Stat. section 116.065, subdivision 1, paragraph (h).

This interpretation is in accord with the statute's definition of environmental justice: "in **all decisions** that have the potential to affect the environment of an environmental justice area or the public health of its residents, due consideration is given to the history of the area's and its residents' cumulative exposure to pollutants and to any current socioeconomic conditions that could increase harm to those residents from additional exposure to pollutants."² [Emphasis added]

7007.6010, subp. 5. Definition. Adverse cumulative stressors.

7007.6010, subp. 6. Definition. Adverse environmental stressor

7007.6019, subp. 22. Definition. Geographic point of comparison

7007.6020, subp. 5. Applicability and procedures. Environmental stressors database.

The proposed rules incorporate a "geographic point of comparison" concept into the definitions of both "adverse cumulative stressors" and "adverse environmental stressor," making that approach central to the commissioner's decisions on both the need for preparation of a cumulative analysis and whether, following such an analysis, a permit should be issued or denied.

The agency alters the meaning of "adverse" as it is used in section 116.065, in several Minnesota environmental statutes, and in environmental impact analysis in general. In these contexts the term signifies a diminution in the health of human beings or wildlife or the quality or functioning of a part or process of the natural environment. An adverse impact is one that harms or diminishes these entities. The term is so intuitive that it is not defined in statute, though it is used often.³

The proposed rules alter it to mean higher than the lower of the median values of the environmental stressors measured throughout the whole of the county in which an EJA is located or the median value across Minnesota's 86,939 square miles. These measures have no relevance whatsoever to the actual environmental impacts experienced by a specific EJA's residents. What may harm residents of an EJA – and what the statute requires the commissioner to consider -- is the combination of past and future environmental impacts on the residents and environment **of the EJA**, irrespective of conditions elsewhere. As written, in a county containing several EJAs, like Hennepin and Ramsey, only a facility in the EJA with the highest level of stressors is likely to be required to conduct a cumulative impacts analysis, since the countywide stressor count will be inflated by the values of the other EJAs. This outcome, reducing the number of cumulative analyses conducted, is not in accord with the statute.

Further, the way the proposed rules structure this comparative method masks the actual **level** of the EJA stressors. The rules count a stressor as "adverse" if its level exceeds the lower of the county or state median; whether it does so by one percent or 300 percent is not registered, and does not affect the decision as to whether a cumulative impacts analysis is required. Both values get the same checkoff treatment on that stressor as "adverse." The simple number of EJA adverse stressors is then summed and compared with the

² Mn. Stat. section 116.065, subdivision 1, paragraph (c), clause (2).

³ See, e.g. Minnesota Statutes, sections 115.55, subdivision 5a, paragraph (b), clause (4); 115A.03, subdivision 7a; 115A.158, subdivision 1, paragraph (a), clause (2); 115A.18, subdivision 4, paragraph (a), clause (3), item (i); 115A.193, paragraph (a), clause (2); 115A.194, paragraph (a), clause (2); 115A.24, subdivision 1, paragraph (c); 115A.411, subdivision 2, paragraph (b), clause (2); 115A.917; 116B.02, subdivision 5; and 116D.04, subdivision 2a, paragraph (a).

number of county or state median stressors that exceed the corresponding EJA values. If the latter sum exceeds the former, no cumulative analysis is required. This method, by ignoring the severity of the stressors, prohibits the commissioner from seeing the true extent of the risk experienced in the EJA, which should be a prime focus of the decision to require a cumulative analysis or to deny a permit.⁴

The attempt to simplify the commissioner's decisionmaking by utilizing a geographic comparison with respect to stressor values should be removed from the rules because it undercuts the goal of the statute. The guidelines for the commissioner to decide on the need for a cumulative analysis in section 7007.6070 and whether an adverse impact is substantial in section 7007.6100 of the proposed rules can be applied without the geographic comparison lens, allowing the commissioner to weigh the full extent of the environmental stressors in an EJA.

7007.6010, subp. 19. Definition of “facility expansion”

The definition of this term is important in that it determines which facilities seeking to expand are subject to the statute. As written, it would exclude facilities from the statute that are clearly within its jurisdiction, reducing the statute's scope.

This proposed rule excludes modifications or amendments made under parts 7007.1250, 7007.1350, and 7007.1450, activities the agency considers to be minor or moderate, from the definition of “facility expansion.” Since the statute clearly applies to reissued permits with no substantive changes in emissions, as shown on page 1, it also applies to those proposing minor changes. These exclusions should be removed. Administrative amendments under part 7007.1400 may be excluded as they are strictly non-substantive.

7007.6010. Definitions

A definition of “air toxics” (a term used in the definitions of “acute health endpoint” and “acute inhalation risk,” subparts 3 and 4 of this part, respectively) should be added, referencing the definitions in part 7019.3110, subpart 2, items A, B, and C, the air toxics emissions inventory and reporting rule.

7007.6050, subp. 2. Initial assessment

Line 32.10 refers to “subitem (3)” of part 7007.0500, subpart 6, item A,” but no subitems are listed under that item at line 3.8 of the proposed rules.

Subitem (4) of item G requires the owner/operator to “consider each environmental stressor identified in item F and how each stressor may increase adverse effects of the stationary source or increase the impact that stationary source has on the environment or the health of residents of the impacted environmental justice area”

This requirement is critical in implementing the concept that is at the heart of the statute: that past exposures magnify the impact of present and future exposures on EJA residents and should be duly considered when making permit decisions. However, having the owner/operator conduct this important analysis raises serious concerns. First, an owner/operator is unlikely to have the expertise regarding health impacts of pollution exposure and how they may be affected by the economic and sociological conditions prevalent in EJAs.

⁴ This methodology is described in the PCA's publication, *Cumulative Impacts Mapping and Analysis Platform (CI-MAP) technical support document*, March 2026, <https://www.pca.state.mn.us/sites/default/files/aq-rule2-25an.pdf>.

Second, even if such expertise is hired on contract, an owner/operator has a built-in incentive to downplay the effect of environmental stressors in order to avoid conducting a cumulative impacts analysis.

Subitem (4) should be removed and replaced with language (added to part 7007.6070, subpart 3, item A) directing that this analysis should be conducted by the agency, which is more likely to prepare a thorough, accurate and objective analysis of this important issue.

7007.6050, subp. 4. Benchmarks for requiring cumulative impacts analysis, item B

The proposed rule exempts a facility seeking an expansion permit unless certain emission levels are exceeded. As explained on page 1, the statute applies to all facility expansion permits that affect environmental justice areas. This restriction should be removed.

7007.6050, subp. 4. Benchmarks for requiring cumulative impacts analysis, , item C

The proposed rule exempts a permit reissuance from conducting a cumulative impacts analysis if no enforcement action was taken against the facility by the commissioner within the three years prior to the application for reissuance. As explained on page 3, the statute applies to all permit reissuances that affect environmental justice areas, regardless of their compliance history. This provision restricting the number of facilities that must conduct a cumulative impacts analysis should be removed.

7007.6100, subp. 2. Criteria for evaluating environmental and health impacts, items C and D

Items C and D list information the commissioner must consider in determining whether the requested permit action would result in a substantial adverse impact and a potential permit denial. Item C mentions “the extent to which the impacts are subject to mitigation by ongoing public regulatory authority.” Item D says “the extent to which impacts can be anticipated and controlled . . by existing and available public health studies undertaken by public agencies or the owner or operator of the stationary source”

Neither of these conditions provides any assurance that impacts will actually be mitigated; the fact that agencies exist which might require such action makes mitigation speculative at best. This language should be removed. The commissioner should consider only those mitigation efforts the owner or operator commits, in writing, to implement.

7007.6110. Community Benefits Agreements

Under the proposed rules, while communities may attend meetings and make comments on proposals, they do not participate directly in negotiating the provisions of a community benefits agreement. The community is, in essence, required to accept a community benefits agreement negotiated by others, who may or may not wish to incorporate the community’s input, in exchange for living under what the commissioner has already determined to be a substantial adverse impact on residents’ health. The rules should be amended to strengthen the community’s role in shaping the substance of a community benefits agreement.

Fue Lee
State Representative

District 59A
Hennepin County



Minnesota House of Representatives

July 17, 2026

Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, *Minnesota Rules* chapter 7007

CAH Docket. No. 21-9003-39398

Attn: Administrative Law Judge Kimberly Middendorf

Please accept the attached initial comments on the rules proposed by the Minnesota Pollution Control Agency in this docket.

As the House of Representatives author of the 2023 bill that these proposed rules implement, I have an abiding interest in seeing that the rules fully effectuate the bill's provisions, which are designed to enhance the protections afforded to residents of areas that have been exposed to pollutants from multiple sources for decades on end. Scientific evidence has shown that stressful conditions experienced in disadvantaged communities actually make residents more susceptible to the ravages of chemical exposures. This statute requires environmental regulators to recognize this reality and to take it into account when issuing permits and crafting environmental standards that affect environmental justice areas (EJAs).

The North Minneapolis neighborhoods I represent in the Minnesota Legislature are among many areas of the state that qualify as these more sensitive EJAs. Listening to residents' stories of environmental exposures and health problems is what compelled me to author this legislation.

I appreciate the significant amount of work the PCA has done to engage in dialogue with residents in EJAs in developing these rules, and its efforts to compile statistics for "environmental stressors" and to flesh out the substance of cumulative impacts analysis. However, I feel there are several areas where the agency's proposed rules restrict the operation of the statute and fall short of providing the enhanced protection that the statute requires. Detailed analysis is provided in the attachment, but I want to highlight some of these areas here.

My main observation is that the proposed rules minimize, in several ways, the impact that cumulative impacts analysis will play in permit decisions in EJAs. This is the direct opposite of what the statute requires.

The proposed rules exempt from the statute's provisions facility expansion permits the agency considers to be of minor environmental consequence. This indicates that the agency fails to appreciate the broad scope of the statute, which includes within its jurisdiction not only all new and expansion permits that affect EJAs, but also reissuances of existing facility permits as they expire. The statute's key innovation is that it requires all three of these types of permits to be analyzed anew through a cumulative impacts lens. The explicit inclusion of reissuance permits, whose emission levels most often remain the same as in the expiring permit, reveals the statute's breadth: It authorizes the commissioner to deny a permit based on an EJA's level of environmental stressors, including past pollution, in combination with a facility's **previously permitted emission levels** if issuing the permit would result in a substantial adverse impact. In contrast, the proposed

rules would not even require facilities seeking permit reissuances and “minor” expansions to conduct a cumulative impacts analysis.

The methodology proposed in the rules to measure an EJA’s environmental risk by comparing the EJA’s levels of the 26 environmental stressors with values in distant communities and then ignore their actual magnitude distorts the real environmental risks EJA residents face, which is the crucial piece of evidence the commissioner must weigh in determining whether a cumulative impacts analysis is required. It is likely to result in fewer cumulative analyses being conducted, the opposite of what the statute requires.

Finally, the proposed rules regarding community benefits agreements (CBAs) greatly restrict the role communities play. While meetings and public comments are amply provided for, the community has no direct involvement in CBA negotiations. EJA residents have no recourse other than to accept a CBA negotiated between the commissioner and an owner/operator in exchange for living with what the commissioner has already determined is a substantial adverse impact on their health. The rules should be amended to strengthen the community’s role with respect to shaping the substance of a CBA.

Thank you for the opportunity to comment on the proposed rules. I look forward to further participation in this rulemaking process.



Representative Fue Lee
House District 59A

The Honorable Kimberly Middendorf, Administrative Law Judge
c/o William Moore, Rules Coordinator
Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

July 17, 2026

Frontline Communities Protection Coalition comment on Minnesota Pollution Control Agency (MPCA) proposed draft rules for the Cumulative Impacts Law

(Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, Minnesota Rules chapter 7007; Revisor's ID Number R04805; Court of Administrative Hearings Docket Number 21-9003-39398)

We are members of the Frontline Communities Protection Coalition (FCPC), a group of environmental and frontline community organizations, working to address environmental injustice at a systemic level and support fights for environmental justice across the state. We were involved in creating and passing the cumulative impacts law in 2023 and have been engaging in the rulemaking since then. We appreciate the opportunity to submit comments on the Cumulative Impacts (CI) rules and rulemaking process.

The Cumulative Impacts (CI) law and rulemaking represent an important step forward in addressing the disproportionate burden of pollution that environmental justice communities face in Minnesota. This law was passed due to the advocacy and organizing of frontline communities who have suffered from this disproportionate burden for decades. To fulfill the intention of the CI law, these rules must properly address the existing cumulative impacts burden in many communities while regulating proposed new sources of pollution. Transparency, accountability, and community leadership are essential to the implementation of this law. We hope you will strongly consider our feedback as one of the coalitions that helped to shape and pass this law.

General Feedback

In the following detailed comment letter, we have clearly laid out where the regulation aligns with the intent of the statute and where we feel it falls short, and we have provided the relevant evidence. We begin the letter with descriptions of definitions that we believe require additional clarity that would reduce the risk of legal challenges. In the regulation we would prefer to see improved transparency with discrete metrics for decisionmaking around requiring a cumulative impacts analysis and defining substantial adverse impacts. As written, we believe the MPCA Commissioner would have too much discretion leading to inconsistent outcomes and uncertainty for communities and industry. **Overall, and importantly, our three main issues of concern are around permit reissuances, lack of a full analysis of cumulative impacts in the cumulative impacts analysis, and the fact that there is no criteria to reject a community benefits agreement.** And finally, we believe that

consideration of the full stationary source as opposed to only the requested permit action should be required where possible to meet the intent of the cumulative impacts statute.

Effective implementation of this law should reduce pollution burden and improve health outcomes in EJ communities and give EJ communities a greater role in decisions regarding industrial facilities in their neighborhoods. Reducing the environmental pollution burden in EJ areas will contribute to assuring that all communities have access to clean air, soil, and water.

7007.6010 Definitions

Subp. 25. **Health endpoint** - We have concerns over the use of the term “observable” in this definition. We believe the current definition could be challenged as someone might claim that they need to see a significant signal in a community of a health impact, through an epidemiological study or the like. This is an extremely high burden of proof. We recommend replacing “observable” with “specific”.

Subp. 39. **Socioeconomic Impact** - This definition should be expanded upon. There are many ways a facility can have socioeconomic impacts, both positive and negative. For example, some industrial zoning parcels border community homes, which can lead to significant socioeconomic impact through property devaluation. This definition is referenced both in the contents of the cumulative impacts analysis (line 63.1) and substantial adverse impact determination (line 68.9). As discussed in the SONAR, Subp. 39: Are there suggested models or best practices for measuring socioeconomic impact? Examples of models are Social Return on Investment, Cost Benefit Analysis, and Subjective Social Status. [Social impact measurement discussed here.](#)

7007.6020 Applicability and Procedures

Subp. 2. **Exemptions**, item (C) - We do not see adequate reason to provide an exemption to permit reissuances for two years after these rules go into effect. This law was passed in 2023 with three years of rulemaking following. This has already provided adequate time for existing stationary sources to prepare for implementation. If an exemption period is granted to existing facilities, it should be as short as is feasible.

Subp. 5. **Environmental stressors database** - As stated in previous feedback submitted by the Coalition, we believe that the environmental stressors database mapping tool should include an option to overlay environmental justice areas. This will make it much easier to see the intersection of adverse cumulative stressors and environmental justice areas. By making this an optional setting you can avoid creating a visually overwhelming map for those who don't need to see that information.

We also believe the current environmental stressor database and mapping tool should be expanded and improved upon. Some of the stressors are given arbitrary cut off points that are too broad. For example, the particulate matter 2.5 (PM2.5) stressor is measured as the number of days where the air quality index surpasses 100. However, almost every single census tract in

Hennepin and Ramsey counties are given the same value for this metric. This happens for two reasons: 1) the discrete bins used to categorize this data are too broad, and 2) PM_{2.5} is a poor measure of intra-urban air pollution variation. For these reasons, we recommend the following: 1) in the absence of concrete benchmarks, any discrete bins created should be built from distributional cut off points to ensure we are prioritizing communities that are disproportionately impacted, and 2) the stressor database needs to include other pollutants, such as NO₂, which are more sensitive to intra-urban differences in air pollution and would improve any analysis aiming to prioritize frontline communities for environmental justice protection.

We support the use of strong public health and social factors in scoring for overall baseline stressors. However, we recommend expanding the data sources of some of these measures. For example, asthma hospitalization and emergency department rates could be estimated by MDH with support from the MN Electronic Health Record consortium to ensure we are adequately capturing those who not only have asthma, but who might be at the highest risk of the acute pulmonary effects from worsened air quality due to industrial emissions.

We do not believe the traffic density stressor is properly measured or adequately captures the impact of near-roadway exposures on frontline communities. For example, the stressor database estimates that census tract 27053109400, which hugs the I-35W corridor in Lyndale, only sees an average daily traffic of 239,000. However, the census tract directly north of it (27053008300), which includes practically the same stretch of I-35W but excludes major on-road ramps, sees an average daily traffic of 681,000, almost triple the estimate from the census tract directly south of it. These incorrect estimates are a product of the methods MPCA and MnDOT use to assign average daily traffic to the entire tract based on the amount of road that intersects a census tract. Many census tracts rely on roadway corridors as a natural boundary, meaning their daily traffic may be artificially depressed by calculating length of road segment inside the census tract boundary. Instead, we propose that the entire census tract be assigned to the average daily traffic of the full roadway segment that it intersects with, as opposed to the proportion of the segment.

7007.6030 Tribal Considerations

Subp. 3. Tribal coordination; sources not in Indian Country - We support the initiative of informing Tribal governments of permit applications in counties of interest and providing opportunities for them to engage in the process at each step. In item (B), we recommend including a deadline by which the MPCA must submit the notice to the Minnesota Tribal Government's designated contact. This will ensure that Tribes are notified in a timely fashion and will be able to engage throughout the process if desired. Additionally, in item (B), subitem (4) we would like to see clarification of what the visit to the stationary source will entail. We believe that Tribal Governments should be given access to the inside of facilities for permit expansions or reissuances in order to fully understand the potential impacts.

Subp. 4 Tribal supplement to cumulative impacts analysis content - We support the requirement of information regarding the impacts to natural and cultural resources, traditional practices, locations or areas of significance to the Minnesota Tribal Government, and access to

areas. We believe that this supplemental information should be tied to subp. 3, item (B), such that the Minnesota Tribal Government may review the information included in this section and provide additional feedback.

7007.6040 General Requirements

Subp. 5. **Duty to supplement or correct**, item (A) - We recommend including a deadline by which the owner or operator must provide the missing or corrected information to the Commissioner. This will help ensure that information is being quickly updated when found to be incorrect or missing. This deadline may be waived or extended upon approval from the Commissioner.

7007.6050 Initial Assessment

Subp. 3. **Content** - We support the requirement of an executive summary of the initial assessment in item (B). Given how much information is required to be included in the initial assessment, we believe an executive summary will help make this information easier to understand for impacted community members. However, we also believe that subpart 3 includes significant requirements that are beyond what is necessary to determine whether a cumulative impacts analysis is required. While the Commissioner has some discretion in requiring a cumulative impacts analysis, we believe the benchmarks established in subpart 4 should be the primary path for determining whether a facility is required to complete an analysis. These benchmarks should be set at a level that will require analysis of most facilities of concern, and the initial assessment should focus on information necessary for determining whether a facility meets those benchmarks.

In particular, we recommend moving subpart 3, item G (1-4) to part 7007.6090, subpart 3. **We believe this section is much more fitting for the cumulative impacts analysis**, as it requires consideration of how a facility's impacts may be amplified by the existing environmental stressors. As we have written in a later part of this comment, we believe having an expanded version of this section in the cumulative impacts analysis will improve the whole process. We also believe that subpart 3, item (B), subitem 3 should include both "other stationary sources with air permits" as well as non-stationary sources of pollution in the surrounding area of the facility requesting a permit action. This addition would ensure that facilities' initial assessment includes information relevant to a cumulative impacts analysis.

We also understand the importance of the Commissioner having enough information to make their own determination of whether a cumulative impact analysis is necessary as stated in part 7007.6070, subpart 2. We recommend adding the ability of the Commissioner to require additional information to be included in the initial assessment if the information will help determine the facility's potential to impact the environment or health of the impacted environmental justice area.

Subp. 4. **Benchmarks for requiring cumulative impacts analysis** - We support the requirement of a cumulative impacts analysis for any requested permit action that includes new

construction. For item (B) facility expansion, we believe this benchmark should consider the total potential emissions from the stationary source rather than just from the expansion. There is no reason to view a facility expansion as a separate impact from the rest of the facility.

While we believe that enforcement actions are a reasonable benchmark for requiring permit reissuances to conduct a CI analysis, **we do not think this should be the only benchmark.** This law was passed in large part because environmental justice communities in Minnesota are already facing a cumulative impacts burden. The only way we can begin to reduce this burden is by requiring an analysis for existing facilities based on their emissions and how overburdened the community is. **We strongly recommend having the benchmarks for permit expansions and permit reissuances be the same: specifically, the MPCA should set a benchmark that considers total emissions from the stationary source and any proposed expansion, as well as the existing environmental and health stressors in the community.** Under this proposal, a facility will be required to conduct a cumulative impacts analysis if their emissions exceed pollution based benchmarks *or* if the community is experiencing an adverse cumulative stressor. These benchmarks should be designed to require a cumulative impacts analysis of at least some permit reissuances. This will ensure that these rules can begin addressing the existing cumulative impacts burden.

We also strongly recommend expanding the three year window in which facilities that have a history of enforcement actions would be subject to mandatory cumulative impacts analysis. Given the already lengthy time of enforcement actions and settlement periods, we recommend increasing this window to at least six years.

Environmental justice communities already experience disproportionately high pollution burdens and associated health impacts, including higher rates of asthma, cardiovascular disease, cancer, and other chronic illnesses. These existing conditions are the result of decades of emission from existing facilities. **If a cumulative impacts analysis is effectively required only for new facilities or only for the incremental emissions from facility expansions, the law will fail to address the very burdens it was designed to confront.**

7007.6060 Petition process

Subp. 2. **Content**, item (A), subitem (6) - We believe that the current phrasing puts too large of a burden of proof on the petitioners. Particularly when considered in conjunction with item (B) which prohibits citation of external sources, the petition content requires community members to submit highly technical information that will be difficult to obtain. The subpart should include a provision whereby the petitioners can cite to the web version of the initial assessment materials submitted by a permit applicant.

Subp. 4. **Completeness review**, item (E) - Setting a 15 day deadline for petitioners to rectify any issues is far too limiting. These petitions are an opportunity for community members to advocate for protecting their health and environment. Many communities lack the resources and capacity to address technical issues in such a short timeline. We believe that a 45 day deadline

will provide a more comfortable opportunity for community members to gather any additional resources or information to comply with the petition requirements.

7007.6070 Determination of Need

Subp. 1. **Mandatory cumulative impacts analysis**, item (B) - We support the inclusion of requiring a cumulative impacts analysis if the Commissioner determines that issuing the requested permit action may substantially impact the environment or health of the residents of the impacted environmental justice area. There will be permit applications and stationary sources that may not meet the specific benchmarks outlined in 7007.6050, subpart 4, but still present a danger to impacted environmental justice areas.

Subp. 4. **Determining substantial impact** - While reversibility of potential impacts may be an important consideration, the ability of impacts to be reversed does not mean this outcome will happen. We believe the Commissioner should consider the likelihood of impacts being reversed in this section.

Additionally, in item (B) we would like subitem (2) to be clarified. This could be interpreted either as individual impacts from the permit action being less significant due to the presence of many other contributing sources, or as individual impacts from the permit action being more significant since they are contributing to existing contributions, thereby amplifying the overall effects. We assert that the latter interpretation is in line with the concept of cumulative impacts and the spirit of the law, and would recommend clarifying this subitem to align with this concept.

7007.6080 Public participation

Subp. 2. **Cumulative impacts analysis; public participation plan** - We support the creation of public participation plans to ensure that facility owners or operators are being transparent about how they plan to conduct community engagement. The ability to hire a third party will also create opportunities for community engagement to be supported by skilled facilitators and community outreach organizations.

Subp. 5. **Public meeting requirements** - We support the requirement of video and audio recordings of public meetings being made available online. In item (G), we recommend stating that the Commissioner may require the fact sheet to be edited if information is inaccurate or portrayed in a biased manner. Given that the facility owner or operator will be running the public outreach and meetings, it is essential that the MPCA holds them accountable to presenting accurate information.

We do want to point out a concern about subpart 5, item (C), subitem (2) which outlines the requirements for making audio and video recordings of public meetings available. This section states that “the recording must be made available within 15 calendar days after the public meeting until at least the close of the public notice and comment period...”. However, subpart 8, item (A) states that public comment periods must remain open for at least 15 days after the date

of the public meetings. This creates the possibility that a comment period could end 15 days after a public meeting when the recordings have only been posted for a day. In order to remedy this, we recommend shortening the timeline for uploading the audio and video recordings of public meetings to 7 days.

Subp. 6. Meeting-specific requirements - We support the inclusion of an explanation of how comments informed cumulative impacts analysis and draft community benefit agreements under item (B), subitem (3) and item (D), subitem (3). We believe this practice is essential for transparency and accountability when comment periods are conducted.

Subp. 7. Public notices - While many of the requirements for public notice in this section are strong, we believe that outreach to environmental justice areas is most effective when conducted by a known and trusted partner. Thus, we recommend that facilities be required to reach out to local community organizations such as nonprofits, faith groups, community health workers, and neighborhood associations as collaborators. A local partner can more easily disseminate information in the community as they are likely more experienced with community engagement in the neighborhood. They can also provide feedback to the facility owner or operator about how to best communicate the matters at hand to the community. If a facility owner or operator partners with a local organization, we recommend they provide a grant to the partner, as many local organizations have limited resources and capacity.

We also recommend providing compensation for community members who engage with facility owners or operators, and there is precedent for doing so. Specifically, in its April 15, 2022 Order in Xcel Energy's Integrated Resource Plan (Docket No. E002/RP-19-368), the Minnesota Public Utilities Commission directed Xcel Energy to "engage in community outreach and establish a stakeholder group" to, among other things, "adopt practices in furtherance of procedural justice - including deeper engagement with renters; affordable rental property owners; communities of Black, Indigenous, and People of Color; and under-resourced individuals - providing resources for engagement and participation, and providing financial support for impacted individuals to participate in dockets and decision-making processes," and to "form an environmental justice accountability board which shall develop environmental justice-focused initiatives to be incorporated throughout the utility."

In response to the Commission's order, Xcel Energy established the Environmental Justice Accountability Board (EJAB) and compensates certain members for the time, expertise, and lived experience they contribute to the Board's work. This reflects an emerging best practice in community engagement. Organizations routinely compensate consultants, engineers, economists, attorneys, and other technical experts for their specialized knowledge. Community members similarly bring expertise - grounded in lived experience, local knowledge, and an understanding of community needs - that is essential to informed decision-making. Providing compensation appropriately recognizes the value of that expertise while also fostering meaningful participation by creating sustained engagement and shared accountability throughout the process.

7007.6090 Cumulative Impacts Analysis

Subp. 3. **Cumulative impacts analysis content** - As previously stated, we believe this section is missing a critical piece in order to truly analyze the cumulative impacts of a community. We believe this is where section 7007.6050, subpart 3, item (G) should be relocated and expanded upon. **In particular, we view item (G), subitem (4) and the consideration of each environmental stressor in the impacted environmental justice area as *the* critical piece of a cumulative impacts analysis.** Not only does this section outline a more understandable and succinct approach to analyzing cumulative impacts, it also creates a pathway to a significantly more objective definition of substantial adverse impact, which we shall recommend in the next section.

We propose adopting a cumulative impacts analysis approach based on New Jersey's cumulative impacts rules. This method would require a permit applicant to use the list of environmental stressors, determine how many stressors qualify as adverse environmental stressors, and analyze how their facility contributes to each stressor as part of the cumulative impacts analysis. This approach focuses on the existing cumulative impacts burden and how a stationary source is or would be contributing to that burden. We believe this is a more comprehensive and understandable approach to a cumulative impacts analysis. The cumulative impacts analysis is meant to clearly outline how vulnerable and overburdened a community is and how a stationary source is contributing to that impact.

We believe this method will be more effective at communicating those impacts to environmental justice communities. Additionally, New Jersey's rules have already been upheld in court and are currently being implemented.¹

In the consensus report by the NASEM titled, State of the Science and Future of Cumulative Impacts, the authors recommendation is, "There is a need to implement cumulative impact assessments (CIAs) that consider multiple chemical and social stressors and resources simultaneously through spatial and temporal dimensions without paralyzing decisions because of uncertainties due to analytical complexity or missing data." In our view, by laying out exactly how the decision will be made MPCA makes the decision more transparent and less likely to be challenged. Our proposal for this decision making process can be found in part 7007.6100 below.

Item (C) - We strongly support the inclusion of an assessment of localized impacts of climate change. We believe this is an essential layer to consider moving forward, as the impacts of climate change will continue to amplify many other environmental stressors. We also support subitem (5), the requirement of including proposed mitigation, adaptation, or resilience measures to address climate vulnerabilities. This requirement supports Minnesota's Climate Action Framework 2026 climate equity goal that states: "All communities thrive through the fair distribution of the benefits of climate action, and no community bears disproportionate harm from climate change impacts."

¹ <https://stateimpactcenter.org/insights/court-upholds-environmental-justice-permitting-rule-key-insights>

Item (F) - Similarly, we strongly support the inclusion of odor, dust, and noise impacts of a stationary source. These are the three concerns we hear about most often from community members. Requiring mitigation or management plans will help address one of the biggest issues communities face when hosting a facility.

Item (G) - As with the previous sections, we support any efforts to mitigate and minimize the impacts of polluting facilities. In particular, we believe that mitigation measures provide an important opportunity for permit applications to avoid resulting in a substantial adverse impact. This is another reason we strongly recommend having objective definitions of substantial adverse impact, as it gives a clear measure of impact for facilities to try to avoid. We also believe that the mitigation and management plans in items (C), (F), and (G) should be included directly in the permit to ensure that these programs get fully implemented.

Item (I) - As stated in section 7007.6010 subpart 39, we believe the MPCA should expand upon this definition and include more information about what this description includes. For example, we have heard concerns from community members about how a nearby industrial facility is impacting their home value. Providing guidance on what to consider in the socioeconomic impacts description will help ensure that each facility is properly considering their impact.

Subp. 4. **Air quality modeling analysis** - We support the requirement that the MPCA Commissioner must approve the permit applicant's air quality modeling protocol. For new facilities, we suggest that the MPCA publish and inform the impacted environmental justice area of actual emissions, compared with modeled emissions, and any actions taken by the agency to ensure that the new permit is in compliance with air quality standards.

Subp. 5. **Air emissions risk analysis** - We support the requirement for owners and operators to conduct an air emissions risk analysis. However, we believe that the proposed thresholds in Subitem D deemed "acceptable" are both arbitrary and ignore the cumulative nature of the analysis this legislation demands. Relying on a 1.0 per 100,000 cancer risk threshold in isolation perpetuates the existing permitting regime where a facility is analyzed in isolation, as opposed to the larger environmental context in which it operates. **Furthermore, relying on this 1.0 per 100,000 cancer risk threshold would automatically exclude all but two facilities of the 89 listed in MPCA's "Facilities that may be affected by Minnesota's new Cumulative Impacts Law" document** (according to 2017 MNRISK data released by MPCA). We question the fundamental utility of a benchmark that won't be met by almost any facility.

We believe that a different risk threshold determination would better follow the cumulative nature of this legislation and prioritize those who are already facing disproportionate risks. Instead of relying on an arbitrary threshold, MPCA and MDH should consider the overall contribution of each applicable facility to the overall cancer risk score in that census tract, in combination with the total cancer risk score for that area. This would create a dynamic threshold based on a sliding scale of baseline risk, where MPCA is considering both the scale of risk in a community and the degree to which a permit applicant is contributing to that risk. We have developed a proposal for how this could be implemented and would be happy to work with

MPCA, MDH, and any other agencies to ensure those most impacted are protected from any excess pollution sources.

7007.6100 Substantial Adverse Impact

Subp. 1. **Substantial adverse impact determination**, item (A), subitem (1) - We strongly suggest that this section be changed so that a substantial adverse impact is determined when background air concentrations plus the contribution from nearby sources and from the full facility to air pollution concentrations are greater than 50% of the national ambient air quality standard. Without considering the existing background air concentration and nearby source emissions, the proposed rule fails to meet the cumulative impact definition in the statute.

Item (A), subitem (2) - There is contradictory information related to risk estimates and rounding. In the rule, the decision making framework is a hazard index that is not rounded to 1 significant figure. However in the SONAR the final risk estimate is rounded 1 significant figure. If the language in the SONAR describes the actual comparison MPCA plans on using to determine a substantial adverse impact, it needs to be very transparent that the actual comparison value is 1.4 since that would round to 1. Massachusetts Department of Environmental Protection (DEP) cumulative impacts program spreadsheet² uses more than one significant figure which makes the actual comparison value transparent and it avoids the actual acceptable risk and hazard level being 1.4 (in 100,000 for cancer).

MPCA does not explicitly state that cancer risk calculations are not single pollutant estimates in the rule or in the SONAR. In order to meet the intent of the cumulative impacts statute, the inhalation and multipathway cancer risk estimates must be additive across the carcinogenic pollutants emitted by a facility. Furthermore, as outlined earlier, we believe the static cancer risk threshold proposed (1.0 per 100,000) does not meet the cumulative nature of an analysis required by this legislation and establishes a benchmark that almost no facility would meet. We proposed developing a different threshold that is dynamic and evaluates the risk being added by the facility to an EJ area in the context of the risk that already exists from other stationary and non-stationary sources. As previously stated, we have developed a concrete proposal and would be happy to work with the MPCA to implement it.

Item (A), subitem (3) - **We have significant issues with the third method for determining substantial adverse impact.** While subitems (1) and (2) are both objective and provide an objective determination of substantial adverse impact, despite the limitations highlighted above, subitem (3) is based on the Commissioner's subjective determination using loosely defined criteria. We believe this creates a significant degree of uncertainty, both for permit applicants and community members. The determination of substantial adverse impact is a critical piece of this law, and should not be left up to interpretation for every permit application, nor should it be determined case by case by the Commissioner. Having a subjective definition and non-transparent determination will also leave the process vulnerable to litigation every time a facility conducts a cumulative impacts analysis.

² <https://www.mass.gov/info-details/cumulative-impact-analysis-in-air-quality-permitting>

To address these concerns, we propose adopting an additional definition of substantial adverse impacts based on New Jersey's cumulative impacts rules. This would build on our recommendation in section 7007.6090 of utilizing the list of environmental stressors, determining how many stressors qualify as adverse environmental stressors, and analyzing how a facility is contributing to each stressor as part of the cumulative impacts analysis. We recommend creating a definition of substantial adverse impacts based on how many adverse environmental stressors a facility is directly or indirectly contributing to, and how many adverse stressors are not adverse but a facility's contribution would likely result in the stressor becoming adverse. MPCA should then also create a lower threshold for substantial adverse impact if a community already has an adverse cumulative stressor as defined in 7007.6010, subpart 5. Importantly, the MPCA must review this information to verify that a facility's analysis properly determined any contributions (current or potential) to environmental stressors.

We believe that this not only more directly represents cumulative impacts as a concept, it also significantly reduces uncertainty for all parties involved in the cumulative impacts process and reduces the risk of constant legal challenge to any determination of substantial adverse impact.

7007.6110 Community Benefits Agreement

Subp. 2. **Public outreach and engagement**, item (B) - We support the requirement of distributing printed material to all addresses in the impacted environmental justice area. We believe that mailed notices are an important method for reaching many community members who may not be as engaged in the permitting process.

Item (D) - We support the option for facility owners or operators to work with third parties to conduct community engagement. We would recommend encouraging facility owners or operators to reach out to prioritize working with local community engagement organizations.

We would also like to reiterate a point that we have made in previous comments. The proposed rules do not provide a proper framework for impacted environmental justice communities to negotiate a CBA directly with a facility owner or operator. They simply give a few opportunities for communities to provide input and leave it at that. This approach will leave many communities frustrated with the facility owner or operator and MPCA, as they won't feel like their voices are being heard. While the statute does describe the CBA as being signed by the Commissioner and facility owner or operator, the process for entering into a CBA must better allow communities to negotiate. This was a consistent point raised by community members, environmental justice advocates, local governments, and others during the CBA input panel the MPCA convened last year. The importance of communities leading CBA negotiations and decisions is also emphasized in the 2025 Climate and Communities CBA report³.

To address this critical issue, we have a proposal. Similar to Detroit, MI's CBA ordinance, we recommend the facility owner or operator and MPCA work with community leaders, organizations, and interested parties to create a neighborhood advisory council to represent the community. This council would be adhoc, but would support community members engaging in the public meetings and comment periods, negotiate with the facility owner or operator on the details of a proposed CBA, and submit a recommendation to the Commissioner to either approve, modify, or deny a CBA. The Commissioner must then include a response to this recommendation in their determination of whether to enter into a CBA. **We believe this approach is significantly better for centering environmental justice communities in the CBA process** and will avoid some of the potential animosity the current approach is likely to create. This approach will also better fulfill the intention of the law, which is to give environmental justice communities a stronger voice over the permits of polluting facilities that are directly harming them.

Subp. 4. **Community benefits** - We support the prioritization of benefits that directly impact residents of the impacted environmental justice area. **We also believe that benefits proposed by the residents of the impacted environmental justice area should be prioritized.** A CBA should reflect the needs and desires of the impacted community, and prioritizing benefits proposed by community members will help ensure this is the case. We would also like to reiterate a recommendation from previous comment periods that MPCA should develop a non-exhaustive list of example benefits for us in this process. Having examples to react to will make it much easier for communities to brainstorm about what kinds of benefits make sense for their neighborhood. Given the statutory requirement of consideration of non economic benefits, we recommend categorizing the example benefits into economic, health, and environmental benefits. This will make it easier to ensure that non-economic benefits are being considered.

Subp. 6. **Draft community benefit agreement submission**, item (A), subitem (2) - We believe that the term "consider" should be clarified here. The draft CBA should be reflective of community sentiment during the public outreach process. Consideration of comments received during the process should be clarified to ensure that the draft CBA is directly shaped by feedback from the impacted environmental justice area.

Subp. 7. **Proposed community benefit agreement submission** - While we understand the importance of having a deadline for submitting a proposed CBA to ensure that facility owners or operators are finalizing a CBA in a timely manner, this does not leave room for further negotiation with the community if there are still unresolved issues after the second comment period. We recommend that the Commissioner have the ability to extend this deadline upon request from the impacted environmental justice area or facility owner or operator.

Subp. 9. **Community benefit agreement; requirements**, item (A) - We support requiring a proposed CBA to address issues raised during the public notice and comment periods. Similar to our comment on subpart 4, we believe that the proposed CBA should reflect the feedback received during the public outreach process, with priority given to comments and feedback from residents of the impacted environmental justice area.

Item (B) - The current language under section 7007.6110 does not properly frame community benefit agreements as a choice but rather an inevitability. Community feedback is gathered under the assumption that an agreement will happen, not whether an agreement should happen. **We believe this is a critical issue with the proposed rule language.** When gathering community feedback, it must be clear that community members can advocate for a CBA being denied. The ability to deny a permit for a facility that will increase pollution in an EJ area aligns with the intent of the law which is embedded in the definition of “environmental justice” at 116.065, Sec. 23, subd. 1 (d), which includes in the definition “meaningful involvement” and “in all decisions ... due consideration is given to the history of the area’s and its residents’ cumulative exposure to pollutants...” The right to say no at any time is also central to the UN’s framework for Free, Prior, and Informed Consent. Without the ability to deny a CBA, residents are disenfranchised from the decision-making process in local projects that are polluting their communities. This omission would mean a failure to fulfill the purpose and spirit of this legislation and would force communities to continue to bear a disproportionate burden under the guise of a consensual “social license” to pollute. **This is not what our communities fought for with this law.**

It is evident that the agency does not wish to deny permits under this rule, despite the statute making it clear that permits must be denied if a facility fails to enter into a community benefit agreement. This section must be amended to include consideration of any community feedback that is opposed to entering into a CBA. **Without this amendment, these rules become a patronizing, performative gesture by the MPCA.** Ideally, having a neighborhood advisory council as outlined previously will provide another avenue for receiving feedback, but at minimum the Commissioner must consider community voices that are advocating for a rejection of a CBA and denial of the requested permit action.

Item (C) - Similar to before, this section frames community benefit agreements as inevitable. Any facility that fails to meet the criteria must simply keep revising a CBA until the MPCA approves it. There is also no room for further community input for a CBA that fails to meet the criteria. This may result in private negotiation between a facility owner or operator and the MPCA until the Commissioner ends up approving the CBA. This is particularly problematic when it comes to permit reissuances, as those facilities do not have an incentive to enter into a CBA as they can continue operating on their old permit until a new one is approved. **There must be clear criteria under which the MPCA will deny a CBA, both for situations when the impacted environmental justice area clearly does not want one and when a facility owner or operator is continuously failing to put forward a viable CBA.** The rules directly reference the ability of the Commissioner to deny a proposed CBA in part 7007.1000, subpart 2, item (H). This is a restatement of what the statute directly describes as well, yet the proposed rules lack any provisions that regulate how a permit would be denied when a facility owner or operator fails to enter into a CBA.

Finally, **we believe that accountability and enforcement are critical aspects of this part of the law and have not been properly outlined in the proposed draft rules.** There is no information about what happens if a facility is found to be in violation of a

community benefit agreement or how that would affect their permit. We propose that the CBA be included in the permit and that the MPCA should come up with a protocol for addressing facilities that are not complying with a CBA. This protocol should leave room for re-entering compliance or modifying the CBA, but not allow facilities to get away with a slap on the wrist for continued violation. **A CBA is an acknowledgement that a facility is having a significant impact on a historically marginalized community.** Any violation should be taken seriously, and should result in permit revocation when necessary.

7007.6115 Modifying Community Benefits Agreements

Subp. 2. **Modifying a community benefit agreement; other changes**, item (D) - We believe that 15 days notice is too short for this section. Proposed modification of a CBA could result in a significant change in community sentiment about the CBA and facility. In order to ensure that communities can properly engage in this process, a minimum of 45 days notice should be required. Modification of a CBA should also require at least one additional public meeting, with similar requirements to part 7007.6080, subpart 4, item (B), subitem (2). If the proposed changes to the CBA are significant, the Commissioner should require the facility owner or operator to go through the entire CBA process from the beginning, with a deadline for completion.

To reiterate, a CBA represents an already overburdened and marginalized community agreeing to take on an additional pollution burden in exchange for legally mandated benefits. If a facility wants to significantly change those benefits after they have already been agreed upon, the community must have ample opportunity to provide feedback, and that feedback must be taken into serious consideration.

7007.6120 Permit Decisions

We do not have any specific feedback on this section, though if any of our recommendations are incorporated into the rules then this section must be updated.

Conclusion

Thank you again for the opportunity to comment on the proposed draft rules for the cumulative impacts law. While there are parts of the rule we support, we have significant concerns about key pieces of the rule. We believe that the current proposed rules fail to fulfill the intention of the cumulative impacts law we helped to pass, and may lead to further lack of trust with the MPCA from environmental justice communities. We hope that our feedback is strongly considered and that the rules are amended to provide more certainty to all parties involved and ensure that the voices of environmental justice communities are being heard and acted upon.

Sincerely,
The Frontline Communities Protection Coalition
Comunidades Organizando el Poder y la Acción Latina
MN Environmental Justice Table
Minnesota Center for Environmental Advocacy

Community Members for Environmental Justice
Health Professionals for a Healthy Climate
Native Sun
CURE
Minnesota Environmental Partnership
Eureka Recycling
MN Zero Waste Coalition
Sierra Club North Star Chapter
Fresh Energy



The Honorable Kimberly Middendorf, Administrative Law Judge
c/o William Moore, Rules Coordinator
Court of Administrative Hearings
600 North Robert Street
PO Box 64620
St. Paul, MN 55164-0620

July 17, 2026

RE: MPCA's Proposed Permanent Rules Relating to Cumulative Impacts Analysis in Environmental Justice Communities (7007.0050-7007.6120)

Dear Judge Mittendorf,

The Minnesota Public Health Association (MPHA) has served as Minnesota's independent, nonpartisan, statewide voice for public health since 1907 and represents health professionals in public health, medicine, nursing, community health, and more. At MPHA, public health workers from multiple disciplines and sectors come together around shared values and goals. We engage and develop our members and partners to mobilize the community to protect and improve the public's health.

Minnesota Public Health Association writes in support of the Cumulative Impacts Law (MN Statutes §116.065) which requires air permitting decisions to evaluate cumulative pollution in Environmental Justice (EJ) communities. [The American Public Health Association \(APHA\)](#) states: "Achieving health equity requires assessment of cumulative environmental health burdens within a social determinants of health framework to address EJ as a structural public health issue." The effective implementation of this law should reduce pollution burden and improve health outcomes in environmental justice (EJ) communities and give EJ communities more say in decisions about what goes into their neighborhoods.

Minnesota communities across the state are impacted by a variety of exposures, many of which build on each other and can cause deleterious effects on one's health. MPHA is particularly concerned about the impacts in compact urban and rural areas, which can

face higher rates of exposures depending on the industries in their areas. We are especially concerned that communities of color, American Indian and lower income communities are exposed to higher levels of pollution from traffic, industrial sources, waste incinerators and fossil fuel infrastructure, putting their health at risk. MPHA believes it is essential to protecting Minnesotans' health to consider cumulative impacts.

The Cumulative Impacts (CI) Law and MPCA's Statement of Need and Reasonableness (SONAR) support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the areas currently covered by the statute: Twin Cities, Duluth and Rochester regions, and tribal governments who may opt in.

While we largely support the proposed rules as written, we share a few comments and recommendations to strengthen the proposed rules and monitor health impacts.

7007.6020. Environmental stressors database. Minnesota Public Health Association supports the need for continuation of an environmental stressors database, which lists environmental and health factors in environmental justice (EJ) census tracts. The MPCA EJ mapping tool is an excellent resource for communities and owner/operators to evaluate potential impacts of air permit decisions on the community.

7007.6050. Permit reissuance. Permit reissuances need benchmarks for requiring a cumulative impacts analysis that are based on the pollution impacts of the facility and health and environmental conditions in the community, in addition to consideration of enforcement actions. Many EJ communities are already facing a cumulative impacts burden from decades of exposure to pollution from existing facilities. We recommend that an owner/operator applying for a permit reissuance be required to submit an analysis of the facility's impacts on environmental stressors of an EJ area similar to that required in the initial assessment for new facilities to determine if a complete cumulative impacts analysis would be required.

7007.6100. Substantial adverse impact. While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey's approach (<https://dep.nj.gov/ej/law/>) and will create better clarity for all parties involved.

707.6110. Community benefit agreements. The community benefit agreement (CBA) process needs clear criteria for denial. Under the current proposed rules, facilities can keep revising a CBA until it meets requirements. These rules do not lay out any circumstances under which the commissioner would deny a CBA. We recommend that the MPCA and owner/operator work with community organizations and representatives to create a community council to represent the community and recommend the approval or rejection of a CBA agreement.

Measuring public health improvements. As noted, Minnesota Public Health Association supports the cumulative impacts law as a critical tool to address health inequities in environmental justice (EJ) communities. As discussed in the SONAR, reducing exposure to environmental stressors should improve health through reductions in premature death and chronic diseases and yield economic benefits in reduced costs to households and the health care system. We recommend that MPCA collaborate with the Minnesota Department of Health (MDH) to set measurable goals to reduce health impacts due to disproportionate pollution exposure and track health outcomes in EJ areas over time to calculate the actual health co-benefits of air pollution reductions.

Climate change impacts. Minnesota's Climate Action Framework (CAF) 2026 centers on a three-pillared vision for climate action to guide Minnesota towards a carbon neutral, resilient and equitable future. The CAF acknowledges that overburdened communities, often BIPOC and/or low income, face greater risk from climate change hazards despite contributing the least to climate change. We agree with the SONAR's description of ways that the CI rules support CAF goals and help to address climate vulnerabilities for EJ communities. We support the draft rules which require CI assessments to include analyses of localized conditions in both urban and rural communities related to climate risks, as well as mitigation and adaptation measures. Reducing air pollution and community stressors will also build community resilience to address future impacts of our changing climate.

Thank you for the opportunity to comment on the proposed rules governing Minnesota's critical cumulative impacts law. Please reach out to Merry Grande, Executive Director, at admin@mpha.net with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanie Ferris', with a stylized, cursive script.

Melanie Ferris

MPHA President

The Minnesota Public Health Association is a registered 501(c)(3) nonprofit organization.
MPHA, PO Box 14415, Minneapolis, MN 55414, <https://mpha.net/>

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I urge you to adopt strong Cumulative Impact Rules which include careful and strong provisions for public participation. As a citizen, teacher, parent, and grandparent, and advocate for justice in all phases of life, I am aware that in many places around our country, people are exposed to very different levels of pollution and health risks. The job of the MPCA is to ensure that all people in the state have a clean and healthy environment. The job is not simply to make sure that each permit to pollute meets the criteria for that activity. If a source of pollution is permitted in an area already impacted by pollution, the effect on the people living there may be different than if the permit were issued in an area with no pollution present. The cumulative impact is what is important, not the level of each individual source. This is obvious. Please adopt strong rules to ensure that cumulative impacts are considered when permitting decisions are made.

Brett Smith
Saint Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I'm a St. Paul resident, and every summer, it seems like our state sees dramatically reduced air quality due to smoke from wildfires burning on other parts of the continent. While we can't control the direction of that fire smoke, we can and should take the strongest possible action to mitigate air pollution caused by industries based in Minnesota, and that's where MPCA comes in. Those of us living in the Twin Cities already see worsened air quality than most other parts of the state, and the problem is worse in impoverished and under-served communities. Living in an urban environment should not mean putting up with substantially worse air quality. Please include a clear definition of substantial adverse impacts in your newly drafted rules so those rules cannot be as easily exploited by industries and model the cumulative impacts analysis you'd be requiring after New Jersey's law - one of the strongest in the country - to help all Minnesotans breathe cleaner, less polluted air.

Ellen Rozek
Saint Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

My state representative, Shelly Buck, reminds us that in her Dakota culture all living things are our relatives, and they need to be treated with respect and dignity. This fits well with my own philosophy, and the Golden Rule that I grew up with, treating others the way you would want to be treated. The recent Operation Metro Surge in Minneapolis also reminded us that we need to take care of our neighbors, as Minnesotans have demonstrated to the world. The MPCA must craft strong, clear rules that do not leave loopholes that greedy or uncaring companies can exploit. Some communities suffer through cumulative adverse impacts from sources like pm2.5 particulates from diesel traffic, auto body shops, dry cleaners, smelters, etc. This needs to be monitored and addressed, in addition to large point source emissions. Please model the cumulative impacts analysis on the New Jersey law. The community benefit agreement (CBA) process needs clear criteria for community input.

Dale Lutz
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Regulations for air and water pollution should be written to give communities affected by cumulative impacts direct access to redress and to appeal for prevention when new developments are expected.

Cumulative impact is easily measured by reference to the federal Toxic Release Inventory, which shows actual numbers for polluting substances as recorded by permitted businesses.

Industry representatives will say that the burden of regulation is too great. That burden is indeed heavy, and the best remedy for that is to clean up toxic emissions, to that regulation will become redundant.

It should be noted in this respect that free engineering expertise is available to businesses which want to reduce their pollution. The Minnesota Technical Assistance Program (MnTAP) has a lengthy history of helping businesses reduce their emissions with innovative cost-effective methods.

Richard L. Jacobi
St. Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

As someone who lives with asthma and as a journalist who has frequently reported on MPCA actions and the public health impacts of pollution, I implore you to address disparities and take strong measures to end environmental racism. Minnesota is often described as a climate haven, but we have significant issues with air quality, environmental toxins, and healthcare access. The heaviest burdens are shouldered by BIPOC and low-income communities, and this is not acceptable. Polluting facilities must be monitored, and we also need robust health monitoring to understand the full scope of cumulative industry impacts so that we can respond appropriately to reduce harms and realize a more equitable, healthy, and sustainable future for every resident in the state, not just the affluent ones. To achieve this, we need strong rules with no loopholes, and a clear community benefit agreement process where consent and participation are central, not afterthoughts or nice-to-haves.

Shelby Capacio
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

We need transparency from the MPCA on how communities are affected by polluters. I lived in the Midway neighborhood for of St. Paul and could often smell toxins in the air, but was not sure where they were coming from. I also volunteered for a Minneapolis based environmental organization and as part of my work I went through the reporting of manufacturers polluting and was disappointed in the number of companies that emitted toxins on a regular basis. I hope some of that has improved. Your health shouldn't rely on how much you can afford for housing.

Julie Greenwood
Burnsville, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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St. Paul, MN 55164-0620

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7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

We need to consider what we are leaving for our posterity. Trash or treasure, it makes a Huge difference.

Gene Kremer
Duluth, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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PO BOX 64620
St. Paul, MN 55164-0620

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7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

We know more and more about how carcinogenic air pollution is. This affects everyone far and wide.

Sophie Hannig
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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St. Paul, MN 55164-0620

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7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Total body burden - a concept to keep in mind when doing your job. The more stressors someone experiences in their life, the more likely they are to develop serious, chronic, terminal disease. Please do your part and protect community health - no loopholes for industries which act irresponsibly.

Sharon Coombs
Shoreview, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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St. Paul, MN 55164-0620

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7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for
Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

To do the right things now to insure a better future - the profit is insuring there is a future environment
we can all live in.

William Diederich
Saint Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
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St. Paul, MN 55164-0620

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7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

This is so important to me and to all of us. We need to keep our planet and our state clean and our communities strong and equal.

Laurel Ostrow
Saint Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
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St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/16/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for
Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

This is our one and only earth! We need safe air and water and soils for ALL of us!

Krista Hanson
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
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St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

This action is overdue in poor communities. Please model the cumulative impacts analysis after the New Jersey law.

Sally Downing
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

The environment must be cared for, we are caretakers, it is wrong to allow greed to destroy what is beautiful and necessary. Our planet is being destroyed for greed and this must be stopped.

Barbara Sager
Maple Grove, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/16/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

The community benefit agreement (CBA) process needs clear criteria for community members to express if they do not want a CBA, or for the agency Commissioner to deny the proposed CBA. Please create strong, clear rules without loopholes for industry to exploit

Debra Evon
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
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St. Paul, MN 55164-0620

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7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Strengthen and implement a strict plan for protecting the air, water and land, not to mention neighborhoods from wanton pollution driven by greedy industry. As a lifelong resident of Minnesota, I take pride in our beautiful state and do not wish it to be exploited.

Cheryl Gerth
Coon Rapids, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Please take care to remove polluting facilities from the neighborhoods of our BIPOC community members. They can least afford to deal with the health effects of these facilities. In fact, please find another way altogether to remove waste materials from our cities. Thank you!

Marilyn Habermas-Scher
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
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7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

My wife has asthma and relies on clean air to take walks with me. She needs to bring her inhaler with her when we walk. I'm writing in to ask you to rigorously apply the Frontline Communities Protection Act so that industry can not exploit loopholes Communities Protection Act so that industry can not exploit loopholes. Thank you for crafting a strong law to protect my children and vulnerable communities across the state.

Rich Femling
Roseville, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

My concern about the MPCA and the Cumulative Impacts law is as a citizen and a nurse. I am concerned that the enactment of this law would be politicized, as we have seen on a national scale, has happened to the whole realm of health care. I am concerned that what impacts health- the health of the water, the soil, the air, our citizens- would be a decision based on politics rather than science. I would expect (oh, how I wish I could expect) that the MPCA would be free of bias based on politics. And that the people of Minnesota, whose access to health care is diminishing, would benefit by decisions returning to a science-based standard.

Susan Spindler
Edina, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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St. Paul, MN 55164-0620

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7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

My comment is from a philosophical and moral point of view. We all need rules to protect us from the polluting hazards of heavy industry, and some neighborhoods need more support than others, but if some suffer disproportionately than the problem spreads to all of us. That is why the cumulative impacts law needs to be as strong as possible, giving priority to marginalized neighborhoods over industrial polluters!

David Wee
Minneapolis, MN

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7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I'm a mom who lives in Minneapolis. My children have had asthma attacks and it is so scary. When your child can't breathe clean air is not abstract in any way. Having to always have an inhaler with you is more stressful than you might think. I'm writing in to ask you to rigorously apply the Frontline Communities Protection Act so that industry can not exploit loopholes. Thank you for crafting a strong law to protect my children and vulnerable communities across the state.

Mary Blitzer
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Many of our communities have suffered worse impacts of pollution from industrial facilities, highways, and their surroundings. The 2023 cumulative impacts law was passed with the goal of reducing the harm of polluting facilities in primarily BIPOC and low-income communities. It is imperative that the MPCA creates strong, clear rules without loopholes for industry to exploit. Specifically the MPCA needs to: - Include a clear definition of what constitutes the substantial adverse impacts - Model the cumulative impacts analysis after the New Jersey law - Insure public participation be robust and facilities must be required to reach out to local community organizations

Jerome Comeau
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Living in the Twin Cities, having traveled extensively and having a natural resources background; I am aware that less affluent communities and especially children in those communities are unfairly exposed to added levels of pollution. One of our sons had asthma as a child. We were fortunate enough to be able to address it. I know many people do not have the resources to do that. I have tutored children for years including children in Minneapolis. Health plays a key role in attendance and pollution impacts health. The MPCA needs create strong, clear rules without loopholes for industry to exploit.

Brian Adams
White bear Lake, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Karen Clark has been a great champion of these laws. Let's honor her legacy and continue holding industry accountable! I'm writing in to ask you to rigorously apply the Frontline Communities Protection Act so that industry can not exploit loopholes. Thank you for crafting a strong law to protect vulnerable communities across the state.

Priscilla Trinh
Eden Prairie, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

It is imperative that all is done to protect all communities from pollution. We know that communities of color are impacted more by polluting companies. All people deserve the same protection.

Denise Marlowe
Inver Grove Heights, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I'm a resident of St. Paul concerned about pollution from industry in my community. I urge the Minnesota Pollution Control Agency (MPCA) to create strong clear, strong rules without loopholes so we can all live safer and healthier.

Christopher Greffin
Saint Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I'm a resident of Minneapolis. I struggle year round with severe environmental allergies that are getting worse due to climate change. People like me with allergies are more sensitive to chemicals and pollution. I'm writing to urge the MPCA to create strong, clear rules to regulate harmful pollution. People deserve a say in what goes on in their neighborhoods, including any facilities that may be creating pollution that harms their health. Let's help our more vulnerable neighbors by requiring these facilities to reach out to local community organizations.

Megan Brennan
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for
Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

If neighbors are free of pollution and are healthier that could help all of us with medical costs.

Mary Faulkmen
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for
Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I urge MPCA to create strong, clear rules without loopholes for industry to exploit.

Curtis Coffey
Saint Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/16/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I think it is important that the rules are clear about what constitutes bad or "substantial" adverse effects when drafting rules about pollution so that loopholes don't exist.

Eric Matteson
Rochester, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I have studied and worked in the fields of public and business administration, political science, and social change and movements. Due to the lack of more effective social and environmental protections from some companies? prioritization of just their own goals and profit, government agencies must fill that community responsibility gap by creating and enforcing crucial regulations that better protect people and nature from the pollution and other detrimental effects of industries whose operations cause harm to the health, needs, and well-being of all people and nature, too, across urban, rural, and suburban communities. To better address and prevent compounding detrimental impacts, the MPCA should adopt MORE EFFECTIVE RULES, COMMUNITY EDUCATION, AND PUBLIC INPUT METHODS that better safeguard residents, neighborhoods, the environment, and wildlife. I therefore implore the MPCA to create SUBSTANTIAL ADVERSE IMPACT DEFINITIONS AND CUMULATIVE IMPACTS ANALYSIS LAW modeled after New Jersey.

Janette Dean
Caledonia, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I care about our environment because I hike in many state parks and national parks. Wildlife need pristine habitats to survive. Clean water is the most important resource for all life. Clean air is essential for all life . All must be done to protect our environment for us and our grandchildren.

Denise Marlowe
Inver Grove Heights, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/16/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for
Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I and so many others live in the environment. Please work to protect it. Thank you.

Charles Skinner
Northfield, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I am an elder living with cancer now for the past two years. Thank you for crafting legislation addressing the inequities of the past related to public health; it is right and proper that low income, disenfranchised communities ought to be offered repair from the polluted air and soil of industrial activities and the lack of tree canopy and urban food production. Lets raise the air and water quality and soil productivity standards for all of us, especially for the future generations.

Rebecca Cramer
Saint Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I am a white 75 yr old renter who has been fortunate to live my whole life in neighborhoods free from pollution and the adverse health effects caused by such pollution. Too many members of our wider community, , especially the BIPOC community, have not been so lucky. It is past time to correct this inequity. I believe the Cumulative Impacts Law passed in 2023 is exactly what is needed. With much needed input from the affected communities and strong evaluations of the adverse impacts of the polluting facilities we can create more just, equitable, and much healthier neighborhoods for all of us. And we will be blessed with healthy strong children- now who doesn't wish for that?! Thank you

Tom Brown
St Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I am a retired person who spends most of my time outdoors. I care deeply about the environment; the air we breathe, climate change, and water quality. MPCA rules, regulations and interpretations must be a stringent and effective as feasible so as to protect our health and indeed our world .

J Pults
Stillwater, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I am a public health professional living in Duluth. I also live with asthma. With strong impact analysis, community health protections and engagement processes, the cumulative impacts law can improve lives. Lives like mine. I live less than 3 miles away from polluting industrial facilities, like Minnesota Power's Hibbard biomass burning power plant. I urge the Commission to: - include a clear definition of substantial adverse impacts - model the cumulative impacts analysis after the New Jersey law - ensure clarity with the community benefit agreement process, including being able to opt out and for the Commission to deny a CBA - ensure that public participation processes are thorough and that applying facilities must be required to reach out to local community organizations

Jenna Yeakle
Duluth, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I am a mom and a family doc and have lived in communities with local polluting companies that affect health. It is important to have strong rules without loopholes , and a clear definition of substantial adverse impacts, as well as an obvious process surrounding the CBA. thank you

Catherine McGinnis
Hutchinson, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Historically power plants, oil refineries, chemical plants and hazardous waste disposal sites have been built in lower income neighborhoods and areas where the poorer segments of population make their neighborhoods. Usually, these decisions are made without input from the people who are directly affected. Usually, politicians turn a blind eye to these developments because these folks don't have the financial clout to fight the big business that push for these injustices. Hopefully, these past injustices will move the current decision makers to make amends and treat all segments of the population fairly. Many times I shake my head at the narrow mindedness of our politicians and local policy makers.

Karen Hoeschen
Sartell, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/13/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Hello, and thank you for your time and consideration. It's important to me as a Minnesotan that ALL Minnesotans are afforded the same access to clean air, water, and earth, and that polluters are held accountable. Please create strong regulations that accomplish this, and do not leave loopholes for corporations to exploit. I believe in your ability to do good, and hope to see it realized. Thank you.

Niki Grant
South Saint Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/16/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Having to stay indoors because our air quality is trash seems to be getting more common now and is depressing. My allergies are getting worse and are easily exacerbated by pollution. Our assaults on the environment are inexcusable.

Lisa Clark
Plymouth, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

As someone who lives near the St Paul Brass Foundry and is concerned about the cumulative impact of this industry in my environmental justice neighborhood, this is very important to me.

Cora Preston
Saint Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

As a retired public health professional that focuses on systems, policy and environmental changes, I am well aware of the health impacts of BIPOC and low income communities. For far too long we have ignored the evidence of the harms done to these individuals and the communities they live in. I fully support strengthening the rules that protect the health and ultimately the livelihoods of the BIPOC and low income communities.

Cindy Winters
Mankato, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/15/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

As a resident of Minnesota and a lover of the outdoors I urge you to fully apply the Frontline Communities Protection Act so that industries cannot exploit any loopholes. The current draft for the FCPA appears to fall short of the necessary protections, however other states such as New Jersey have passed similar laws without loopholes. If you would consider strengthening the FCPA and closing the loopholes it would be a huge benefit for all residents of Minnesota.

Phoenix Muchowski
Ramsey, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

As a lifelong Minnesota resident, it is extremely important to me that our MPCA adopt strong and effective rules making sure that BIPOC and lower-income communities receive equal protection from corporations looking for loopholes to cause damage to their immediate environment. It is your job to protect all Minnesotans from dangerous air and water pollution.

Cheryl Gerth
Coon Rapids, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/14/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for
Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

ACCOUNTABILITY IS MEGA-IMPORTANT FOR KEEPING OUR ENVIRONMENT SAFE. IT MAY BE THE
DIFFERENCE BETWEEN OUR WORLD SURVIVING OR NOT.

Kim Zeller
Champlin, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Please create strong, clear rules, without loopholes for industry to exploit. Neighbors need a say to protect their community from pollution by industries. Neighborhood input is essential.

Marcy Leussler
Minneapolis, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Karen Clark has been a great champion of these laws. Let's honor her legacy and continue holding industry accountable! I'm writing in to ask you to rigorously apply the Frontline Communities Protection Act so that industry can not exploit loopholes. Thank you for crafting a strong law to protect vulnerable communities across the state.

Priscilla Trinh
Eden Prairie, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
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PO BOX 64620
St. Paul, MN 55164-0620

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7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I grew up hearing loons calling from a nearby lake, frogs trilling from the woods, enjoying the blue of wild irises & the crunch of fall leaves underfoot. This inspired a wish to preserve our wild places for future generations. I urge you to create clearcut rules to protect our environment from industry's exploitation. These rules must be explicit enough that industries cannot find loopholes to exploit. Also, the rules need to require clear definition of substantial adverse impacts to the environment, & the analysis of those cumulative impacts should be modeled after the New Jersey law. Thank you for the chance to provide this input. I hope these guidelines will strengthen our environmental rules, protect affected communities, and provide future Minnesotans my experience of clean water, clear air, the blue of wild irises, and the magical calls of loons at night.

Anne Doyle Smit
Wabasha, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Hello, When one group is subjected to environmental hazards, we are all harmed. I -urge MPCA to create strong, clear rules without loopholes for industry to exploit *Please include a clear definition of substantial adverse impacts *Model the cumulative impacts analysis after the New Jersey law *The community benefit agreement (CBA) process needs clear criteria for community members to express if they do not want a CBA, or for the agency Commissioner to deny the proposed CBA. *Public participation must be robust and facilities must be required to reach out to local community organizations Thank you

Edward Cohen
Rochester, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

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7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Certainly the pollution situation is complicated. Permits must not take on polluters or pollutants individually . The impact they have on people, no matter who they are, depends on the effect of the accumulation of all the pollutants and polluters actions. Nor do they effect just one person or one group of people at a time. It is time to take on all to protect all.

Tom Thompson
Duluth, MN



Health Professionals for a Healthy Climate

Health Professionals for a Healthy Climate
PO BOX 583013
Minneapolis, MN 55458-3013

The Honorable Kimberly Middendorf, Administrative Law Judge
c/o William Moore, Rules Coordinator
Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

July 17, 2026

RE: MPCA's Proposed Permanent Rules Relating to Cumulative Impacts Analysis in Environmental Justice Communities (CAH Docket 21-9003-39398)

Dear MPCA and Judge Mittendorf,

Health Professionals for a Healthy Climate (HPHC) appreciates the opportunity to comment on the proposed cumulative impacts rules. HPHC is a multidisciplinary network of hundreds of health professionals across Minnesota working to protect and improve human health by promoting climate health.

INTRODUCTION

HPHC writes in support of the Cumulative Impacts Law (MN Statutes §116.065) and the need for permitting decisions to consider cumulative pollution impacts in Environmental Justice (EJ) communities. The Minnesota House Select Committee on Racial Justice affirms that “government sanctioned policies and practices have facilitated an unequal playing field and created barriers for BIPOC communities.”¹ They note the “Minnesota Paradox,” in which white people in our state experience a high quality of life, whereas BIPOC families experience persistent racial disparities. The effective implementation of this law should reduce pollution burden and improve health outcomes in EJ communities and gives EJ communities greater agency in decisions about what goes into their neighborhood.

HPHC's July 2022 report, [CLIMATE JUSTICE & PUBLIC HEALTH IN MINNESOTA - Equitable Solutions to the Climate Crisis](#) describes underlying structural inequities that result in a higher burden of environmental and climate impacts borne by BIPOC communities and proposes policy solutions to address these inequities and provide resources needed to mitigate and adapt to climate change.

Per our report: “Institutional racism has resulted in people of color being more likely to live in neighborhoods with concentrated poverty and with gaps in education, employment, generational

¹ MN House Select Committee on Racial Justice. (2020). House select committee on racial justice: Report to the legislature. https://www.house.leg.state.mn.us/comm/docs/AtTtQOzOW0_0kfobUfMQrw.pdf

wealth, housing and health care access. These neighborhoods are known as environmental justice communities. They are also sacrifice communities, because pollution is more likely to be situated in these communities, including hazardous waste landfills, petrochemical plants, industrial facilities, waste incinerators, fossil fuel infrastructure, and high traffic roads and highways.”

Our report identified several policy goals to address underlying conditions that would result in better health outcomes for EJ communities. Among our recommendations was to: “Reduce the environmental pollution burden in MPCA-identified EJ areas of concern and assure that all communities have access to clean air, soil, and water by cleaning up current pollution sources and considering cumulative impacts in siting and permitting of new industrial facilities.” HPHC helped to pass the 2023 Cumulative Impacts (CI) Law to fulfill this policy goal with respect to air pollutants.

The CI Law and MPCA’s Statement of Need and Reasonableness (SONAR) support the need for consideration of CI in air permitting decisions. MPCA notes that the percentage of people who live with air pollution above risk guidelines on a statewide basis is 36%, while 78% of people of color and Indigenous people live in areas that exceed the risk guidelines. MPHA and MDH’s Life and Breath Reports document the impact of living with air pollution on health, including more premature deaths, hospitalizations, and emergency room visits in the Twin Cities, Duluth and Rochester. The SONAR notes that these adverse health outcomes were higher in EJ areas, where people “... are historically and statistically exposed to more pollution and/or multiple kinds of pollution.” The Minnesota Department of Health has identified significant health disparities between people of color and white people in infant and maternal mortality, heart disease, cancer, asthma, diabetes and other illnesses. We agree with MPCA that air pollution contributes to Minnesota’s significant health disparities, and that improving air quality is important in reducing health inequities.

COMMENTS AND QUESTIONS REGARDING PROPOSED RULES 7007.0050-7007.6120 AND STATEMENT OF NEED AND REASONABLENESS (SONAR).

7007.6020, subp. 5, Environmental stressors database. HPHC supports the need for an environmental stressors database, which lists environmental stressors in EJ census tracts, the combined stressor total, and geographic comparison points. The MPCA EJ mapping tool is an excellent resource for communities and owner/operators to evaluate potential impacts of air permit decisions on the community.

7007.6050, subp. 4, C, Permit reissuance. HPHC agrees with the Frontline Communities Protection Coalition (FCPC) comment that permit reissuances need benchmarks that are based on the pollution impacts of the facility and health and environmental conditions in the community, in addition to consideration of enforcement actions. Considering enforcement actions alone does not comply with MN statutes 116.065, subd. 1(h), which includes “reissuance of an existing permit” in the definition of “permit,” nor with the definition of environmental justice in subd. 1(d)(2), which states that for decisions that affect a community “due consideration is given to the history of the area’s and its residents’ cumulative exposure to pollutants.”

Many EJ communities are already facing a CI burden from decades of exposure to pollution from existing facilities. We strongly recommend creating an additional set of benchmarks for permit reissuances based on emissions and existing community stressors and how the proposed facility

will impact these community stressors. This will ensure that these rules can begin addressing the existing cumulative impacts burden.

7007.6090 Cumulative impacts analysis contents.

- a. Subp. 2, B: While the cumulative impacts (CI) analysis requires the resubmission of the initial assessment, which would include an analysis of impacts on stressors, we recommend that the rules explicitly require a section on environmental and public health stressors and how a facility will contribute to those stressors, as that information is essential in determining substantial adverse impact.
- a. Subp. 3: We appreciate that the CI analysis is required to include a broad array of conditions as outlined in this section, including potential climate change impacts. We wonder how the agency assures accuracy and uniformity in reporting these conditions – are there particular information sources available for permit applicants for items A through C to forecast community risks? In particular, the forecasting of climate change impacts should be based on sound science and credible state sources, such as the Minnesota Department of Health, the University of Minnesota Climate Adaptation Partnership, the MPCA, and other state agencies.
- b. Subp. 4, B: We support the requirement that “the air quality modeling analysis must address each pollutant that the stationary source has the potential to emit in an amount greater than or equal to the rates identified in Code of 63.17 Federal Regulations, title 40, section 52.21(b)(23)(i),” and suggest that this should be expanded, because this set of thresholds for “significant” emissions levels does not include a comprehensive list of pollutants that warrant consideration, nor are the thresholds particularly rigorous (the significance threshold under this section for NO_x, for instance, is 4x that set by other authorities such as the [South Coast Air Quality Management District](#) and [Placer County Air Pollution Control District](#)). Because 52.21(b)(23)(i) applies to all facilities across the U.S. and the CI Law applies only to facilities in regions that are already experiencing the most severe impacts of pollution, we suggest that the significant emissions thresholds for this purpose should align with those set by more cautious agencies.
- c. Subp. 4, C: We support the requirement that air quality monitoring protocols must first be evaluated and approved by the MPCA Commissioner. HPHC suggests MPCA publish and inform the EJ community of actual emissions, compared with modeled emissions, and any actions taken by the agency to assure that the new permit is in compliance with air quality standards.
- d. Subp. 5, Air emissions risk analysis: We appreciate the inclusion of an air emissions risk analysis. The MPCA’s current air emissions risk analysis process excludes consideration of emergency generator emissions. Given the growing adoption of emergency generators (both to sustain data center projects and respond to grid instability caused by these projects), and potential for health impacts from these generator-related emissions, we suggest that emissions from emergency generators should be included in air emissions risk analyses conducted as part of a CI analysis.

7007.6100, subp. 1, B (3), Substantial adverse impact.

- a. Subp. 1, A. After (1) should there be an “or” or an “and”?
- b. Subp. 1, A (3). HPHC agrees with the Frontline Communities Protection Coalition (FCPC) comment that the items (1) and (2) are objective measures of impacts, while (3) lays out numerous environmental and health impacts under section B which could be considered to determine substantial adverse impact. We propose adopting an additional definition of substantial adverse impacts based on New Jersey’s cumulative impacts rules. This would build

on our recommendation in section 7007.6090 of utilizing the list of environmental stressors, determining how many stressors qualify as adverse environmental stressors, and analyzing how a facility is contributing to each stressor as part of the cumulative impacts analysis. Substantial adverse impact should be determined by how many adverse environmental stressors a facility is directly or indirectly contributing to or is expected to contribute to. We suggest that MPCA also create a lower threshold for communities with substantial adverse impact if a community has already been determined to have adverse cumulative stressor as defined in 7007.6010, subpart 5.

7007.6110 Community benefit agreements. HPHC agrees with the Frontline Communities Protection Coalition (FCPC) comment that the community benefit agreement (CBA) process needs clear criteria and process for denial. The proposed rules describe a process that allows an owner/operator numerous opportunities to revise the CBA to meet requirements. However, it is unclear at which point the community can decide that the CBA is unwanted and the permit should be denied.

We recommend that the MPCA and owner/operator work with community organizations and representatives to create a community council to represent the community. This informal body could support community outreach, negotiate directly with a facility owner/operator, and provide a recommendation to either approve or deny the proposed CBA. The commissioner must then respond to the recommendation and give a justification for their decision. This would better ensure that the CBA process adequately represents the community's desires.

7007.6080, subp. 5, Public meeting requirements. HPHC agrees with the Frontline Communities Protection Coalition's (FCPC) suggestion to add an additional requirement that the owner/operator reach out to local community organizations when conducting their community outreach. Community organizations such as neighborhood associations, churches, and other trusted groups can help spread the word to community members and communicate about the process in a way that is more accessible to community members.

7007.6080, subp. 7, A-C, Public notices. We appreciate the requirements to post notices of public meetings. Given the amount of information on the signs (as required by item C), we suggest that the 8.5x11 minimum size would likely not be large enough to adhere to ADA guidelines for accessible design/signage, and we suggest amending the rules for signage according to those guidelines. We also suggest requiring that these signs be placed in prominent areas with significant pedestrian traffic.

GENERAL COMMENTS

Measuring public health improvements. As noted in our introduction, HPHC supports the CI Law as a critical tool to address health inequities in EJ communities. As discussed on p.179-180 of the SONAR, reducing exposure to environmental stressors will improve health through reductions in premature death and chronic diseases and yield economic benefits in reduced costs to households and the health care system. HPHC recommends that MPCA collaborate with the Minnesota Department of Health (MDH) to include measurable goals to highlight health impacts due to disproportionate pollution exposure and track health outcomes in EJ areas over time to assess the actual health co-benefits of air pollution reductions. Utilizing the COBRA model to

measure economic benefits, as discussed in the SONAR, will highlight for the public and policymakers the societal value, both economic and public health, of reducing pollution exposure.

Building enduring relationships with EJ communities. The SONAR describes the extensive stakeholder processes which the MPCA conducted during the development of the CI rules. The proposed rules set forth a detailed and thorough process for owner/operators to engage communities in developing a CI analysis and a community benefit agreement. While owner/operator engagement is critical to assure that the concerns of the community are heard and the needs of the community are addressed, we suggest that the MPCA build on stakeholder work carried out during the rulemaking process and continue to allocate resources and staff to develop long term relationships with EJ communities as an avenue for listening to community stories and concerns as a qualitative lens on community members' lived experience.

The agency's continued community engagement will provide insight into the kind of community needs and improvements discussed on p. 180 of the SONAR, relating to improved amenities, like air quality, recreation, property values, and economic opportunities. These factors help close racial and income equity gaps and contribute to the improved quality of life that defines healthy communities.

Climate change impacts. Minnesota's Climate Action Framework (CAF) 2026 centers on a three-pillared vision for climate action to guide Minnesota towards a carbon neutral, resilient and equitable future. Under the Equitable pillar, the CAF states: "All communities thrive through the fair distribution of the benefits of climate action, and no community bears disproportionate harm from climate change impacts." The CAF acknowledges that overburdened communities, often BIPOC and/or low income, face greater risk from climate change hazards despite contributing the least to climate change. Factors include unequal exposure to pollution, higher heat risks, barriers to energy-efficient housing and improvements, uncertain access to resources, and energy cost burdens. The CAF outlines specific equity goals related to empowering climate action, resource distribution, decision-making, access to energy and cost savings programs, reduced energy burden, worker safety and support for emerging farmers, local agriculture, and affordable clean energy for businesses.

While all of Minnesota's seven CAF goal areas center equity, Goal 5: Healthy lives and communities, sets specific equity goals for: cooler, safer communities; protection from poor air quality; safe water; community care; climate-smart public health; and advancing equity, resilience, and justice. We agree with the SONAR p.187-188's description of ways that the CI rules support CAF goals and help to address climate vulnerabilities for EJ communities. We support the draft rules which require that CI assessments include analyses of localized conditions in both urban and rural communities related to climate risks and proposed mitigation, adaptation, or resilience measures to address vulnerabilities. This information will also be helpful for community members and state agencies. Reducing air pollution and community stressors will build community resilience to address future impacts of our changing climate.

ADDITIONAL QUESTIONS:

1. SONAR, p. 25 discusses the current CI requirements for south Minneapolis, Phillips neighborhood in 116.07, subd. 4a(c). Will the proposed rules now apply to all CI analyses in EJ

communities, including Phillips, therefore superseding the cumulative levels and effects (CL&E) process required under this section of the statutes?

2. SONAR, p. 17 discusses environmental review and “responsible government unit” (RGU). How does the CI process interact with Environmental Impacts Statement and Environmental Assessment Worksheet processes required under the Minnesota Environmental Policy Act and the roles of local RGUs? If not included in rule language, will information and case examples be available to inform owner/operators and the affected community of how the various required environmental assessments interact and interrelate?
3. SONAR, P. 70. Are there suggested models or best practices for measuring socioeconomic impact? Examples of models are Social Return on Investment, Cost Benefit Analysis, and Subjective Social Status. [Social impact measurement discussed here.](#)

HPHC appreciates the opportunity to submit comments and recommendations in support of the effective implementation of Minnesota's groundbreaking cumulative impacts law and its anticipated contribution to social and health equity.

Sincerely,

Kathleen Schuler, MPH, Policy Director
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SIERRA CLUB

NORTH STAR CHAPTER

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The Honorable Kimberly Middendorf, Administrative Law Judge
c/o William Moore, Rules Coordinator
Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

July 17, 2026

Re: Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in
Environmental Justice Areas, Minnesota Rules Chapter 7007; Revisor ID # R04805;
Court of Administrative Hearings Docket Number 21-9003-39398

We are writing on behalf of the Sierra Club North Star Chapter, representing over 50,000 members and supporters in Minnesota, to comment on the Cumulative Impacts draft rules.

The Sierra Club supported the passage of the law in 2023, which was led by impacted community residents and organizations. Our members and volunteer leaders have been engaging in the rule making process. The successful implementation of the new law will be an important step forward for environmental justice and we appreciate the consideration that has gone into the draft rules. We would like to see them strengthened in areas including:

- Definition of “substantial adverse impacts” needs to be objective and should be clarified.
- The cumulative impacts analysis approach should be modeled more closely on the New Jersey Cumulative Impacts rules, which are more comprehensive and understandable.
- Communities need clear criteria to be able to express if they do not want a Community Benefits Agreement (CBA), or under what circumstances the agency Commissioner should deny a proposed CBA. Communities need a framework for negotiation with a facility owner or operator.
- Facilities must be required to reach out to local community organizations and ensure that public participation in the process is robust.

For further detailed recommendations, please refer to the joint comments submitted by the Frontline Communities Protection Coalition which we endorse and strongly support.

Thank you,

Margaret Levin, State Director
Sierra Club North Star Chapter

Mathews Hollinshead, Conservation Chair
Sierra Club North Star Chapter

Cumulative impacts comments 7-17

Dear MPCA and the Honorable Kimberly Middendorf

Thank you for moving forward with cumulative impact rules, these rules must be strong and protective of overburdened communities. I appreciate that they will be requiring a Cumulative Impacts (CI) analysis for all new facilities, all permit expansions, and all permit reissuances. Note: On reissuances there should be NO "waiting period" or buffer time for companies – if a company is adding to the burden to health and safety in a community, they should be required to address this impact right away before the reissuance of any permits.

We need this process to reflect the ideals of the cumulative impacts law - for overburdened communities to have real power in regulatory decisions that affect them.

I live in Bloomington MN and do find myself in Minneapolis for many events and visiting family and friends. I have been active with the citizens working to close the garbage incinerator and active with initiatives towards finding a better way forward for managing our solid waste. I have participated in numerous comment periods to our state agencies for numerous issues from new polluting industries to how our public lands are being industrialized.

Minnesota's history of systemic injustice has led to certain communities bearing even more of the brunt of pollution, leading to increased health, environmental, economic, and social inequities. For human health NO amount of toxins are ok - benchmarks to determine when a facility is required to conduct a cumulative impacts analysis must be very stringent.

I am asking that true impacts to our environment be taken seriously. Air pollutants, water pollution, dumping chemicals into our soil - all have been historically overlooked by MN regulatory agencies. This can no longer be acceptable. We need clear, strong rules without loopholes for industry to exploit. Please include a clear definition of substantial adverse impacts. This will better accomplish the goal of the law to address the existing cumulative impacts burden.

Model the cumulative impacts analysis after the New Jersey law. I recommend that the cumulative impacts analysis looks at environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors adding further burden, that should be considered a substantial adverse impact. This is similar to New Jersey's approach and will provide a more objective determination of substantial adverse impact, creating better clarity for all parties involved.

Community Benefit Agreements: The community benefit agreement (CBA) process lacks clear criteria for the commissioner to deny a CBA. Communities must have the ability to express that a community benefit agreement is unwanted.

I recommend that the facility owner and MPCA work with community organizations and leaders to create a community council to represent the community. This council would support

community outreach, negotiate with the facility owner, and provide a recommendation to either approve or deny the proposed CBA. The commissioner must then respond to the recommendation and give a justification for their decision. This will better ensure that the CBA process is reflective of the community's desire.

Communities must have the right to reject a community benefit agreement. Including for all new permits, any major expansions of permits, and the *re-issuance of permits*. The permit applicant must also show that there will be benefits *to the impacted community* that go beyond jobs, and for the reissuance of permits there must be an end-date to what seems an open-ended cycle in the rules draft of a facility going back to the “drawing board” time after time, month after month, if the CBA is unacceptable by the commissioner as first proposed.

This law is ultimately about empowering overburdened communities to determine what facilities can be sited in their areas. We need a regulatory process that works for the people and environment, and community members must be able to reject a community benefit agreement if taking on the additional pollution is not worth it to them.

Permit Reissuances: Permit reissuances need benchmarks for requiring a cumulative impacts analysis that are based on the pollution impacts of the facility and existing health and environmental conditions in the community. In particular the Hennepin Energy Recovery Center (HERC) is an unacceptable health impact to the surrounding community – this garbage burning facility should go through a robust Cumulative Impacts Analysis and all subsequent steps.

Our regulatory system has a history of favoring corporations over people, and that has to change.

The intent of this law is to reduce pollution in overburdened environmental justice areas, increase transparency, and provide residents a real say in which facilities get permitted. It is an opportunity to ensure the law empowers our marginalized and overburdened communities to determine for themselves if a polluting facility should be allowed in their space.

Thank you for your attention to these comments,

Lois Norrgard

10368 Columbus Circle, Bloomington MN 55420



July 17, 2026

Comments from Minnesota Building and Construction Trades Council on Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, *Minnesota Rules* chapter 7007; Revisor's ID Number R-4805

The Minnesota Building and Construction Trades Council represents over 70,000 union construction and industrial workers throughout the state, including tens of thousands who live and work in environmental justice areas. These proposed rules have the potential to dramatically impact many of our members either by having effects on industrial development and redevelopment, or by having effects on the communities in which we live. We have organized our comments into broad topics.

Overview

Our unions strongly support the concept that working-class people should be safe at work and enjoy safe, healthy communities where we live. Environmental racism is a real historical problem and we support efforts to ensure that existing facilities and any new proposed facilities located in environmental justice areas that have been overburdened by pollution meet strict standards for both worker and neighborhood safety and well-being.

It is important to emphasize, however, that we support such protections where both disproportionate socioeconomic and environmental burdens are present, consistent with the original purpose not only of the law but of environmental justice broadly. We do not support the imposition of misguided efforts to “protect” communities whose burdens are socioeconomic and not environmental from the very economic development that could help alleviate those burdens.

We further believe that economic development, and industrial development especially, is essential for a thriving economy everywhere in Minnesota, especially in Minneapolis and St. Paul, inner-ring suburbs, Duluth, and Rochester. Any proposed rules must strike a balance between accountability and government oversight and ensure that processes created by them are not so onerous that industrial development will flee to the exurbs or another state. Strong cities rely on robust industrial bases for a number of important factors, including good jobs that often don't require a four-year degree and the fact that

Dan McConnell, President • DON MULLIN, Secretary/Treasurer • TOM DICKLICH, Executive Director

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industrial properties pay higher property taxes, helping fund critical services and hold down residential tax rates.

During the legislative debate on this bill, and during the three years since that bill became law, we have heard much from advocates who want to use these rules to shut down existing businesses. We are firmly opposed to applying these rules to existing businesses that are substantially in compliance with existing permits. If those businesses are violating their permits, the agency has existing procedures to deal with them. Applying these very complicated new rules onto existing businesses for procedural permit reissuances or minor modifications would be unfair to those businesses unless the agency can show that pollution emissions in excess of existing permit maximums create a substantial impact. Our opinion is that permit reissuances and minor modifications should be categorically exempt from these new rules in the absence of such a showing from the agency, and that existing enforcement tools should be used to deal with routine compliance issues.

Procedurally, despite the agency spending a lot of effort doing outreach and having meetings, focus groups, round tables, and speakers about these rules, there does not appear to be a single effort by the agency to reach out to workers at facilities who could be impacted by these rules. This is a glaring omission and is likely one reason why the concerns of people who spend eight hours a day inside impacted facilities in addition to often living in environmental justice areas are largely overlooked by these rules.

Overall scope of the rule

While environmental justice areas as defined by the law are very small, discrete census tracts, this rule has the potential to impact development over a huge swath of the Twin Cities, Rochester, and Duluth. Half of the area of the seven-county metro area is located in or within one mile of an environmental justice area, as is two-thirds of Duluth and half of Rochester. Of course, this does not mean that half of the seven-county metro area and Rochester, and two-thirds of Duluth, are burdened by an unhealthy environment. In fact, it says nothing about their environment because pollution measures play no part in Minnesota's definition of an environmental justice area. Instead, it means that many residents in these areas barely earn enough to get by, inasmuch as the overwhelming majority of environmental justice census tracts are designated as such solely based on household income.

Conceptually, our unions have always agreed that special scrutiny should be applied to development projects that would be located in places where there are both a high concentration of working-class people and/or people of color, and high existing levels of pollution. Where there are environmental justice areas not also burdened by high levels of

air pollution or other substantial environmental harms, however, we believe that no new procedures should apply because such measures are likely to do more harm than good. This appears to be what the agency is attempting to do with their environmental stressors map, but it greatly misses the mark.

Permit reissuances and minor permit modifications should be wholly exempt from this rule unless the agency can show that existing permits are being exceeded at levels that produce a substantial impact, and that the agency has already attempted to address the problem using existing enforcement tools. While a new facility or major expansion of a facility certainly has the potential to bring new emissions into an area and should be evaluated, the existing emissions from an already sited facility should be included in the baseline and only proposed new emissions should be measured for their potential “adverse impacts”. That is to say, a facility should be judged on the incremental net impacts of a permit application – any other criteria would be inconsistent with the plain meaning of the word “cumulative”.

Adverse Stressor List, Tool, and Analysis are Deeply Flawed

The agency has created a list of 26 Adverse Stressors that are measured in every census tract in the state. For each census tract, they determine if the adverse stressor is present. If 14 or more of the 26 adverse stressors are present in a tract, then an area is deemed to have “adverse cumulative stressors”. The presumable justification for this process is to determine whether or not it should be harder to locate an industrial facility in a census tract where “adverse cumulative stressors” exist. If an area already has cumulative adverse stressors, a facility may not be able to obtain a permit unless the operator agrees and the agency, at its discretion, allows the applicant to enter into a community benefits agreement in order to mitigate its hazardous impacts on an already polluted neighborhood. This process, the list of stressors, and the tool created by the agency to measure stressors are all flawed for several important reasons.

1. A number of listed stressors should not be included in this analysis. The way this tool evaluates adverse stressors appears to create a long list of reasons why it should be harder for a facility to get an air permit. Some of them make perfect sense – If an area has high cancer risk due to air pollution, high levels of fine particulate matter, polluted water or pollution from legacy brownfield sites, this makes conceptual sense. But some of the factors are present almost by definition of the area being an environmental justice area. By definition, these are working-class and poor neighborhoods so factors such as “cost-burdened households”, “lack of educational attainment”, “unemployment”, “lack of health care coverage”, and “food insecurity” are unnecessary because they are duplicative.

Further, these are not factors that will be exacerbated by a new or expanded facility that has the potential to provide jobs, health care and retirement benefits. If anything, the assessment should favor adding jobs in areas of high unemployment and cost-burdened households. Adding them to the list of adverse stressors simply increases the likelihood that a proposed facility will be deemed to have “adverse cumulative stressors” requiring added months of permitting processes and uncertainty. It would be ironic and tragic if inclusion of these criteria made it more difficult for communities to attract investment that could help alleviate the very burdens they measure.

While it is not appropriate to consider these factors in threshold analysis for a review requirement because doing so would dilute and undermine the law’s clear intent to target communities that are environmentally burdened, we do support their inclusion as part of a cumulative impacts analysis where one is required based on environmental stressors.

2. For some adverse stressors, using the census tract as a unit for measurement is irrelevant or misleading.
 - a. Income inequality. In the SONAR technical support document (page 21), the rationale for using this metric is that “societies with more extreme social hierarchy or income differences can experience social relations that are less supportive and face higher levels of conflict or even violence” and further details societal problems caused by income inequality. While this may be the case, nothing here suggests that income inequality within a given *census tract* causes problems. In fact, there is ample evidence that mixed-income neighborhoods are much healthier than neighborhoods where poverty is concentrated, despite the likelihood that this tool would count income diversity within a neighborhood as an adverse stressor.¹
 - b. Lack of recreational open space. We certainly believe that access to open space is important for community members, but measuring this at the census-tract level is unsupportable. Most urban census tracts are very small, and someone on foot could be in another tract within just a few

¹ See for example: Ludwig, J., et al. (2012). "Neighborhood Effects on the Long-Term Well-Being of Low-Income Adults." Science / National Institutes of Health (NIH) Public Access Archive. <https://pmc.ncbi.nlm.nih.gov/articles/PMC3491569/>

minutes. Minneapolis and Saint Paul have some of the best park systems in the country. According to the Trust for Public Land, 99% of Minneapolis and St. Paul residents live within a 10-minute walk of a park and the park systems rank third and fourth in the country respectively². 89% of residents in the Twin Cities metropolitan area live within a 10-minute walk of a park. In fact, for a stunning visual representation of how flawed this analysis is, look at the Cumulative Impacts mapping and analysis platform with “Lack of recreational open space” selected, and you will see the metro area with the vast majority of census tracts showing that over 80% of each tract has lack of recreation space. Next to it, open the Trust for Public Land map of the Twin Cities metro area ([ParkServe® | Trust for Public Land](#)) that shows how excellent our access to recreation space is, including in virtually every part of Minneapolis and St. Paul.

Here’s a specific example of how the agency’s reliance on census tracts rather than broader neighborhoods is fundamentally flawed. Census tract 27123030201 is located in St. Paul and is determined by the mapping and analysis platform as having an adverse stressor for lack of recreational open space (95.5 percent of the tract has a lack of recreation space). But this tract is immediately adjacent to Como Park, an enormous public park. This analysis is clearly flawed by being too myopic if it determines that someone who lives across the street from a large park has a lack of open recreational space. There is a fundamental contradiction between the inclusion of neighborhoods within a mile of an environmental justice census tract for consideration of pollution impacts, and the exclusion of a large park across the street from the same tract for the purpose of evaluating access to open space.

- c. Permitted sites and other agency interests. The inclusion of this factor ignores the fact that municipal policy in many cities is to only allow industrial facilities in properly zoned parts of the city. Many cities create industrial parks specifically to keep facilities further away from residential neighborhoods. Further, the geographic point of comparison for this factor is facilities per square mile, compared to the statewide median. Of course many parts of the urban core and suburbs have more facilities per square mile than the median census tract for the state. Finally, the premise of using

² [ParkScore Home: Trust for Public Land](#)

the presence of permitted sites as an indicator is presumably that their presence is associated with elevated levels of pollution or other environmental impacts, but any such impacts would already be counted as factors rendering hits factor duplicative. This is a comparison that is not a good indicator for health.

3. The metrics used to determine if an adverse stressor is present in an Environmental Justice Area is flawed. For several of the stressors, the analysis compares the specific census tract to a reference point that is based on science and known health factors. For instance, the air pollution factors measuring cancer risk and non-cancer risk uses a health benchmark that “represents an estimated level of air pollution below which harmful effects are less likely, even for sensitive populations, over a lifetime of exposure”. This makes sense – census tracts above this level have an adverse stressor and those below that benchmark do not.

However, most of the stressors are determined to be “adverse” purely by a comparative metric – a “geographic point of comparison” to either the statewide or county median (50th percentile). The analysis determines that a stressor is “adverse” based on whether the metric given to a census tract is above the median county or statewide metric. This may measure whether something is *relatively* adverse to the rest of the state or county, but it does not mean that a metric is unhealthy. In fact, there is no analysis done for each stressor to determine whether the state or county median is a healthy number. What if a metric in the 80th percentile for a metric is perfectly healthy, or what if a metric at the 20th percentile is unhealthy? Using a median or other percentile is completely arbitrary.

This flaw is made worse by using *either* the county or statewide median, *whichever is lower*, and changes for each census tract and stressor measurement, leading to the potential for a census tract in the 20th percentile statewide (very low relative impacts) and 51st percentile within a county to fall within the “adverse” designation despite having a very healthy environment. It appears that by using whichever metric is lower on any given stressor and census tract, the agency is tilting the scale toward finding that there are adverse stressors. This is not a valid way of measuring community health.

Ideally, determinations of the presence of adverse stressors would be made based on fixed and scientifically-based rather than relative and arbitrary benchmarks. At a minimum any use of relative benchmarks must be grounded in an analysis of the magnitude of the difference between high and low percentile scores. For example, if

the presence of a stressor in a 90th percentile census tract is 10 times that of a state median census tract, the impact would likely be significant, but a stressor in the 90th percentile tract that is just 20% higher than the median tract may not be.

Good Jobs are Good for Working-Class Neighborhoods

The analysis is greatly weighted toward measuring potential negative impacts of industrial activity and barely recognizes or includes positive impacts that economic development and industrial jobs have in the analysis regarding “substantial adverse impacts”. Industrial jobs provide higher-than average salaries, especially for workers without advanced degrees and other barriers to entry. These jobs are more likely than other jobs to have retirement benefits and health benefits. Access to health insurance and higher household incomes are strongly associated with better health outcomes and should therefore be considered alongside other factors when weighing the net impact of a proposed permit on public health in environmental justice communities.³

Industrial properties pay higher property tax and electricity rates than residential rates. They hire contractors to build, maintain, and replace equipment and provide jobs to others in the supply chain and logistics industries. They hire construction contractors at higher rates than residential or commercial properties do.

They are also especially valuable in the core cities and in neighborhoods where working-class people and people of color live. Our members, thousands of whom live in environmental justice areas, will tell you that it is not feasible to get to jobs in the outer-ring suburbs without owning a reliable car – something that many young people and others entering or re-entering the workforce do not have. People need to be able to walk or easily take transit to jobs, especially if one values, as we do, providing job opportunities to people who live in the core cities.

To put a finer point on it, if these overly complicated, costly rules are adopted, they will have the impact of hurting industrial job retention and growth in areas that residents of environmental justice areas can access. Our unions spend millions of dollars each year recruiting and training people from low-income neighborhoods to join our unions and our

³ See Song, Liying et al. (2020) “The Association between Health Insurance and All-Cause, Cardiovascular Disease, Cancer and Cause-Specific Mortality: A Prospective Cohort” National Library of Medicine Public Access Archive. [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4866586/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7084505/#:~:text=In%20fully%20adjusted%20models%2C%20private,C%20%3D%201.15%E2%80%931.27; and Chetty, et al (2016), “The Association Between Income and Life Expectancy in the United States, 2001–2014”, National Library of Medicine, <a href=)

industry. These rules will make that work harder and will hurt our efforts to bring more people of color into the construction industry.

The Focus on “The Impacted Environmental Justice Area” is Too Narrow.

These rules use census tracts as a unit to measure impacts, adverse impacts, and benefits of proposed permits. For instance, during a cumulative impacts analysis, it must include (proposed rules, page 63.1) a description of the socioeconomic impact of construction and operation of the stationary source on the residents of the impacted environmental justice area. Similarly, in a community benefits agreement (page 73.29) “community benefits that directly impact the residents of the impacted environmental justice area must be prioritized”. This is too narrow. As mentioned earlier, census tracts in the core cities are tiny – often less than one square mile. Economic development and jobs – realistic benefits that could be offered to “the community” should not be limited to people who live within just a few blocks of the facility for the same reason the rule includes communities within a mile of an environmental justice area. This is especially true since census tracts tend to be bordered by commercial corridors, the same streets where large facilities tend to be located. If a facility is just inside one environmental justice area, but across the street from another, should we only consider the benefits to the technical census tract that includes the facility? The reality is that both the impacts and benefits of these facilities should be measured in the broader community.

This is especially true to the extent that jobs and other socioeconomic factors will be weighed during the analysis or considered during the community benefits process. We have many members who live in environmental justice areas but work in other, nearby environmental justice areas. In fact, a broader interpretation of an impacted neighborhood would benefit workers in all environmental justice areas. By excluding consideration of workers who live in one environmental justice census tract and work in another, the rule risks doing net harm to the very communities it was intended to serve by depriving them of family-supporting jobs, health coverage, retirement security and all of the other individual and community benefits that accompany stable employment.

Petition Process Should Not Be Weaponized

Before, during, and since passage of this law, we have witnessed advocates and some organizations expressly advocating for the closure of certain (or all) industrial facilities. In addition to ensuring that permit reissuances and minor modifications do not trigger these processes or require cumulative impacts analyses, the rules should preclude the petition process to be used for existing facilities unless there is a proposed expansion or

substantial exceedance of permitted emissions that has not been resolved through previous agency action as previously described.

The Overall Process Created by These Rules is Too Complicated, Long, and Costly

These rules create a complicated, multi-step process that adds months of time to a permit application, significantly increasing the costs and uncertainty that project owners need and deserve. They require project proposers, potentially including some businesses that have been located in our communities for decades and have been abiding by the rules, to jump through hoops that we believe many will walk away from. Since these rules apply to any potential project that would be located in half of the Twin Cities metro area, two-thirds of Duluth, and half of Rochester, they have the potential to significantly cost our communities jobs and potential investment.

Project proposers would need to be prepared to conduct an initial assessment, a cumulative impacts analysis, hold no fewer than four public meetings, each with 45-day notices and public comment periods. They are required to respond to each comment and negotiate a vague “community benefits agreement” that has no template, no cap on costs, and no certainty about what may be agreed to by the agency. They will have to hire lawyers and consultants to do all this without ever knowing if they will get their permit.

This, of course, is on top of what they already need to do under current law to get a permit. This new process adds time, cost, and uncertainty to any project that needs a relevant permit, and we fear that companies will simply opt not to pursue their projects here. That may be a win for some advocates, but it will be a significant loss for our communities and our unions.

Sincerely,

Tom Dicklich
Executive Director



Mike Karbo
Regional Director
API
202-682-8304
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July 17, 2026

RE: CAH docket number 21-9003-39398

Dear Administrative Law Judge Kimberly J. Middendorf,

The American Petroleum Institute (API) appreciates the opportunity to comment on the Minnesota Pollution Control Agency's proposed rules implementing Minnesota Statutes §116.065 governing cumulative impacts analyses (CIA) for air permitting decisions in environmental justice (EJ) areas.

API supports the statutory objective of protecting public health while promoting meaningful community engagement during permitting decisions. We recognize the considerable effort MPCA has undertaken since the initial Request for Comments to develop a substantially more transparent and structured regulatory framework. Compared to earlier concepts, the proposed rule provides clearer procedural steps, incorporates an Initial Assessment process, establishes benchmark criteria, and provides substantially greater explanation through the Statement of Need and Reasonableness (SONAR). These improvements represent meaningful progress. However, several significant concerns remain unresolved. Many provisions continue to rely on assumptions that exceed the current state of cumulative risk science, create unnecessary permitting uncertainty, or require applicants to evaluate factors that are not reasonably attributable to the permitted activity or within the applicant's ability to influence.

API respectfully recommends the following revisions that would preserve the Legislature's intent while ensuring the final rule remains scientifically supportable, administratively predictable, and proportional to the environmental impacts associated with the requested permit action.

1.1 THE PROPOSED TRIGGERING CRITERIA REMAIN OVERLY BROAD

API appreciates MPCA's addition of an Initial Assessment and objective benchmarks. Nevertheless, the proposed framework remains sufficiently broad that a substantial number of facilities are likely to proceed into a full CIA despite having little potential to produce meaningful incremental environmental or public health impacts.

The proposed applicability criteria combine:

- geographic proximity,
- permit type,

- permit action,
- benchmark exceedances,
- discretionary Commissioner authority,
- petition authority.

Collectively, these provisions substantially expand the number of projects potentially requiring a CIA. Particularly concerning is the one-mile applicability criterion. The rule assumes that proximity alone is an appropriate surrogate for potential cumulative impacts. Actual exposure depends upon numerous factors including:

- emission characteristics,
- meteorology,
- terrain,
- stack parameters,
- atmospheric chemistry,
- receptor location,
- pollutant-specific dispersion.

A simple one-mile radius is not itself an indicator of environmental exposure or health risk.

Recommendation: Replace the geographic trigger with a tiered, exposure-based screening process that considers:

- net emissions increase,
- pollutant characteristics,
- modeled impacts,
- existing impact and stressor levels,
- existing ambient concentrations.

1.2 NEW CONSTRUCTION SHOULD NOT AUTOMATICALLY REQUIRE A CIA

The proposed rule automatically requires new construction to undergo a CIA. API agrees that new major sources deserve careful review. However, automatic CIA requirements are inconsistent with risk-based permitting. Not all new facilities represent significant new environmental burdens. Modern facilities frequently employ:

- MACT controls
- NSR controls
- PSD BACT
- continuous monitoring
- lower-emitting technologies.

Accordingly, the appropriate regulatory question is not whether a facility is new, but whether the requested permit action has a reasonable potential to materially increase cumulative environmental or health impacts.

Recommendation: Require an Initial Assessment for all new facilities and reserve full CIA requirements for projects meeting scientifically supported screening criteria.

1.3 THE PROPOSED DEFINITION OF "SUBSTANTIAL ADVERSE IMPACT" REQUIRES STRONGER SCIENTIFIC JUSTIFICATION

MPCA proposes that modeled concentrations reaching 50 percent of a NAAQS or MAAQS constitute a substantial adverse impact. The SONAR explains that 50 percent was selected so that no single facility contributes a majority of the allowable concentration. While this approach is simple, simplicity alone is not a sufficient scientific justification. National Ambient Air Quality Standards and Minnesota Ambient Air Quality Standards already incorporate substantial health-protective safety margins established through extensive federal and state scientific reviews. Accordingly, applicable standards are developed to ensure that a substantial adverse impact does not occur, and modeled concentrations below these standards demonstrate a finding of no meaningful public health risk.

The proposed threshold therefore functions primarily as a policy trigger rather than a scientifically demonstrated indicator of substantial adverse impact. If MPCA intends to establish a new health-based threshold distinct from existing ambient standards, the Agency should provide a stronger scientific basis demonstrating why 50 percent represents a meaningful transition between acceptable and substantial impact.

Recommendation: Clarify that compliance with applicable ambient standards should weigh heavily against a finding of substantial adverse impact unless additional site-specific evidence demonstrates otherwise.

1.4 THE REQUIRED EVALUATION OF INTERACTIONS AMONG ENVIRONMENTAL STRESSORS EXCEEDS CURRENT SCIENTIFIC CAPABILITY

The proposed rule requires applicants to evaluate each environmental stressor and how each stressor may increase adverse effects of the stationary source. While cumulative impacts are an important policy consideration, current cumulative risk assessment methodologies generally do not support quantitative evaluation of interactions among:

- poverty,
- housing quality,

- food insecurity,
- access to healthcare,
- psychosocial stress,
- transportation,
- neighborhood conditions,
- and specific incremental emissions associated with an individual permitting action.

Scientific literature generally supports identifying vulnerable populations and describing environmental context. The current state of science cannot determine how vulnerabilities in an environmental justice area may increase cumulative impacts; only general associations are possible. Accepted methodologies do not currently exist to reliably quantify how these nonchemical stressors modify health risks associated with a specific facility's emissions. Requiring applicants to perform analyses that lack validated methodologies introduces substantial uncertainty and inconsistent implementation.

Recommendation: The rule should distinguish between:

- qualitative contextual information describing community vulnerability; and
- quantitative analyses supported by accepted exposure assessment and risk assessment methodologies.

Applicants should not be required to quantify interactions for which accepted scientific methods do not exist.

1.5 THE RULE SHOULD REMAIN FOCUSED ON IMPACTS ATTRIBUTABLE TO THE PERMITTED ACTIVITY

The proposed CIA requires consideration of numerous environmental and social factors. Many of these provide valuable context. However, not all are causally related to the emissions authorized by the air permit. Similarly, many are beyond the applicant's ability to influence.

Examples include:

- regional traffic,
- housing quality,
- food insecurity,
- socioeconomic conditions,
- healthcare availability.

The purpose of an air permit is to evaluate impacts associated with emissions authorized by that permit. Accordingly, the scope of required analysis should remain focused on stressors that:

- are reasonably connected to the permitted emissions,
- contribute to exposure pathways,
- are capable of modification through the permitting decision or associated mitigation measures.

In addition, the proposed rule includes requirements to understand and evaluate the localized climate impacts of a stationary source, consider the vulnerabilities present, and potentially implement various measures that could result in benefits for, and/or reduced related impacts to, residents of EJ areas. Localized climate impacts are associated with numerous different factors and are complex and uncertain. Climate impacts on community health are also complex and uncertain.

Recommendation: The cumulative impact assessment should not include analysis of climate impacts on the vulnerable community from the permitted source

1.6 GREATER CLARITY IS NEEDED REGARDING COMMISSIONER DISCRETION

The proposed rule appropriately establishes benchmark criteria. However, the Commissioner retains broad authority to require a CIA or determine that impacts are substantial based upon material evidence. While some flexibility is appropriate, the proposed rule does not clearly define:

- material evidence,
- evidentiary thresholds,
- weighting of competing information,
- decision criteria.

Without clearer standards, similarly situated applicants could receive different outcomes despite comparable technical information.

Recommendation: Provide objective decision criteria describing:

- what evidence will be considered,
- how evidence will be evaluated,
- when discretionary authority may be exercised.

1.7 COMMUNITY BENEFIT AGREEMENTS SHOULD REMAIN PROPORTIONAL TO THE PERMITTING DECISION

API supports meaningful community engagement. However, Community Benefit Agreements should remain connected to impacts reasonably attributable to the permitted activity. Benefits should be proportionate to:

- demonstrated impacts,
- feasible mitigation,
- applicant authority.

Community Benefit Agreements should not become mechanisms to address broader socioeconomic conditions unrelated to the permitted emissions.

1.8 PERMITTING EFFICIENCY

MPCA acknowledges implementation will require significant Agency resources. The proposed rule introduces multiple new procedural steps, including:

- Initial Assessment,
- public notification,
- petition review,
- determination of need,
- cumulative impacts analysis,
- public meetings,
- Community Benefit Agreements.

API is concerned these additional processes could substantially extend permitting timelines for projects with limited incremental environmental impact.

Recommendation: Adopt a tiered process that reserves the most resource-intensive analyses for projects with the greatest potential for meaningful cumulative impacts.

1.9 PART 7007.6050 – INITIAL ASSESSMENT

API supports MPCA's decision to include an Initial Assessment as a screening mechanism before requiring a full cumulative impacts analysis. This represents a substantial improvement over earlier concepts because it establishes a more structured and transparent decision process. However, the Initial Assessment should function as a meaningful screening tool rather than simply the first step toward a CIA for nearly every affected facility.

The proposed Initial Assessment requires applicants to compile extensive information regarding environmental stressors, facility operations, permitting history, CI-MAP outputs, and other contextual information. While these data provide useful background, the rule should clearly identify which information is determinative in deciding whether a CIA is warranted.

The current rule combines multiple independent triggers including geographic location, permit type, benchmark exceedances, petitions, and Commissioner discretion such that the Initial Assessment may not substantially narrow the universe of projects requiring a CIA.

Recommendation: MPCA could establish a tiered screening methodology in which:

- the Initial Assessment evaluates whether the requested permit action has a reasonable potential to materially increase environmental exposures;
- projects with no meaningful emissions increase or no significant modeled impacts may exit the process without requiring a CIA; and
- only projects demonstrating a plausible pathway for substantial incremental impacts proceed to a full CIA.

1.10 PART 7007.6060 – PETITION PROCESS

API supports meaningful public participation. However, the petition process should be supported by objective technical information that relates directly to the permitting decision. Currently, petitions may prompt the Commissioner to require a CIA where supported by "material evidence."

The rule does not define:

- material evidence,
- evidentiary standards,
- minimum technical information,
- relationship to the requested permit action.

Without these parameters, applicants face significant uncertainty.

Community concerns are valuable and should inform permitting decisions. However, concerns alone should not substitute for technical evidence demonstrating a reasonable potential for cumulative environmental or health impacts attributable to the proposed permit action.

Recommendation: The rule should define "material evidence" to include:

- credible environmental monitoring;

- validated exposure information;
- peer-reviewed scientific literature;
- site-specific emissions information;
- demonstrated exposure pathways.

The rule should clarify that generalized concerns unrelated to the permitted emissions are insufficient to require a CIA.

1.11 PART 7007.6070 – DETERMINATION OF NEED

API appreciates MPCA's effort to establish benchmark criteria. However, the Commissioner retains broad discretion to require a CIA even where benchmarks are not met. Although flexibility is appropriate, the rule provides little guidance regarding:

- how benchmarks are weighed,
- how conflicting evidence is resolved,
- how qualitative information influences technical analyses,
- when discretion should override objective screening criteria.

This creates uncertainty for regulated entities and may result in inconsistent permitting outcomes.

Recommendation: The rule should establish a decision framework that:

1. first evaluates objective benchmark criteria;
2. then considers additional technical information;
3. clearly explains circumstances where discretionary authority may appropriately override benchmark findings.

1.12 PART 7007.6090 – CUMULATIVE IMPACTS ANALYSIS

API supports cumulative impact evaluations that are scientifically supportable and proportionate to the permitting decision. However, several required CIA elements extend beyond currently accepted cumulative risk assessment methodologies.

Evaluation of Environmental Stressors: The rule requires applicants to consider each environmental stressor and evaluate how each stressor may increase adverse effects from the stationary source. This requirement exceeds current scientific capability.

While many social determinants of health influence overall health status, accepted scientific methods generally do not exist to quantify how individual nonchemical stressors modify health risks associated with incremental emissions from a specific facility.

For example:

- poverty;
- educational attainment;
- food insecurity;
- housing quality;
- healthcare access;
- psychosocial stress.

These variables may influence community vulnerability but cannot presently be translated into quantitative adjustment factors for facility-specific risk assessments. The rule should distinguish community context from exposure assessment from health risk characterization.

Exposure Pathways: The CIA should focus on complete exposure pathways. Stressors should be evaluated only where there is a scientifically plausible pathway connecting the permitted emissions with the identified environmental or health outcome. Otherwise, the CIA risks becoming a generalized community assessment rather than an evaluation of impacts associated with the requested permit.

Modifiable Stressors: Applicants should only be required to evaluate stressors that:

- are reasonably attributable to the permitted activity;
- are capable of mitigation;
- fall within the applicant's influence.

Applicants cannot reasonably mitigate community poverty, housing conditions, or regional transportation systems through an air permit.

Existing Regulatory Programs: The CIA should recognize reductions already achieved through:

- MACT
- NESHAP
- NSR

- PSD
- SIP requirements
- state air toxics regulations

Existing federally enforceable controls should receive appropriate weight when evaluating incremental impacts. Otherwise, the analysis risks double-counting risks already addressed through existing regulatory programs.

1.13 PART 7007.6100 – SUBSTANTIAL ADVERSE IMPACTS

50% NAAQS Threshold: API appreciates MPCA's effort to establish objective criteria.

However, the proposed threshold of 50 percent of a NAAQS or MAAQS requires additional scientific justification. Ambient standards already incorporate health-protective margins. The SONAR explains that 50 percent was selected because no single source should contribute more than half the allowable concentration. While administratively simple, this rationale does not demonstrate that 50 percent corresponds to a meaningful increase in public health risk. The threshold therefore functions primarily as a policy trigger rather than a scientifically validated indicator of substantial adverse impact.

Hazardous Air Pollutants: The basis for the proposed HAP thresholds should be explained more completely. Applicants should understand:

- why specific values were selected;
- whether thresholds represent screening values or health thresholds;
- how they relate to existing air permitting requirements.

Commissioner Determinations: The rule allows substantial adverse impacts to be identified through qualitative determinations. The rule should establish objective decision criteria to improve consistency.

1.14 PART 7007.6110 – COMMUNITY BENEFIT AGREEMENTS

Community Benefit Agreements should remain connected to impacts attributable to the permitted activity. Benefits should be:

- proportional,
- technically feasible,
- related to demonstrated impacts,
- reasonably within the applicant's ability to provide.

Community benefits should not become mechanisms to address unrelated social or economic conditions. Where nonchemical stressors contribute to cumulative impacts, benefits should maintain a reasonable nexus to the impacts associated with the permitted air emissions.

1.15 PART 7007.6120 – PERMIT DECISIONS

The permit decision should remain grounded in:

- scientific evidence;
- exposure assessment;
- risk characterization;
- applicable regulatory standards.

The rule should clarify that:

- compliance with enforceable emission limits;
- successful implementation of permit conditions;
- completion of any required mitigation;
- weigh heavily in favor of permit issuance. Permit denial should remain reserved for circumstances where substantial adverse impacts cannot reasonably be avoided or mitigated.

Thank you for considering these comments. API looks forward to continued engagement with MPCA as the rulemaking proceeds.

Sincerely,

Mike Karbo
Midwest Region Director
American Petroleum Institute

Commenter's name: Mike Maleska

Date: July 9th, 2026

Greetings,

My name is Mike Maleska (he/him), civic activist, retired taconite miner, and former United Steelworkers Local Union 6860 President.

Aside from the fugitive silica dust emissions in the taconite processing plants and wind-blown tailings reservoirs, northeastern Minnesota has 70 years' worth of airborne mercury gases blowing from the grate/kiln smokestacks at all 7 (soon 8) processing facilities.

Since retiring, I have done water sampling in this region, with my sample info becoming part of the MPCA database. The former LTV taconite plant near Babbitt continues to pollute the BWCA via the Kawishiwi River and the WICOLA (White Iron Chain of Lakes) after being idled 25 years ago. Pit sumps from all mines deliver literally tons of sulfates and mercury directly into the public waterways of all three watersheds here annually.

The Keetac (USS) taconite plant near my home polluted Hay Creek until the wild rice in Hay Lake has all but perished. That pollution continues to the Mississippi River and the Gulf of Mexico. The United Taconite Fairlane tailings reservoir near Forbes has leaked sulfates and mercury into the St. Louis River and thus the Fond du Lac Band Reservation since about 1965.

The addition of cumulative impacts consideration would fortify science-based decision-making with respect to enforcement of existing environmental regulations that have favored polluters for several decades. I'm not fond of the requirement that all 100 petitioners must live in an affected area (38.10–.13). Those areas commonly include economically challenged people. Response mandates found at 55.14 would ensure public confidence in the process. Sections 63.7–.9 would bring much-needed facts to the public. Reinstate the MPCA Citizens Board as it was when first implemented.

I stand in favor of the recommendations. The daily dose of mercury for human consumption is zero. Please consider that fugitive mercury in NE Minnesota from the short smokestacks at all of the taconite processing facilities has never been regulated. Neither has the sulfate and mercury pumped out of the mine pits 24/7/365 for 70 years. Monitoring only has handcuffed regulation and enforcement.

Commenter's Name: Maria Carter-Bertrand

Date: July 13th, 2026

My name is Maria Carter-Bertrand (she/they), and I live in the Central neighborhood. We live just blocks from Minneapolis's Southern Green Zone, which is defined as an area of high pollution and racial, economic, and political marginalization. I'm a community member who loves my parks, my people, and my neighborhood. Each year, as the summers continue to grow hotter, it's become harder to get outside and cool off due to poor air quality and polluted lakes. As a renter living on the top floor of our apartment, my wife and I have experienced symptoms of heat exhaustion without any nearby, pollution-free areas to cool off.

I was excited when the cumulative impacts legislation was passed, and I was proud that the MPCA was protecting me and my neighbors. However, what concerns me is that there is no way for me and my neighbors to express that a community benefit agreement (CBA) is unwanted or for the commissioner to deny a CBA. If the cumulative impacts legislation is truly meant to give us a voice, then we must be able to say that we don't want a CBA. The statute states that "unless the commissioner enters into a community benefit agreement with the facility owner or operator, the commissioner must deny a permit."

I recommend that the facility owner and the MPCA work with community organizations and leaders to create a community council to represent the community. This council would support community outreach, negotiate with the facility owner, and provide a recommendation to either approve or deny the proposed CBA. The commissioner must then respond to the recommendation and provide a justification for their decision. This will better ensure that the CBA process reflects my and my neighbors' desires. Thank you for your time.

Commenter's Name: Aubree Derksen

Date: July 14th, 2026

The stated rule for the Initial Assessment for Cumulative Impacts is as follows:

Initial Assessment:

- Any facility applying for a relevant permit within 1 mile of an environmental justice (EJ) area must submit an Initial Assessment.
- The assessment includes information about the facility and nearby communities, how the facility will impact the environment and the health of nearby EJ communities, upcoming construction details, mitigation efforts, compliance history, and more.
- The MPCA reviews the Initial Assessment and determines whether the facility is required to conduct a cumulative impacts (CI) analysis.
- The MPCA must post all Initial Assessments on the agency website for public access.

I worry that the draft rules will be insufficient to address the impacts that the CI analysis is intended to evaluate, particularly air pollution and the speed and scale of industrial development that Minnesota now faces. This is especially true for hyperscale data centers, which were not part of the conversation when the rules were first proposed, nor were the enormous energy demands that accompany them.

Rochester, Minnesota, is one of the designated EJ areas. I live in Pine Island, approximately 11.4 miles from the nearest 1-mile buffer area identified on the map for Rochester. Google intends to build a 3,000,000-square-foot, 482-acre hyperscale data center within 1 mile of my home. It would use 2,700 MW of power (Index 63, Court File 25-CV-25-2298), approximately nine times what the City of Rochester uses.

Google has not disclosed how many backup generators will be used. In PUC Docket 26-170, that information is listed as "trade secret," and it was excluded from the AUAR environmental review, which has been under a court injunction since May 22, 2026—the first such injunction in the state of Minnesota.

Hyperscale data centers like this can require around 200 or more backup diesel generators, which are significant sources of air pollution. This report from The Better Data Center Project highlights that even a single data center can become the largest producer of air pollution in a region, if not the entire state. Data centers also produce significant amounts of fine particulate matter, which can travel 30 miles or more. Air pollution can also contribute to impaired waters through mercury contamination, for example. Pine Island's Google data center would discharge into the Zumbro River, a potential drinking water source for Rochester, meaning the cumulative impacts of air pollution extend beyond respiratory health to include drinking water contamination. A 1-mile radius will not prevent drinking water contamination when the source of the contamination is 12 miles away.

Solution: I propose a rule establishing that high-impact, high-polluting projects—such as power plants, data centers, and incinerators—located within a 30-mile radius of an EJ area, and/or projects that directly discharge into a drinking water source, a potential

drinking water source, or a water body that flows into a protected drinking water source serving an EJ area, should be required to complete an Initial Assessment. There is a high probability that these projects will increase the mortality rates of already overburdened communities.

Furthermore, if a project located 30 miles away can have measurable impacts on an EJ area, then residents living even closer to the project, but outside the designated EJ area, face an even greater risk of harm. This further highlights the need to deny permits when appropriate, strengthen mitigation strategies, or stop projects altogether.

Regarding the Community Benefit Agreement (CBA) rules:

I am a frontline community member involved in the hyperscale data center fight and have already consulted with an attorney regarding Community Benefit Agreements (CBAs) and Community Benefit Ordinances (CBOs). I have significant concerns about how the CBA/CBO provisions are currently structured, and I recommend a complete rewrite with the involvement of frontline community members and attorneys so the rules can be designed correctly. I am happy to volunteer to participate in this process.

If this is not done, the CBA will not be designed early enough with the right people involved, will not be monitored correctly, will be unenforceable, may cause more harm when it is intended to prevent harm, and will create significant regulatory and enforcement confusion between state and local governments. Based on my conversation with an attorney, the CBA/CBO needs to be incorporated into local zoning ordinances because the state does not control zoning—local municipalities do.

As I mentioned in another comment, the harms from these facilities do not remain within a neat and tidy 1-mile boundary. The initial siting of high-impact facilities occurs through municipal zoning well before permits are ever sought. Hyperscale data centers need to be included in this conversation, as they were not contemplated when these rules were originally drafted. The rules also need to account for new facilities, not just existing ones.

An incredibly important point that needs to be highlighted is that CBAs/CBOs are legally binding contracts. They are used when a community has significant concerns about potential impacts and agrees to give up its right to sue in exchange for specific benefits or concessions from the entity causing the potential harm. Those benefits and concessions must be directly connected to the community's concerns.

CBAs are not something that should be taken lightly. They should not be negotiated in two conversations, as the current rule suggests, nor should they be led by the polluters themselves, who will always have an incentive to minimize the harms they are causing. Please take the need for a rewrite seriously.

I am including the following resource:

"Detroit's Community Benefits Ordinance: Lessons Learned About the Community Engagement Process and Its Outcomes."

<https://www.wri.org/research/detroits-community-benefits-ordinance-lessons-learned-about-community-engagement-process>

If a podcast or webinar is more your style, here is another helpful resource from Young, Gifted and Green titled "Making Polluters Pay: Practical Strategies for Community Benefits."

<https://www.youtube.com/live/37Em7IJUN7I?si=77GhFhuNwMkxQpYs>

The Current Rule States:

Petition Process

- If a facility is not required to conduct a cumulative impacts (CI) analysis, residents of nearby environmental justice (EJ) areas can petition the MPCA requesting a CI analysis.
- Requires 100 signatures from people who reside or own property in an EJ area within 1 mile of the facility.
- Must include information about the facility's permit, information for a petition representative, and material evidence that the requested permit has the potential to substantially impact the environment or the health of nearby EJ areas.
- Must be submitted before the comment period on the draft permit ends.

Bullet #2 will end up disenfranchising the very people it is designed to protect. The Environmental Assessment Worksheet (EAW) petition process requires 100 signatures from residents of the county and bordering counties. Limiting this petition process to 100 signatures from within 1 mile of a particular facility, when a facility may only be surrounded by three houses, means the task will be impossible for some due to circumstances completely outside of their control.

Follow the same rules as the EAW petition process by requiring 100 signatures from the county and bordering counties. Cumulative impacts do not stay confined within a small 1-mile radius, and in some cases, the EJ area itself may cross county lines.

Bullet #4 will disenfranchise the communities these rules are intended to protect by restricting their ability to petition for a CI analysis.

Remove this restriction and allow a CI analysis to be petitioned at any point, even if one has already been completed earlier in the process. High-polluting industries often fail to comply with the law and may hide the full extent of their projects or, for example, operate backup generators 24/7 instead of only during emergencies.

The Current Rule States: Requiring a Cumulative Impacts (CI) Analysis

- New permits: Anytime a new permit includes new construction, the facility must conduct a CI analysis.
- Permit expansions: There is a list of pollutants. If a facility expansion will emit any of them above certain hourly limits, the facility must conduct a CI analysis.
- Permit reissuances: A facility that has received an enforcement action (failed performance test, criminal enforcement, fine, or administrative order) in the three years leading up to its application must conduct a CI analysis.

- The Commissioner may also require a CI analysis if they review the Initial Assessment and/or a petition and determine that there is material evidence of a potential substantial impact.
- There is also a two-year buffer period for permit reissuances. Any facility applying for a permit reissuance in the 24 months following these rules going into effect will not be required to conduct a CI analysis.

I support the first two bullets and suggest a change to Bullet #3. Instead of using a three-year timeframe, the rule should use a one-year timeframe, as the goal is to minimize cumulative impacts. According to the MPCA's website, enforcement actions are expected to be corrected within 30 days. There is no need to allow a facility three years to accumulate enforcement actions. To minimize and prevent cumulative impacts, facilities need to undergo a CI analysis sooner.

I also have concerns with the final bullet, which creates a two-year buffer before the rules apply to permit reissuances. My understanding is that a CI analysis is already part of Minnesota's environmental review laws, as it is explicitly included in the AUAR, EAW, and EIS processes. Therefore, there should not need to be such a lengthy delay. The EQB Board meets monthly. If additional time is needed to update websites and applications, I suggest a six-month buffer to update paperwork and administrative processes.

I also suggest adding the following bullet to the rule:

- Community members, including those who do not live in an EJ area, should be able to request that a CI analysis be completed for a project through the EAW petition process.

Commenter's Name: Brian PaStarr

Date: July 15th, 2026

Hello,

My name is Brian PaStarr. I have lived throughout Minneapolis, including the Phillips and Harrison neighborhoods, two of the poorest areas in the city. These are also areas that receive some of the worst polluters, such as HERC and The Foundry. I have seen firsthand how these communities have been affected by decades of pollution and neglect.

I recommend that the MPCA work directly with neighborhood groups and community leaders in areas like these to understand their experiences and gather their input. These communities are living with the impacts of past decisions, and their voices should be centered before approving new programs or projects.

I am also concerned about the current Community Benefit Agreement (CBA) process. The rules do not provide clear criteria for when the commissioner can deny a CBA, and there is no clear way for community members to express that they do not want a CBA. This goes against the intent of the statute, which states that "unless the commissioner enters into a community benefit agreement with the facility owner or operator, the commissioner must deny a permit."

A community benefit agreement should reflect what the community actually wants, not simply what a facility owner proposes. I recommend that the facility owner and MPCA work with community organizations and local leaders to create a community council that represents the affected community. This council would support community outreach, help negotiate with the facility owner, and provide a recommendation on whether to approve or deny the proposed CBA. The commissioner should then be required to respond to the council's recommendation and provide a clear justification for their decision.

This process would better ensure that CBAs are meaningful, transparent, and reflective of community needs and desires.

Please ask these communities how proposed changes would affect them before approving a program. Then invest in programs that create a positive impact for seven generations or more.

Thank you,
Brian PaStarr

Commenter's Name: Ryan Everhart

Date: July 15th, 2026

Hey, my name is Ryan. I have lived in Minneapolis my entire life, and I have only seen environmental justice issues worsen in my communities. We need to take action to protect our environment and support marginalized communities. Everyone should have equal access to healthy food, green spaces, a safe home, clean running water, clean air, and shelter.

Commenter's Name: Charles Campbell

Date: July 9th, 2026

Hello,

I am a concerned citizen of Minneapolis. Permit reissuances need benchmarks for requiring a cumulative impacts analysis that are based on the pollution impacts of the facility and the health and environmental conditions of the surrounding community. Many EJ communities are already facing cumulative impacts burdens from decades of exposure to pollution.

I recommend using the existing environmental stressors in impacted EJ areas, along with pollution emissions from facilities, as criteria for requiring a cumulative impacts analysis for permit reissuances. This would better accomplish the goal of the law by addressing the existing cumulative impacts burden.

As a member of the Minneapolis community, I am concerned about the well-being and health of all our residents.

Commenter's Name: Jons Blumenthal

Date: July 15th, 2026

Our name is Jons (we/us, they/them), and we live in Hennepin County. We care about our health, the quality of our air, and the health of our neighbors living near HERC and the quality of the air they breathe. The definition of "substantial adverse impact" is too vague and undefined for both facility operators and the community. Based on cumulative impacts, communities are experiencing stress and harm in ways that are not being measured and that county commissioners can delay addressing.

Please consider using the cumulative impacts analysis to evaluate environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, please consider that a substantial adverse impact. This approach is similar to New Jersey's and will provide a more objective determination of substantial adverse impact, creating greater clarity for all parties.

Residents want their health protected. Please take meaningful action to provide that.

Commenter's Name: Dr. Joanne Hill, DNP, MPH, MSN, PHN, CHES, CRNA, APRN
Date: July 9th, 2026

I support the MPCA's proposed Cumulative Impacts Rule because it acknowledges what Environmental Justice communities have experienced for generations. However, I respectfully urge the Administrative Law Judge and the MPCA to strengthen the rule by requiring that cumulative health impacts carry significant weight in permit decisions—not simply be documented.

As a public health nurse, CRNA, and lifelong Minnesotan, I have cared for the very people who are affected by these cumulative burdens. North Minneapolis represents one of Minnesota's clearest examples of cumulative environmental injustice. Historic redlining, industrial zoning, and the construction of Interstate 94 concentrated pollution in predominantly Black, Brown, Indigenous, and low-income communities. HERC adds another source of PM_{2.5}, nitrogen oxides, sulfur dioxide, heavy metals, and dioxins to neighborhoods already carrying disproportionate environmental burdens.

The science is well established. Air pollution contributes to asthma, cardiovascular disease, stroke, lung disease, cancer, and premature death. Public health analyses estimate approximately 1–2 premature deaths annually associated with HERC emissions. Asthma emergency department visits are five to six times higher in impacted communities, and pollution-related health damages have been estimated at approximately \$16 million annually from particulate matter alone.

These illnesses are treated every day at Hennepin Healthcare, Minnesota's largest safety-net hospital. We continue investing public dollars to treat preventable diseases while investing far less in preventing the pollution that contributes to those illnesses. Prevention should become a measurable outcome of the cumulative impacts policy.

I also ask that the final rule require agencies to evaluate existing cumulative pollution from highways, diesel traffic, industrial facilities, and waste incineration together, rather than in isolation. HERC does not exist alone; it adds pollution to communities already burdened by multiple environmental stressors.

Community members, healthcare professionals, faith leaders, and organizations such as the Zero Burn Coalition have participated in hearings, public education, and advocacy—including a hunger strike—to bring attention to these health inequities. Their participation reflects the urgency residents feel regarding cumulative environmental harms.

Finally, I encourage Hennepin County and local elected officials to work collaboratively with residents, healthcare systems, environmental justice organizations, and public health experts to develop measurable strategies that reduce pollution-related disease. Success should be measured not only by regulatory compliance but also by reductions in asthma emergency visits, cardiovascular disease, cancer burden, and premature mortality in Environmental Justice communities.

The purpose of cumulative impacts legislation was not simply to acknowledge inequities—it was to reduce them. I respectfully ask that this rule ensure cumulative impacts become a meaningful factor in permitting decisions and lead to measurable improvements in health outcomes.

Health equity is not achieved by treating preventable diseases. It is achieved by preventing them.

Commenter's Name: Lynn Anderson

Date: July 10th, 2026

I am Lynn Anderson and live in rural Aitkin County, yet I frequently spend time in the Twin Ports.

There is significant air pollution in Duluth and neighboring Superior, Wisconsin, from industrial facilities, whether it comes from the paper company Sofitel, Enbridge, or the Canadian oil refinery Cenovus, which had more than a dozen air quality violations in 2025.

In Aitkin County, many inland lakes now have fish consumption advisories due to mercury air pollution emissions from taconite plants on the Range, which the MPCA has failed to adequately enforce. I do not want to breathe dirty, unpleasant air from the Canadian Cenovus refinery, nor do I want mercury pollution to create fish consumption advisories, with toxic methylmercury moving up the food chain and accumulating in walleye fatty tissue.

There is already a study linking 10% of newborn babies with higher mercury levels in their systems due to pregnant mothers consuming game fish in the Arrowhead region during the summer. This does not reflect thoughtful or responsible care by the MPCA or industry.

I recommend that the cumulative impacts analysis evaluate environmental and public health concerns and consider how a facility will contribute to existing stressors. If a facility contributes to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact, and the industry should be held accountable.

The MPCA should create a community council with the authority to survey residents in the area, engage with industry management, negotiate solutions, and make recommendations on whether a permit should be approved or denied. The MPCA Commissioner should be required to respond to those recommendations and provide logical reasons for their decision.

I recommend using existing environmental stressors in impacted EJ areas, along with pollution emissions from facilities, to require a cumulative impacts analysis for permit reissuances.

The MPCA must demonstrate genuine concern and empathy for residents' concerns over time and should not continue reissuing permits without considering the long-term impacts on lower-income communities, communities of color, and, frankly, all of us and future generations.

Commenter's Name: Natasha Villanueva

Date: July 13th, 2026

My name is Natasha Villanueva, and I am a proud Northsider living in the Jordan neighborhood of Minneapolis. I love my community for its many assets; however, it is also historically and currently overburdened by the cumulative impacts of environmental racism.

In fact, my 55411 ZIP code, near the Hennepin Energy Recovery Center (HERC), consistently sees higher rates of asthma emergency department visits and hospitalizations than anywhere else in the state of Minnesota (MDH). HERC is the largest single polluter in Hennepin County, and the Board of Commissioners has already passed a resolution to close it, yet they still need to take a vote to do so. Because of decades of inaction to prioritize our health, I have begun organizing to ensure that my neighbors living and breathing around HERC, my own family, as well as those living near the landfill where HERC sends its toxic ash byproduct, are protected. Resistance to HERC on the Northside, as well as to industrial polluters in the Phillips neighborhood on the Southside, was largely the impetus for the creation of the Cumulative Impacts law in the first place. Therefore, allowing aging facilities with legacy permits that cannot meet more stringent modern pollution standards to skirt this process would defeat the purpose of the law.

Let us honor the memory of champions such as Karen Clark by creating a strong precedent and meaningful protections.

Additionally, there is no clear pathway for requiring existing facilities to conduct a cumulative impacts analysis. Because most incinerators are built in BIPOC communities throughout the United States, we are already at higher risk of the negative effects of compounded pollutants on Minneapolis's Northside, a historically redlined community. Add to that the fact that HERC was supposed to operate for 20 years but has now been operating for 37; that science has advanced during this period, improving our understanding of the irreversible harm caused by pollutants such as PFAS emissions; that HERC has been allowed to selectively, rather than continuously, monitor and report its own emissions; and that Hennepin County has not fulfilled its responsibility to minimize the toxicity of its ash, and you have a perfect storm.

The rules lack a requirement for existing facilities to conduct a cumulative impacts (CI) analysis based on the current cumulative impacts burden. Many environmental justice communities are already facing significant pollution burdens, but these rules only require a CI analysis for permit reissuances based on enforcement actions.

Due to the lax regulation of HERC's pollution, Hennepin County has been able to avoid enforcement actions with impunity. We must expand the threshold for requiring a CI analysis beyond enforcement actions to include regular examination of recognized sources of pollution whenever they reapply for a permit. Facilities should be required to

demonstrate compliance with more stringent modern standards rather than being given the benefit of the doubt through automatic permit renewal.

MPCA should require a cumulative impacts analysis for permit reissuances based on the existing health and environmental conditions in the community and the actual pollution burden of the facility.

Polluters such as HERC must take into account existing community health conditions—including elevated rates of respiratory illness, cardiovascular disease, and cancer—before being allowed to continue contributing to those burdens. We must insist that HERC's permit renewal or denial be contingent upon a collective review of the multiple pollution sources concentrated in our area, including highway emissions, in addition to HERC's own substantial impacts on our health, longevity, and quality of life. Thank you for your attention to my recommendation as a constituent who will directly benefit from clearly defined and strong Cumulative Impacts rules and protections.

In addition to these points, I support the Frontline Communities Protection Coalition's public comments, which include additional recommendations and supporting data.

Commenter's Name: Dave Satre

Date: June 29th, 2026

My name is Dave Satre. I currently live in an environmental justice (EJ) area on the West Side of Saint Paul with my wife and one-year-old daughter.

I grew up next to a lead polluter, which has caused medical issues for as long as I can remember. My memory is not very good due to lead exposure and its medically diagnosed impact on my neurodevelopment.

I work at Cherokee Heights Elementary School. I love my students and my community, and it breaks my heart that I am seriously considering leaving because of the number of environmental stressors my daughter will be exposed to if she spends her childhood in our neighborhood, including my old enemy, lead, which has been documented on the West Side's air monitors. It is no secret that our community is overburdened with toxins, and the MPCA's own cumulative impacts map shows that the area where our home sits is exposed to 22 out of 26 environmental stressors, well above the state median of 13.

Under the current proposed Cumulative Impacts draft rules, which I believe do not reflect the spirit or language of the law, I will be forced to make a devastating decision: abandon the community I love or knowingly raise my daughter in an area that is statistically more likely to adversely affect her health for the rest of her life, just as toxic exposure affected mine.

There is currently no clear pathway to deny a permit if a Community Benefit Agreement (CBA) cannot be reached. Additionally, there is no clear avenue for meaningful community involvement in negotiating a CBA. This leaves me deeply pessimistic that this law will be implemented in the way its legislators and constituents intended when it was passed.

There are many positive elements in the proposed rules, including the thorough analysis of conditions in EJ communities. These resources have allowed my family to better understand the true extent of our environmental exposure by using the MPCA's cumulative impacts map, along with the many other valuable resources the agency has developed and will continue to provide.

Having recently become a father, I often think about the saying, "A society grows great when old men plant trees in whose shade they will never sit." Working in schools with the next generation of wonderful young Minnesotans makes those words feel even more meaningful.

My students, my daughter, and my fellow Minnesotans deserve to see this law implemented as it was originally envisioned, with a real possibility of denying permits for polluters that cannot reach a legitimate Community Benefit Agreement and with meaningful community involvement throughout the negotiation process.

Commenter's Name: Michael Burwell

Date: July 9th, 2026

I am Michael L. Burwell, Ph.D., and I live in Eagan, Minnesota. I am a member of the Caring for Creation group associated with Gloria Dei Lutheran Church in the Highland Park neighborhood of St. Paul. Although our primary concern is climate change in general, we also consider it part of our mission to advocate for clean air and clean water.

I am heartened to learn of all the work that the MPCA has put into its draft rules relating to environmental justice.

However, the rules articulated in the proposed Environmental Justice rule leave most of the decision-making up to the MPCA Commissioner, who can be influenced by industry and commercial interests to favor businesses over protecting communities. To better realize the goals of this law, these rules should be changed to better reflect the desires and priorities of impacted communities.

It is clear that the MPCA has invested considerable effort in developing the proposed Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas (Minnesota Rules Chapter 7007; Revisor's ID Number R-4805). No one disputes that we all want clean, unpolluted air that reduces health risks for people living in vulnerable communities.

My principal concern is that residents of those communities should have a greater voice in determining how these rules are implemented and enforced. At the same time, the authority of the MPCA Commissioner should be more balanced than what is currently proposed. I recommend a stronger partnership between affected community residents and the MPCA Commissioner so that permitting decisions better reflect the needs and priorities of the people most impacted.

Commenter's Name: Ianni Houmas

Date: July 9th, 2026

My name is Ianni Houmas (he/him). I am a 30-plus-year resident of Saint Paul's East Side, a former Saint Paul Planning Commissioner, Executive Director of District Council 1, and former President of District Council 2. My lifelong environmental advocacy spans from my early activism growing up in Philadelphia, to working on the Three Mile Island closure, to my current service on the Ramsey County Environmental Committee and Saint Paul's Climate Justice Advisory Board.

Environmental Justice Experience:

On the East Side, environmental injustice is a daily reality. EPA assessments explicitly show that our neighborhood is geographically "sandwiched" between major freeway corridors (I-94, I-35E, and Highway 61), trapping residents in a high-density mobile emissions zone. This toxic baseline is further compounded by:

- **Logistics and Air Transit:** Local warehouse hubs introduce heavy tractor-trailer diesel emissions into residential areas, while shifted flight paths from the Saint Paul Downtown Airport disperse leaded aviation fuel directly over our homes.
- **Stationary Polluters:** Persistent industrial hazards, most notably the Northern Iron foundry on Forest Street, which has documented violations of lead and fine particulate matter standards. 3M has also been a longstanding polluter.
- **Emerging Technology Demands:** New regional threats to our water tables from the massive aquifer withdrawals of expanding AI data centers and the compounding aquatic and thermal impacts of the nuclear facilities powering them.

Recommendations on the Proposed Rules (Minn. R. 7007.6000–7007.6120):

To prevent the draft rules from falling short of the 2023 statute's goal of protecting BIPOC and low-income communities, the MPCA must strengthen three critical sections before the July 17 deadline.

1. Set Clear Permit Reissuance Benchmarks

The draft rules lack health-based triggers for requiring a cumulative impacts analysis during permit renewals, ignoring decades of historical exposure. Please require a full cumulative impacts analysis for all permit reissuances whenever the existing environmental stressors in an impacted area (such as freeway pollution, aviation lead, and diesel emissions) coincide with high facility emissions.

2. Objectively Define "Substantial Adverse Impact"

The current definition is vague and left entirely to the Commissioner's discretion, creating uncertainty and inviting legal challenges. Adopt an objective framework similar to New Jersey's model. If a community already bears a specified threshold of adverse environmental stressors, any additional pollution from a facility should automatically be considered a substantial adverse impact.

3. Establish Community-Led Community Benefit Agreement (CBA) Controls

The Community Benefit Agreement (CBA) process lacks clear criteria for denying inadequate agreements, failing to uphold the statutory requirement to deny a permit if a valid CBA is not reached. Require the creation of an independent, representative Community Council made up of local leaders and community organizations. This council should be empowered to negotiate directly with the facility, formally recommend approval or denial of the CBA, and require the Commissioner to respond to those recommendations with a written justification.

The health of East Side families should never be treated as the baseline collateral damage of industrial, logistical, or technological convenience. Without enforceable regulatory protections, historical burdens will simply continue. I urge the MPCA and Judge Middendorf to finalize a rule that fully accounts for the cumulative impacts of freeway corridors, aviation lead, stationary foundries, and emerging technology infrastructure, while delivering meaningful and enforceable protections for affected communities.

Commenter's Name: Stacy Mooradian

Date: July 14th, 2026

I'm Stacy Mooradian, a public servant who has worked at the state, local, and federal levels to support the public interest in energy siting.

The cumulative impacts rulemaking is an opportunity to codify what many Minnesotans already know: pollution impacts are cumulative and affect the health of residents over their entire lives. We are also concerned that pollution sources are often sited in communities with the least power and influence.

I grew up in a rural town where groundwater was polluted by years of chemical disposal and where children died far too often from unexplained cancers.

The Community Benefit Agreement (CBA) process lacks clear criteria for the MPCA to deny a Community Benefit Agreement, and it provides no meaningful way for residents to express whether they even want a CBA. This does not align with the statute, which states that "unless the commissioner enters into a community benefit agreement with the facility owner or operator, the commissioner must deny a permit."

The facility owner and the MPCA should work with the community to create a community council that represents the affected residents. This council would support community outreach, negotiate with the facility owner, and provide a recommendation on whether to approve or deny a proposed CBA.

Following this process, the Commissioner should respond to the council's recommendation and provide a justification for their decision. This would better ensure that the CBA process reflects the community's wishes.

Please revisit the proposed rule to ensure it aligns with the statute and meets the needs of the Minnesotans the law is intended to protect.

Commenter's Name: April Graves

Date: July 16th, 2026

My name is April Graves, mother, Senior Public Health Specialist for the Minneapolis Health Department, and Mayor of Brooklyn Center.

As the Mayor of Brooklyn Center and a public health professional, I understand that where people live, work, and play has a profound impact on their health. I regularly hear from residents about concerns related to air quality, traffic pollution, industrial emissions, and the cumulative burden of living near highways and industrial corridors.

Our community already experiences significant health disparities, including higher rates of asthma and other respiratory illnesses that disproportionately affect children and communities of color. While these outcomes have multiple causes, decades of public health research demonstrate that poor air quality contributes to these inequities. Residents deserve a regulatory process that evaluates the combined burden of pollution, not just individual facilities in isolation.

I support the intent of the cumulative impacts law, but the proposed rules must be strengthened if they are to fulfill the promise of environmental justice.

As both a mayor and a public health practitioner, I know that health outcomes are shaped by the cumulative conditions in which people live—not by a single exposure. That same principle should guide these rules. Permit renewals should require cumulative impacts analyses whenever facilities operate in communities that already experience elevated environmental and public health burdens. Existing pollution, health disparities, and environmental stressors should be considered alongside any new or continued emissions.

The definition of "substantial adverse impact" should also be based on measurable environmental and public health indicators, including air quality, asthma prevalence, cardiovascular disease, and other community health measures. Clear, objective standards will improve transparency, consistency, and public confidence while ensuring decisions are grounded in evidence rather than subjective interpretation.

Finally, the Community Benefit Agreement (CBA) process must provide meaningful opportunities for residents to shape decisions. Community organizations and trusted local leaders should help establish representative community councils that negotiate agreements, evaluate whether proposed benefits truly address community needs, and make recommendations to the MPCA. The Commissioner should publicly respond to those recommendations and clearly justify any decision that differs from the community's recommendation.

Throughout my career in public health, I have seen that prevention is far more effective than responding after harm has occurred. We cannot improve health equity if we

continue permitting additional pollution in communities already carrying disproportionate environmental burdens.

The cumulative impacts law is an important opportunity to change that trajectory, but only if the rules are clear, evidence-based, and centered on the lived experiences of impacted communities. I urge the MPCA to strengthen these rules by requiring meaningful cumulative impacts analyses, establishing objective standards for decision-making, and ensuring that community voices have real influence over decisions that affect their health, environment, and future.

Commenter's Name: Raynier, Kathleen

Date: July 16th, 2026

I'm a 77-year-old woman living in Seward, which I regard as a relatively privileged neighborhood. I'm in pretty good health. Is there anyone in the state of Minnesota who cannot clearly see the effects of particulate air pollution?

Yesterday and today, we have been staying inside our homes because of the poor air quality. I am retired, but many others must go outside to work, putting their health at risk. Given this reality, there is no reason not to adopt the strongest possible cumulative impacts rules and eliminate HERC's harmful pollution as soon as possible.

This is your job, and I believe it is mine to remind you to accomplish it.

Commenter's Name: Kate Wolford

Date: July 9th, 2026

Greetings,

My name is Kate Wolford, and I have lived and worked in Minnesota for 20 years. I chose to stay here after retirement because I deeply value the state's strong civic culture, diverse and vibrant communities, and its open spaces, parks, and natural environment.

Unfortunately, some communities in our state experience disproportionate levels of pollution and its negative impacts on health and quality of life.

You can help change that by adopting strong rules. The cumulative impacts analysis should evaluate environmental and public health stressors and how a facility will contribute to those stressors. If a facility contributes to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact.

Commenter's Name: Diane Dobitz

Date: July 14th, 2026

To the Minnesota Pollution Control Agency,

My name is Diane Dobitz. I have been an educator for more than forty years, and even now, at age 73, I continue to volunteer in classrooms. I write to you as a white lesbian woman, a lifelong advocate for social justice, and, most of all, as a community “grandmother” who cares deeply about the health and future of Minnesota’s children. Although I am not a mother myself, I have spent my life loving, teaching, and supporting young people. They are my village, and I am part of theirs.

As a white person, I have benefited from privileges that many children today do not share—safe homes, stable neighborhoods, and environments largely free from industrial pollution. While agricultural chemicals have always been part of rural life here, the overall air and water quality of my childhood was far healthier than what many young Minnesotans experience today.

In classrooms today, I see far more children struggling with asthma, allergies, and chemical sensitivities than I ever saw during my early years as a teacher. Their young bodies and minds are more vulnerable to pollution, and the impacts of exposure can follow them throughout their lives.

These children are not imagining their symptoms. Their families are not exaggerating. Their communities are not mistaken. The environment has changed, and the burden on our youngest residents has grown heavier. I am speaking up for them.

Minnesota needs strong, effective, long-term protections that are enforced with seriousness and integrity. Industry—and the money and influence it carries—must not outweigh the health and safety of future generations, especially those who are most vulnerable and least able to speak for themselves. No one is safe unless all of us are safe. Pollution does not stay neatly within one neighborhood or one ZIP code. The air, water, and soil connect us all.

I urge the MPCA to listen closely to the people and communities most affected by industrial pollution. Their lived experiences should guide your decisions. Please reject rules or proposals that would weaken protections, increase exposure, or place children at greater risk. Health is wealth, and the well-being of Minnesotans—especially our youngest residents—must be the priority.

Thank you for your service and for the responsibility you carry. I hope you choose a path that protects the bodies, minds, and futures of all who call Minnesota home.

With respect,
Diane Dobitz

Commenter's Name: Catherine Zimmer

Date: June 30th, 2026

As a citizen, environmental health scientist, small business owner, and taxpayer, I am submitting comments regarding the proposed cumulative impacts rules. I have long been concerned about the environmental and cumulative impacts of pollution on humans and the natural world, including impacts from air pollution, water contamination, land pollution, greenhouse gases, pesticides, and other chemical exposures.

With respect to the reissuance of air permits (and other permits), the cumulative impacts on living beings in nearby communities must be considered. We now know that repeated exposure to chemicals and pollutants can affect living organisms in additional and compounding ways. To better measure impacts on communities, I suggest a detailed review of all environmental stressors when considering permit renewals.

The definition of "substantial adverse impact" is not well defined. To strengthen this definition, a review of environmental and public health stressors—and how a facility will contribute to or add to those stressors—must be considered. If a facility will add to existing stressors, then the facility should be considered to have a substantial adverse impact. This would provide a more objective measurement and is similar to New Jersey's approach.

The Community Benefit Agreement (CBA) process also lacks clear criteria. I recommend establishing a community council that brings together facility owners, community members, and the MPCA to evaluate and either accept or deny a proposed CBA. This would provide the community with a meaningful opportunity to participate in the process, while also requiring the Commissioner to provide a clear justification for their final decision.

The intent of these comments is to provide greater clarity in the cumulative impacts assessment process for permit reissuances, establish an objective basis for determining substantial adverse impact, and ensure that affected communities are meaningfully involved in final decisions that reflect their needs and desires.

Commenter's Name: Allan Campbell

Date: July 10th, 2026

As a Minneapolis resident and supporter of the Urban Farm being developed in the City's East Phillips neighborhood, an environmental justice (EJ) community, I have long followed efforts to limit the cumulative impacts of polluting facilities.

I believe that the biggest weakness of both the 2008 Clark-Berglin law and the current Cumulative Impacts legislation is their failure to adequately address permit reissuances. Like most EJ communities in urban areas, the harm to East Phillips has come from existing sources, not from new or expanded point sources of pollution.

Therefore, my sole recommendation is that the rules go further by requiring existing facilities with expiring permits to undergo the same rigorous cumulative impacts analysis as newly proposed or expanded facilities.

Commenter's Name: Rikki Honnold

Date: July 15th, 2026

As I write this, wildfire smoke is choking the outdoor air, and another evening of plans has been completely canceled for my children. What kind of world are we leaving for our kids when this is the air they have to breathe, and we have to beg for public comment while we still fail to fully consider cumulative impacts?

I recommend using the existing environmental stressors in impacted environmental justice (EJ) areas, along with pollution emissions from facilities, to require a cumulative impacts analysis for permit reissuances. This would better accomplish the goal of the law by addressing the existing cumulative impacts burden.

Commenter's Name: Katy Wortel

Date: July 9th, 2026

I am a senior Minnesota resident who cares deeply about the health and well-being of vulnerable Minnesotans and future generations of Minnesotans. I worked on issues related to garbage incinerators and incinerator ash facilities during the 1990s.

I am concerned that the proposed environmental rules are not strong enough to protect these populations. As you consider the cumulative impacts rules, I urge you to evaluate all of the environmental impacts within the affected area of any facility under review.

Commenter's Name: Judy Gregg

Date: July 14th, 2026

Greetings,

My name is Judy Gregg, and I live in the Lake Minnetonka area. I am an Elder at St. Luke Presbyterian Church, where I have been part of an effort to shut down the HERC garbage burner in North Minneapolis. We believe it is an injustice that people suffer because of the neighborhood in which they live.

One of our sister churches, Liberty Presbyterian, is located near HERC. The minister there, along with others in her congregation, suffers from asthma and other health issues as a result of living and working in that area. She has shared that, in her case, her asthma developed after moving from Atlanta to North Minneapolis.

I personally live in a privileged community where the air is clean, and neither my health nor my neighbors' health is affected by industrial pollution. My quality of life has not been impacted. However, I care deeply about how other people are forced to live. My concern with this law is that, while it will affect new facilities, it may have no effect on HERC because it has no known violations.

My recommendation is that existing facilities like HERC be required to conduct a cumulative impacts analysis whenever their permits come up for renewal. They should not be grandfathered in. This would ensure that communities that have lived for years in areas affected by multiple sources of pollution have an opportunity for cleaner air.

My other concern is the vagueness of the definition of "substantial adverse impact." I recommend that the cumulative impacts analysis evaluate environmental and public health stressors and how a facility will contribute to those stressors. If a facility contributes to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This approach is similar to New Jersey's and would provide a more objective determination of substantial adverse impact, creating greater clarity for all parties involved.

Thank you.

Commenter's Name: Gaye Guyton

Date: July 14th, 2026

Hello,

I am a retired teacher and the mother of three who lives in Minnetonka. I care deeply about the health and well-being of all Minnesotans—our air, our water, and our climate—and I support strong environmental regulations to safeguard everyone's right to live a healthy life.

In the past, some of our state's communities have been overlooked as certain industries have moved in and caused environmental harm. That is why I was encouraged to hear about the 2023 Cumulative Impacts Law. Finally, Minnesotans living in environmental justice communities across the metro area would benefit from stronger pollution regulations.

However, I am concerned that the proposed cumulative impacts rules do not go far enough—or are not specific enough—to protect the air, water, climate, and public health of those already living with high concentrations of pollution. For example, when permits are reissued to existing facilities, they should be required to meet the same standards as new facilities. The rules should also better define what "substantial adverse impact" means. Will public health risks be considered alongside environmental impacts? There should also be a meaningful way for communities to participate in Community Benefit Agreements so that those agreements accurately reflect the understanding between communities and facility owners.

Strengthening the rules with clearer definitions, stronger criteria, and measurable benchmarks will increase transparency, reduce uncertainty, and help avoid unnecessary conflict and legal costs over time.

Every day, I am grateful to live in Minnesota, where we value our beautiful lakes, rivers, forests, and our neighbors—no matter where they live. It would be wonderful if the protections established by the 2023 law could eventually be expanded statewide.

The 2023 Cumulative Impacts Law is an important step toward advancing environmental justice for everyone. However, I join others in urging you to strengthen these rules by adding more robust analysis, clearer criteria, and stronger benchmarks.

Commenter's Name: Karen Lunde

Date: July 15th, 2026

I'm a mother of a 20-year-old daughter here in Minneapolis. We live in Linden Hills, and my daughter attends the University of Minnesota Twin Cities. Right now, Linden Hills is filled with smoke from the BWCA fires. The air is poisonous.

For the people who live near HERC, their air is always polluted. Please shut down the burner at HERC. It could be repurposed as a sorting facility. Research has shown that not all of the material in garbage trucks is actual trash. Much of it can be recycled or even reused. People living in Minneapolis' Green Zones have experienced years of environmental injustice. Please shut down the burner at HERC.

Here are my additional concerns and recommendations regarding the proposed cumulative impacts rules:

Permit reissuances need benchmarks for requiring a cumulative impacts analysis that are based on the pollution impacts of the facility and the health and environmental conditions in the community. Many environmental justice (EJ) communities are already facing a cumulative impacts burden from decades of exposure to pollution.

I recommend using the existing environmental stressors in impacted EJ areas, along with pollution emissions from facilities, to require a cumulative impacts analysis for permit reissuances. This will better accomplish the goal of the law by addressing the existing cumulative impacts burden.

The definition of "substantial adverse impact" is too vague and undefined, leaving both facility owners and communities uncertain about how it will be determined until the Commissioner publishes their reasoning. This creates uncertainty and leaves any determination of substantial adverse impact vulnerable to legal challenge.

I recommend that the cumulative impacts analysis evaluate environmental and public health stressors and how a facility will contribute to those stressors. If a facility contributes to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This approach is similar to New Jersey's and would provide a more objective determination of substantial adverse impact, creating greater clarity for all parties involved.

The Community Benefit Agreement (CBA) process lacks clear criteria for the Commissioner to deny a Community Benefit Agreement. There is no meaningful way for community members to express that a CBA is unwanted or for the Commissioner to deny a CBA. This goes against the statute, which states that "unless the commissioner enters into a community benefit agreement with the facility owner or operator, the commissioner must deny a permit."

I recommend that the facility owner and the MPCA work with community organizations and leaders to create a community council to represent the community. This council would support community outreach, negotiate with the facility owner, and provide a recommendation on whether to approve or deny the proposed CBA.

The Commissioner should then respond to the recommendation and provide a justification for their decision. This would better ensure that the CBA process reflects the community's wishes.

Commenter's Name: Freddy Perdomo

Date: July 7th, 2026

Soy Freddy Perdomo y vivo en Kasson, MN 55944. Soy jubilado y ayudo a tiempo completo en una iglesia cristiana. Me gusta todo de la ciudad, especialmente las personas y la tranquilidad de la zona.

Lo que no me gusta es que todos los días, de 5:00 p. m. a 8:00 p. m., hay un fuerte olor en toda la zona, como a lodo podrido, posiblemente causado por los químicos o fertilizantes que se utilizan en las granjas y en las áreas agrícolas. Lo mejor sería utilizar productos y químicos más amigables con el medio ambiente y menos dañinos para la salud de las personas.

También considero importante que, cuando las instalaciones existentes renueven sus permisos, se les exija un análisis de impactos acumulativos que tome en cuenta la contaminación que ya existe en la comunidad y sus efectos en la salud.

Además, la comunicación con la comunidad no debería quedar únicamente en manos de las empresas. Es mejor que trabajen junto con iglesias, organizaciones comunitarias y otros grupos de confianza para que los residentes reciban información clara y participen en las decisiones que afectan a su comunidad.

Commenter's Name: Paul Moss

Date: July 10th, 2026

Please consider the following comments:

The definition of "substantial adverse impact" is too vague and undefined, leaving both facility owners and communities uncertain about how this determination will be made until the Commissioner publishes their reasoning. This creates uncertainty and leaves decisions regarding substantial adverse impacts vulnerable to legal challenges.

I recommend that the cumulative impacts analysis evaluate environmental and public health stressors and how a facility will contribute to those stressors. If a facility contributes to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This approach is similar to New Jersey's and would provide a more objective determination, creating greater clarity for all parties involved.

The Community Benefit Agreement (CBA) process also lacks clear criteria for the Commissioner to deny a Community Benefit Agreement. There is currently no meaningful way for community members to express that a CBA is unwanted or for the Commissioner to deny a CBA. This does not align with the statute, which states that "unless the commissioner enters into a community benefit agreement with the facility owner or operator, the commissioner must deny a permit."

I recommend that the facility owner and the MPCA work with community organizations and leaders to create a community council that represents the community. This council would support community outreach, negotiate with the facility owner, and provide a recommendation on whether to approve or deny the proposed CBA. The Commissioner should then respond to the recommendation and provide a justification for their decision. This would better ensure that the CBA process reflects the community's desires.

Thank you for considering these comments.

Commenter's Name: Charles Stephens

Date: July 9th, 2026

I am a 69-year-old recently retired family physician who grew up in the Los Angeles suburbs, so I have experienced the effects of heavy air pollution firsthand.

During the last 10 years of my practice, I worked at the VA in Minneapolis, an excellent medical facility with a dedicated staff serving a diverse group of deserving patients and veterans. Many of these individuals experienced toxic exposures throughout their military careers and deployments, making it especially important to minimize additional exposures and protect their health for the rest of their lives.

In this current time of reducing oversight and regulations across many areas, it is important to maintain the integrity of sensible decisions that protect communities from new and ongoing sources of pollution.

While I appreciate the cumulative impacts rules proposed by the MPCA, there is a need for clearer definitions of both health and social harms, as well as a stronger mechanism—such as a community council—to review proposed permits and make recommendations that support both communities and businesses over the long term.

Cumulative impacts rules are important, and I encourage you to strengthen them as they move forward.

Commenter's Name: Lynnette Black

Date: July 9th, 2026

I am a retired 3M and Medtronic global marketing manager, artist, grandmother, and activist focused on social justice and environmental issues.

I have former colleagues who live in Mounds View, where an unusual number of neighbors have experienced cancer, including one colleague's husband, who also needed a pacemaker after chemotherapy.

The company I proudly worked for, 3M, is a major polluter, and I am deeply concerned about reports that the dangers of fluorochemicals, or "forever chemicals," were hidden from the public. Large corporations often have the resources to fight government oversight and deny responsibility for environmental harm. The public interest and the greater good must be prioritized to ensure a healthy quality of life for everyone.

Clean air and clean water are essential to human health. We must address these issues not only for those living today, but also for future generations—our children and grandchildren.

Commenter's Name: Kjirstin Campos

Date: July 15th, 2026

My name is Kjirstin Campos, and I am a Minneapolis resident and mother of two young children.

My youngest child is obsessed with trash trucks. For nearly two years, we have met our trash truck crew in the alley every week. Following these trucks around town made me curious: Where does all of this garbage actually go? And why is there so little regulation around how these systems are managed?

I learned that much of it goes to HERC, an outdated incinerator that burns waste. I also learned that many pollutants and toxins are not tested for, and that the facility relies heavily on self-monitoring and reporting. It feels like creating a landfill in the sky. HERC does not even generate a profit, and it will require significant repairs in the coming decade.

While I believe these proposed rules are a positive step toward preventing new pollution in overburdened communities, they will not meaningfully address the decades of existing harm that have already occurred.

Environmental justice (EJ) communities often have the least power to resist pollution, and these rules leave much of the decision-making authority with the Commissioner, who can be influenced by industry interests.

How willing will you truly be to hold polluters accountable? I do not want symbolic action—I want meaningful protections for the people you represent. I am paying attention.

Please create a community council to represent residents and ensure that community voices have a real role in decisions that affect their health and future.

Commenter's Name: Sara Perdomo

Date: July 7th, 2026

Hi, my name is Sara Perdomo. My pronouns are she/her/hers, and I live in Rochester, Minnesota. I am a community member who cares deeply about the health and future of my community.

One thing I have recently noticed is the increasing pollution in Rochester. Rochester is known for the Mayo Clinic, and every year, new buildings are being constructed. I have noticed that downtown now has more buildings than trees and parks.

Over the past few summers, I have noticed a significant change in the air quality in Rochester as more factories and buildings continue to be developed. Moving forward, I would like to see more trees planted, more green spaces created, and efforts made to reduce pollution.

I care about tomorrow and the future generations who deserve to have access to clean air and a healthy environment.

Commenter's Name: Rachel Geissinger

Date: July 12th, 2026

I am a mother who lives in the southwest suburbs, and I am deeply concerned about the future impacts pollution will have on children and generations to come.

Protect everyone by starting with those who are most impacted. Prioritize the communities that have experienced the greatest environmental burdens and ensure they receive the protections and care they deserve.

Let's work toward ensuring that everyone in Minnesota has equal access to clean air.

Commenter's Name: Chel Anderson

Date: June 30th, 2026

I am someone fortunate to have lived most of the past 50+ years in a part of Minnesota where good air quality is the norm rather than the exception. However, over the years, I have also spent significant time in the West St. Paul community, where the opposite is true. As a result, I have seen firsthand how inequitable air quality can be across the state, often depending on geography and income.

Even as a healthy person, the air quality in West St. Paul often influences my choices about how much time I spend outdoors. Between noxious industrial fumes, traffic pollution, and dust, the air can genuinely feel unhealthy to breathe. I cannot imagine what this must be like for people whose respiratory health is already compromised, or for children and older adults who are more vulnerable. There are clearly other communities throughout the metro area experiencing similar air quality challenges.

The vast difference between the air quality some Minnesotans breathe every day and the air quality I experience at home is unacceptable. These disparities, which have existed for decades, can and must be addressed to improve the lives of impacted communities. This is clearly the intent of the 2023 Cumulative Impacts Law.

To achieve the goals of this law, the rules should:

- Strengthen the definition of "substantial adverse impact." The current definition is too broad and needs to be strengthened so that there is a clear, objective process for determining impacts and avoiding unnecessary legal challenges. The cumulative impacts analysis should evaluate a community's environmental and public health stressors and how a facility will contribute to those stressors. If a facility contributes to a specific number of adverse environmental stressors, that should be considered a substantial adverse impact.
- Require cumulative impacts analyses during permit reissuances. When permits are being renewed, the rules should require benchmarks that evaluate cumulative effects based on existing pollution sources and current health and environmental conditions in the community.
- Create clear criteria for Community Benefit Agreements (CBAs). The rules need to provide clear criteria for when the Commissioner can deny a Community Benefit Agreement, which the current draft does not. This raises an important question: within the context of the statute, which states that "unless the commissioner enters into a community benefit agreement with the facility owner or operator the commissioner must deny a permit," how can a permit be denied, or how can a community express that it does not want a Community Benefit Agreement?

To ensure the process is clear and reflects the community's perspective, the MPCA and facility owners should work with community organizations and leaders to create a

community council that represents the affected community. This council could support community outreach, negotiate with the facility owner, and provide a recommendation on whether to approve or deny a proposed Community Benefit Agreement. The Commissioner should be required to respond to the council's recommendation and provide a justification for their decision.

Clean air is fundamental to health and should be a reality for every Minnesotan, regardless of geography or income. There is no excuse not to use the opportunities provided by the 2023 Cumulative Impacts Law to address the unacceptable air quality inequalities that exist across Minnesota.

Commenter's Name: Bridget Guiza

Date: July 13th, 2026

My name is Bridget Guiza, and I have an educational background in environmental systems from UC San Diego. I have worked with various local and out-of-state nonprofit organizations, as well as public organizations such as the Bureau of Land Management. Through this work, I have developed a strong understanding of how certain communities across the country have been disproportionately impacted by industry and industrial waste.

We are entering a time when we are seeing significant public health consequences, not only for communities directly affected by pollution, but also beyond those communities through impacts on our public waters and public lands. Our environment does not recognize political borders or jurisdictional boundaries; it follows the laws of nature. It is time for us, as humans, to do the same—for the benefit of our children and future generations.

This means ensuring that our public agencies fulfill their responsibility to protect public health and safety. We need strong voices and strong protections for both people and the environment.

The following are identified problems and recommended solutions:

Permit reissuances need benchmarks for requiring a cumulative impacts analysis that are based on facility pollution impacts and the health and environmental conditions of the community. Many environmental justice (EJ) communities are already experiencing cumulative impacts from decades of exposure to pollution. I recommend using existing environmental stressors in impacted EJ areas, along with pollution emissions from facilities, to require a cumulative impacts analysis during permit reissuances. This would better accomplish the goal of the law by addressing existing cumulative impacts burdens.

The definition of "substantial adverse impact" is too vague and undefined. This leaves both facility owners and communities uncertain about how substantial adverse impacts will be determined until the Commissioner publishes their reasoning. This creates uncertainty and leaves decisions vulnerable to legal challenges. I recommend that the cumulative impacts analysis evaluate environmental and public health stressors and how a facility will contribute to those stressors. If a facility contributes to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This approach is similar to New Jersey's model and would provide a more objective determination, creating greater clarity for all parties involved.

The Community Benefit Agreement (CBA) process lacks clear criteria for the Commissioner to deny a Community Benefit Agreement. There is currently no meaningful way for community members to express that a Community Benefit Agreement is unwanted, or for the Commissioner to deny a CBA. This conflicts with the statute, which states that "unless the commissioner enters into a community benefit

agreement with the facility owner or operator, the commissioner must deny a permit.” I recommend that facility owners and the MPCA work with community organizations and leaders to create a community council that represents the affected community. This council would support community outreach, negotiate with the facility owner, and provide a recommendation on whether to approve or deny a proposed CBA.

The Commissioner should then be required to respond to the council’s recommendation and provide a justification for their decision. This would better ensure that the CBA process reflects the community’s needs and priorities.

Thank you for taking the time to consider these comments and for your public service.

Commenter's Name: Adam Daire

Date: July 13th, 2026

I am Adam Daire, a father of five in Mounds View. Like many Minnesotans, I am concerned about how corporate entities use resources without fully considering the impacts on future generations who want to see our state remain a place of natural beauty and a community that protects all of its residents.

I live in the northern suburbs, where the former ammunition plant site and its years of unregulated pollution continue to impact the community decades after its closure.

To truly protect environmental justice communities, the MPCA must establish clear benchmarks that trigger cumulative impacts analyses for permit renewals, specifically considering a community's existing pollution levels and health burdens.

Currently, the definition of "substantial adverse impact" is too vague, creating legal uncertainty and leaving both residents and facility owners unclear about how decisions will be made until a final determination is issued. A more objective approach, similar to New Jersey's model, would connect this definition directly to the number of environmental stressors a facility contributes to.

Finally, the Community Benefit Agreement (CBA) process needs clear criteria and meaningful accountability. By forming a dedicated community council of local leaders to help negotiate these agreements and provide recommendations for approval or denial, we can ensure that the Commissioner's final decision truly reflects the needs and priorities of the community.

The MPCA's current work is commendable, but true environmental justice requires stronger rules. Existing facilities should be held to the same rigorous standards as new facilities when their permits expire. Most importantly, the state must establish transparent authority for the MPCA Commissioner to reject permits when a Community Benefit Agreement fails to adequately protect local residents.

Commenter's Name: Tom Glaser

Date: July 7th, 2026

Please maintain strong regulatory protections for environmental justice communities in the final rules.

Commenter's Name: Eric W Larson

Date: July 15th, 2026

I am a retired physician and a long-time resident of Edina with a strong interest in maintaining a healthy environment. This is even more important to me now that I am a grandfather. I want us all to preserve and improve our environment for future generations. To my knowledge, my community is not an environmental justice (EJ) area, but I am speaking in support of protecting the many communities across Minnesota that experience disproportionate pollution burdens and the resulting health impacts. I am concerned about both health and safety.

I recommend that facilities with the potential to create pollution be required to submit a cumulative impacts analysis that evaluates environmental and public health stressors and how the facility will contribute to those stressors. This is especially important for facilities with the potential to create multiple types of impacts.

Sincerely,
Eric Larson

Commenter's Name: B Pearlman

Date: July 9th, 2026

Hello,

I live in Mendota Heights and have always cared deeply about our planet. I am fearful about how climate change is impacting us all, but especially those who live closer to the poverty line and near industries that create pollution.

I want to add my voice to others asking you to keep these laws strong and ensure they protect those who are most vulnerable. I urge you to use existing environmental stressors in impacted EJ areas, along with pollution emissions from facilities, to require a cumulative impacts analysis for permit reissuances. This will better accomplish the goal of the law to address the existing cumulative impacts burden.

In addition, please continue to gather and use cumulative impacts analyses to study environmental and public health stressors and how a facility will contribute to those stressors. If a facility contributes to a certain number of adverse environmental impacts, that should be considered a substantial adverse impact. This approach is similar to New Jersey's model and would provide a more objective determination of substantial adverse impact, creating greater clarity for all parties involved.

Finally, I urge you to ensure that facility owners and the MPCA work with community organizations and leaders to create a community council to represent the community. This is consistent with our founding principles of representative governance and the importance of community oversight and accountability. Thank you for your consideration.

Commenter's Name: Beth Daniels

Date: July 16th, 2026

Hello,

I am a mother and grandmother living in South Minneapolis (55417). Our neighborhood is very walkable, with parks, Lake Nokomis, a grocery store, and other community resources. We are near Highway 62 and the airport, so we experience noise and air pollution. We compost and recycle to keep our trash footprint as small as possible, but we know that, sadly, our trash contributes to the air pollution generated by HERC. This pollution affects our neighbors in North Minneapolis as well as the entire region. I have asthma, and I know that asthma rates are higher among people living near polluting facilities.

It concerns me that the current draft rules do not provide clear mechanisms for a community to say "no" to a Community Benefit Agreement (CBA), nor do they define when a Commissioner would deny a permit. The sections addressing the Cumulative Impact (CI) analysis and substantial adverse impacts (SAI) need additional strength. In particular, there is no clear method for determining how environmental and public health stressors contribute to adverse impacts. Additionally, pathways for assessing the cumulative impacts of existing facilities are not addressed. These gaps put Environmental Justice (EJ) communities at a severe disadvantage.

To address this gap, the rules should define clear permit denial criteria, including specific circumstances under which the Commissioner must deny a permit, consistent with statutory requirements. In addition, the rules should establish a community council process that requires facilities to engage with a representative group of local community organizations. This group should have the ability to make recommendations to the Commissioner and receive a response explaining the decision.

To strengthen CI and SAI determinations, an additional method is needed to analyze environmental and public health stressors. This method should include a numerical threshold for determining substantial adverse impact in order to reflect the full and actual impact experienced by each community. Additionally, permit reissuances should require a CI analysis based on existing community conditions and the actual pollution burden of the facility.

I am writing because I am deeply concerned about the impacts of pollution on the lives and health of our community members. I support the public comments and technical amendments submitted by the Frontline Communities Protection Coalition, including their data-driven recommendations to strengthen these rules.

I appreciate the opportunity to provide feedback. This is what makes Minnesota work!

Commenter's Name: Janiece Watts

Date: June 17th, 2026

My name is Janiece Watts. I am a mama, a partner, and an environmental justice advocate. I live in the North End of St. Paul, with family members on the East Side, Midway, and in South Minneapolis. I cherish connecting with nature through gardening and learning about what nature provides for us and what it needs from us in return.

I spend much of my time in my garden, but while there I hear the constant traffic and ongoing construction on Rice Street, which is one block away from my home. My neighborhood has many industrial facilities and is designated as an Environmental Justice (EJ) area. I am deeply concerned about the health of my family and every other family living here, as we experience poor air quality from vehicle emissions and heavy industrial pollution, leading to negative health outcomes and a lack of green space.

Despite these challenges, my community is vibrant and loving. We value our ethnic diversity and care deeply for present and future generations. The cumulative impacts rules should reflect the intention of understanding the compounding effects of living with pollution and recognize the demands of communities that have been overburdened by multiple stressors to end environmental racism.

The proposed rules establish benchmarks for public health and environmental stressors when determining substantial adverse impact (SAI), but the current definition is too vague and undefined. This leaves communities without clarity until the Commissioner makes and publishes a determination, making SAI decisions vulnerable to legal challenges. I echo the recommendation of the Frontline Communities Protection Coalition (FCPC) that the cumulative impacts analysis include a section evaluating public health and environmental stressors and how a facility applying for a permit or permit reissuance will contribute to those stressors. This should be paired with a fourth method for determining SAI when a stressor is present, with lower thresholds for benchmarks to ensure that existing burdens are fully considered.

This is critical information that communities need to understand because we live with these stressors every day. We know from our lived experiences that permitting a new facility or renewing a permit for an existing facility can worsen existing harms. Including this analysis is essential to creating strong cumulative impacts rules that truly protect people and the environment we all depend on.

As an environmental justice advocate, I have engaged with this law and rulemaking process in several ways, and I am deeply invested in ensuring these rules are understood and used to their fullest extent to bring accountability and meaningful action for Environmental Justice communities.

I fully support the work of FCPC and amplify their comments here. Thank you for reading and considering my comments with sincerity and seriousness.

Commenter's Name: Julie Bode

Date: June 17th, 2026

To the Attention of Judge Kimberly Middendorf
Regarding CAH Docket #21-9003-39398

My name is Julie Bode, and I live in the East Phillips neighborhood of Minneapolis, a designated Environmental Justice (EJ) area. I am writing because the MPCA's Cumulative Impacts rulemaking is deeply personal to me and my neighbors.

Living in East Phillips means experiencing the effects of pollution every day. Our community has carried the burden of industrial activity for generations. We have faced pollution concerns from facilities like the former Smith Foundry, arsenic contamination in the soil, heavy truck traffic, diesel exhaust, and poor air quality. These are not abstract issues for us. They affect where children play, the air we breathe, and the health of our families.

That is why I am concerned that the proposed cumulative impacts draft rules do not provide a clear path for denying a permit when a new or existing facility would add to the environmental burdens already facing communities like mine.

Under the current draft, a facility can continue revising its Community Benefit Agreement (CBA) until it is approved. There is no clear process for a community to say "no," and there are no specific circumstances that require the Commissioner to deny a permit. As someone who lives in an overburdened neighborhood, I see this as a significant gap in the rules. If cumulative impacts reviews are meant to protect Environmental Justice communities, there must be clear standards for when a permit should be denied.

For me, a meaningful community benefit is not simply a donation or a promise on paper. It means cleaner air, healthier soil, fewer pollution-related health risks, and confidence that my neighborhood will not continue to carry a disproportionate share of environmental harm. The people who live near these facilities and experience their impacts every day should have a meaningful voice in determining whether a facility is truly being a good neighbor.

I urge the MPCA to establish clear permit denial criteria that align with the intent of the law and provide real protections for communities already carrying significant environmental burdens. Without a clear pathway to deny permits when cumulative impacts become too great, these rules risk falling short of the protections that Environmental Justice communities need and deserve.

In addition to these concerns, I want to express my full support for the public comments and technical amendments submitted by the Frontline Communities Protection Coalition. Their recommendations include additional data-driven approaches to

strengthen these rules, and I encourage the MPCA to carefully consider them as part of the final rulemaking process.

Thank you for your time, consideration, and commitment to protecting Minnesota communities.

Sincerely,

Julie Bode

East Phillips Neighborhood
Minneapolis, Minnesota

Commenter's Name: Jo Holub

Date: June 17th, 2026

To the MPCA,

My name is Jo, and I have many loved ones and neighbors living in areas of the state that are heavily impacted by waste and pollution from industrial facilities and busy roadways.

We have a beautiful state with many natural features that we can be proud of, but I am deeply concerned about protecting air quality, preventing groundwater pollution, and reducing noise pollution caused by these facilities and transportation corridors.

Regarding the MPCA's proposed Cumulative Impacts draft rules, I believe the definition of "substantial adverse impact" is too vague and undefined. This leaves both facility owners and communities without clear guidance on how to determine the total adverse environmental stressors associated with an existing facility. This uncertainty creates challenges for both communities and facility owners and makes any determination of substantial adverse impact vulnerable to legal challenges.

I recommend that the cumulative impacts analysis include an additional method for determining substantial adverse impact based on the number of adverse environmental stressors a facility contributes to. Establishing a numerical threshold would better reflect the full burden communities face. My understanding is that this approach is similar to New Jersey's model and would provide a more objective determination of substantial adverse impact, creating greater clarity for all parties involved.

In addition to these points, I support the Frontline Communities Protection Coalition's public comments, which include additional recommendations and data to strengthen these rules.

Thank you for the opportunity to provide feedback. I appreciate the seriousness and attentiveness given to listening to our communities' voices.

Commenter's Name: Alex Brundieck

Date: June 17th, 2026

Hello,

I am writing today as someone who currently lives in Saint Paul's Hamline Midway community while attending college, and who grew up in South Saint Paul. Hamline Midway is an Environmental Justice (EJ) area.

I have lived with asthma since childhood, and over the past few years I have become more aware of how air quality affects my health. Since moving to Hamline Midway, there have been days when I could smell poor air quality from inside my home. Several times, I have chosen to stay indoors and reduce my activities because of these conditions. Growing up in South Saint Paul, it was not uncommon to experience strong odors and air pollution, especially during the summer, from nearby industrial facilities and the stockyards.

As I have learned more about the proposed Cumulative Impacts rules, I have become hopeful but remain cautious because there are still areas that need improvement. One of my biggest concerns is the lack of requirements for existing facilities to conduct cumulative impacts analyses.

The Cumulative Impacts rules are an important step forward, but if they only apply when facilities are renewing permits, many communities will continue to experience the harmful effects of pollution from existing facilities. To me, this is a major gap that must be addressed to keep our communities safe and healthy.

By establishing requirements for existing facilities to regularly evaluate the cumulative impacts of their pollution, we can create a more effective approach to protecting public health and addressing the ongoing burdens communities face.

I appreciate all the work the MPCA does for Minnesotans, and I also want to express my support for the Frontline Communities Protection Coalition's public comments.

Thank you for taking the time to listen to community voices.

Commenter's Name: Josefina Gerónimo,
Date: June 17th, 2026

I am writing as a resident of 55418 in Northeast Minneapolis, living on the border with North Minneapolis. The Lowry Bridge separates our neighborhoods, but the impacts of poor air quality do not stop at the river. Both communities are Environmental Justice (EJ) areas, and it has become unacceptable that we are experiencing more and more days when we cannot open our windows because of poor air quality.

These are not just abstract data points. Cumulative pollution and climate change are affecting our bodies and our mental well-being. When the Air Quality Index (AQI) is high, children stay indoors, elders struggle to breathe, gardens sit unused, and the constant need to monitor air quality becomes a daily burden. My neighbors and I are experiencing a reduced quality of life because we cannot find relief in our own homes. This is a public health crisis.

I speak from lived experience. I am a wildfire evacuee from California. I know what it means to evacuate for weeks, watch the sky turn orange, and learn overnight what PM2.5, PM10, and ozone mean for my family's health. Now I see Minnesota families experiencing similar conditions for the first time, often without the tools or information needed to protect themselves.

We should not have to become experts in particulate matter just to keep our children safe.

Commenter's Name: Antonia Adan

Date: June 17th, 2026

To the Minnesota Pollution Control Agency (MPCA),

My name is Antonia, and I live in the Erickson neighborhood of South Minneapolis, which is considered an Environmental Justice (EJ) area in the Twin Cities. It is extremely important that we uplift and invest in the MPCA's Cumulative Impacts rulemaking process to ensure that we are creating safe and healthy communities for our families.

My health, and the health and well-being of my family, friends, and community, deserve to be protected. People should be able to live in areas free from pollution, where public health is prioritized over corporate interests and development.

I live in a beautiful area near Minnehaha Parkway. However, we also live near a very busy street at 34th Avenue and 46th Street, as well as near the busy Metro light rail. We have a stretch of older industrial buildings along Hiawatha Avenue and an old railroad line directly behind them.

Over the past few years, my neighbors and I have noticed increased traffic and worsening air pollution due to rapid business and housing development. We welcome growth in our community, but environmental impacts must be considered. We have experienced overlapping pollution sources, including construction impacts, diesel exhaust, transportation emissions, and increased traffic congestion along Hiawatha Avenue, along with the ongoing challenges of limited affordable housing. We also have a small unhoused population that appears to lack stable housing or safe places to go during the day.

A concern is that there is no method to determine substantial adverse impacts (SAI) from environmental stressors. The Cumulative Impacts (CI) analysis includes three methods for determining substantial adverse impacts, but none specifically evaluates the total number of adverse environmental stressors that an existing facility contributes to within a community.

I recommend to add a fourth method for determining SAI. The CI analysis should include a section evaluating environmental and public health stressors, along with a corresponding numerical threshold for SAI that better reflects the full burden communities face.

In conclusion, I want to express my full support for the public comments and technical amendments submitted by the Frontline Communities Protection Coalition, which include additional data-driven recommendations to strengthen these rules. Thank you for your time and consideration. We hope that community voices are deeply valued and meaningfully considered as decisions are made that directly impact our quality of life here in Minnesota.

Commenter's Name: Hannah Resendiz Olson

Date: June 17th, 2026

To the MPCA,

My name is Hannah, and I live in an Environmental Justice (EJ) area in North Minneapolis. I also work in public health, and I am deeply passionate about protecting the health of my community and other communities facing similar challenges.

The Cumulative Impacts law is of great interest to me because I have seen the deep harms that occur when communities are impacted by pollution without having their voices heard. When I lived near the Midway neighborhood, I was always concerned about air quality impacts from I-94 and the social impacts on the historic Rondo neighborhood. Now, living in Minneapolis, I experience the impacts of HERC, continued poor air quality, and long-standing neglect in our community.

I am concerned about the current lack of methods for determining substantial adverse impacts (SAI) from environmental stressors. There are many factors that affect health in North Minneapolis, including a lack of investment, limited job opportunities, insufficient public recreation spaces, and other social and environmental stressors that impact quality of life.

The MPCA should add additional determination methods to the cumulative impacts analysis that address social, environmental, and public health stressors. These methods should include measurable data and thresholds for SAI that better reflect the full burden communities face.

When a community like ours is forced to navigate multiple challenges every day, it is essential that all cumulative impacts are considered when determining substantial adverse impact.

As a member of Health Professionals for a Healthy Climate, I also express my support for the comments and amendments submitted by the Frontline Communities Protection Coalition.

Thank you for the opportunity to provide feedback. I hope you take our voices with the seriousness and consideration they deserve.

Commenter's Name: Chelsey Blanke

Date: July 17th, 2026

Hello,

My name is Chelsey (she/her), and I am a community member in Northeast Minneapolis. I have an environmental background and often work outdoors, which has made me especially concerned about wildfire smoke, air quality, and the impacts these issues have on my neighbors in North Minneapolis.

The Cumulative Impacts Law must account for the combined effects of wildfire smoke, air pollution, and existing polluting facilities like the HERC. These overlapping environmental burdens must be considered together when evaluating impacts on communities.

I have the following suggestions for the proposed rules:

- The Community Benefit Agreement process must include meaningful and ongoing communication with affected communities.
- The rules must provide a clear definition of “substantial adverse impact.”
- Cumulative impacts analyses must be thorough and structured in a way that prioritizes the experiences and needs of affected communities, especially those that have been historically overburdened by pollution.

Please ensure that this law truly protects my neighbors and the communities most impacted by pollution.

Thank you,

Chelsey

Commenter's Name: Aubree Derksen #2

Date: July 17th, 2026

I am a member of a frontline community fighting against a hyperscale data center, and my community is also connected to a nearby tribal community. As I reviewed the Community Benefit Agreement (CBA) community input panels, I did not see any tribal members represented. This is concerning because the rulemaking process is intended to apply to tribal communities, and CBAs will also impact those communities.

The community input panel process must be redone with meaningful tribal participation, and the timeline should be extended to allow for proper tribal engagement. Tribal sovereignty must be respected, including treaty rights and the right of tribal communities to have a meaningful voice in decisions that affect them.

Similarly, when reviewing the May 13th Adverse Impact working session, I did not see tribal members represented. This session should also be revisited, with a timeline extension provided to ensure tribal communities are included in the process.

I attended the April 9th workshop in Rochester, where only four people participated, and no tribal members were represented. Overall, I am seeing significant red flags that require a more intentional and inclusive approach.

Tribal representation matters, and the absence of tribal voices in this process is unacceptable. The rulemaking process must ensure that tribal communities are meaningfully included and that their rights and perspectives are respected. I am a frontline community member involved in the fight against a hyperscale data center, and I work in Rochester. One of the most important truths that must remain at the center of this rulemaking process is that people's lives are at stake.

The story of Ella Adoo-Kissi-Debrah is a powerful reminder of what is at risk when air pollution is not adequately addressed. Ella was a young girl with asthma who lived just 82 feet from a high-traffic road in the United Kingdom. She played outside like any other child, but in the three years before her death, she experienced repeated seizures and was hospitalized 27 times. At age nine, Ella died. Through her mother Rosamund's advocacy, Ella became the first person in the world to have air pollution listed as a cause of death on her death certificate in a landmark 2020 case.

Community members do not always have the information or resources to fully understand the risks of air pollution. But parents of children with asthma understand those risks intimately. I did not see the voices of families who must make impossible choices every day—parents who cannot safely open their windows, let their children play in the backyard, or allow them to enjoy what should be a safe home environment because doing so could trigger a life-threatening asthma attack.

Those voices must be represented in this process.

Instead, I saw significant deference given to industry stakeholders throughout these documents, and I have seen this same dynamic play out in my own community. We

have been subjected to seven environmental reviews through different regulatory processes, each hundreds or thousands of pages long, all within the same 120-day timeframe. The process is not over, and more reviews are still coming.

This is a regulatory system that allows industries to exploit loopholes, withhold critical information, and overwhelm communities with processes they do not have the capacity to navigate. When our community raised concerns, concerns coming from one of the Environmental Justice communities directly impacted by this rulemaking process, the MPCA dismissed them as “out of scope.”

That cannot continue.

The MPCA's role is not to protect industries from leaving. Its role is to protect human health and the environment, and to ensure that industries operating in Minnesota are held accountable to strong environmental protections and regulations.

The industries raising the loudest concerns about accountability are often the same industries creating the greatest harms to people and the environment. The communities bearing these burdens are not seeing investments that come close to addressing the scale of the pollution, health impacts, and cumulative harms they experience.

You cannot Community Benefit Agreement your way out of a death. You cannot Community Benefit Agreement away cancer. You cannot compensate a family after a child's life has been taken by preventable pollution.

This process cannot become a race to the bottom. We do not want or need more Ellas.

As a mother, I cannot justify knowingly allowing more families to experience what Rosamund Adoo-Kissi-Debrah has endured—the loss of a child and the lifelong pain that follows. After Ella's death, Rosamund said that reaching a settlement was not a victory “because your child is already dead,” but that it provided an acknowledgment of what happened to her daughter. The government expressed regret and committed to an ambitious clean air strategy.

So I ask: How committed are you?

Will this rulemaking process truly prioritize human health and the communities most impacted by pollution? Will it recognize that behind every data point, permit, and regulatory decision are real people whose lives are affected?

We have the opportunity to prevent more families from experiencing preventable loss. Please use this opportunity to protect communities, strengthen accountability, and ensure that no more lives are sacrificed to pollution.

Commenter's Name: Melissa Zimmerman

Date: July 17th, 2026

My name is Melissa Zimmerman, and I am an Owatonna resident who has spent the past several years participating in environmental review processes, public advocacy, and community engagement around major infrastructure projects. I appreciate the effort the MPCA has made to incorporate meaningful community participation throughout the cumulative impacts process. Requiring public participation plans, multiple public meetings, advance notice, opportunities for public comment, and discussions around Community Benefit Agreements are all important steps in the right direction.

However, based on my experience, meaningful public participation requires more than simply creating opportunities for residents to attend meetings and submit comments. It requires sufficient time for communities to understand a proposed project, review supporting information, ask informed questions, and provide feedback while there is still a meaningful opportunity to influence decisions.

Meeting materials, draft analyses, and draft Community Benefit Agreements should be made available before public meetings so that residents have the opportunity to prepare and engage thoughtfully, rather than encountering important information for the first time during a presentation.

Public comments should also be treated as an opportunity to strengthen and improve the process, not simply as a procedural requirement to check a box. When residents identify significant omissions, inaccuracies, or additional cumulative impacts supported by credible evidence, those concerns should be meaningfully considered. The cumulative impacts analysis or Community Benefit Agreement should be revised or supplemented when appropriate before decisions are finalized. Simply responding to comments does not necessarily create meaningful participation if community input cannot influence the final outcome.

Meaningful participation also requires accountability. Residents should have access to a fair, transparent, and affordable process to challenge decisions when credible evidence or community concerns are not adequately considered. Ideally, there should be opportunities for review and oversight before a matter reaches litigation. If judicial review becomes necessary after available administrative remedies have been exhausted, residents who successfully demonstrate that concerns were not properly addressed should have the ability to recover reasonable attorney fees and litigation costs. Community participation should not depend on whether individuals or communities have the financial resources to challenge decisions that they believe are inconsistent with the evidence.

The proposed community participation requirements provide a strong foundation. With additional emphasis on transparency, meaningful consideration of public input, and accessible avenues for review, these rules can help ensure that community participation is not just a required step in the process, but an essential part of better environmental decision-making.

My hope is that these rules recognize that communities bring valuable knowledge and lived experience to these processes. When residents have the information, time, and meaningful opportunities to participate, the result is stronger decisions that better protect people and the environment.

I am an Owatonna resident who has spent the past several years participating in environmental review, public engagement, and local permitting processes. While I have not personally negotiated a Community Benefit Agreement (CBA), I have spent time learning about how CBAs have been implemented in other communities and reviewing information from individuals and organizations with firsthand experience using these agreements.

I believe Community Benefit Agreements deserve additional consideration before these rules are finalized.

Unlike many other components of the proposed rules, a CBA is intended to establish long-term commitments between a Project Proposer and the communities affected by a project's substantial adverse impacts. These agreements are designed to address complex environmental, health, and community concerns and may remain in place for many years. Because of their significance, CBAs should not be treated as simply another step in the permitting process.

I encourage the MPCA to continue refining these provisions with input from attorneys experienced in Community Benefit Agreements, frontline community members who have participated in CBA negotiations, local governments, and practitioners who have successfully implemented similar agreements in other jurisdictions. Learning from communities that have already used CBAs can help Minnesota create a stronger framework from the beginning while avoiding challenges that have been identified elsewhere.

The proposed rules also appear to place significant responsibility on the Project Proposer to develop the agreement. Because CBAs are intended to address the concerns and priorities of affected communities, the process should ensure that community members have a meaningful role in shaping the agreement from the beginning—not simply an opportunity to comment on a draft created by the Project Proposer.

Given the legal, technical, financial, and operational complexity of many projects, the MPCA should also consider whether communities need additional support, resources, or independent technical assistance to participate effectively in these negotiations. A process cannot be considered equitable if one side has significantly greater expertise and resources than the communities most affected by the project.

Finally, I encourage the MPCA to clearly establish how Community Benefit Agreements will be monitored and enforced. The proposed rules describe how a CBA is developed, reviewed, and approved, but they should also explain who is responsible for ensuring commitments are fulfilled and what happens when they are not.

CBAs should include measurable commitments, implementation timelines, reporting requirements, and ongoing monitoring. The rules should also establish a clear process for addressing noncompliance, including corrective actions, modifications to permit conditions when appropriate, or other enforcement tools available under the law.

Without a practical and clearly defined enforcement mechanism, Community Benefit Agreements risk becoming another set of commitments without accountability, which could further damage public trust. Communities should not be left responsible for enforcing agreements that were created to protect them. A strong enforcement framework is necessary to ensure that CBAs remain meaningful throughout the life of a project and that commitments made during the permitting process are actually delivered.

Minnesota has an opportunity to establish a thoughtful and effective Community Benefit Agreement framework. Taking additional time to ensure these provisions are informed by legal expertise, practical experience, and the perspectives of affected communities will help create agreements that are meaningful, enforceable, and capable of achieving their intended purpose.

Commenter's Name: Side Corridor Residents, Owatonna East
Date: July 17th, 2026

Independent Preparation of the Cumulative Impacts Analysis:

Owatonna East Side Corridor (ESC) Residents is a community organization representing residents affected by the proposed East Side Corridor project in Owatonna, Minnesota. We advocate for transparent government, meaningful public participation, and informed environmental decision-making.

We appreciate that the proposed rules require a cumulative impacts (CI) analysis for certain facilities. However, because a Project Proposer has a financial interest in obtaining a permit, responsibility for preparing the cumulative impacts analysis should not rest solely with the applicant.

To ensure objectivity, accuracy, and public confidence in the process, the cumulative impacts analysis should be prepared by the MPCA or by an independent third party selected or approved by the MPCA, with the cost covered by the Project Proposer.

The Commissioner's role should extend beyond verifying that required information has been submitted. The Commissioner should independently evaluate the analysis, require revisions when appropriate, and ensure that the final document accurately reflects the available scientific evidence and the cumulative impacts experienced by affected communities.

An independent cumulative impacts analysis would strengthen public trust in the permitting process and help ensure that decisions are based on objective, science-based information rather than conclusions developed by an entity seeking approval for a project.

1. Human Health Should Be the Primary Focus:

Current environmental review processes often evaluate the impacts a project may have on the environment, such as air emissions, noise, traffic, or other individual factors. While these analyses are important, they often do not fully evaluate how the combined impacts of a project interact with existing environmental burdens or how those combined impacts affect the health, safety, and well-being of the people who live, work, attend school, and recreate in the surrounding community.

A cumulative impacts analysis should help bridge this gap. It should evaluate how the combined environmental impacts of a proposed project, along with existing environmental conditions, may affect human health and community safety—not simply whether a project meets individual regulatory standards.

The cumulative impacts analysis should consider both physical and mental health impacts. This should include evaluating how environmental stressors may contribute to increased stress, anxiety, sleep disruption, behavioral challenges, cardiovascular disease, respiratory illness, and other adverse health outcomes. The analysis should

also examine potential risks to vulnerable populations, including children, older adults, individuals with disabilities or chronic health conditions, and communities already experiencing disproportionate environmental burdens.

Compliance with existing environmental standards should be the starting point for the analysis, not the final determination of whether a project adequately protects the people who already call an area home. A project can meet individual regulatory requirements while still contributing to cumulative impacts that affect a community's overall health and quality of life.

The purpose of a cumulative impacts analysis should be to understand and address the full range of impacts a community may experience—not only in designated Environmental Justice areas, but in all communities across Minnesota. Every community deserves consideration of how proposed projects may affect the people who live there.

By placing human health and community safety at the center of cumulative impacts analyses, the proposed rules can better fulfill their purpose of protecting Minnesota's environment and the people who depend on it.

2. Triggering a Cumulative Impacts Analysis:

For nearly four years, our community has participated in the environmental review process for a development-driven transportation project. Throughout that process, we repeatedly raised concerns about the cumulative impacts of the proposed roadway and the future growth and development it is intended to support. Despite credible evidence of potential long-term environmental and public health impacts, a cumulative impacts (CI) analysis was not required because the project did not meet the proposed triggering criteria.

We support requiring CI analyses for new permits, major expansions, facilities with recent enforcement actions, and projects supported by credible community petitions. However, we believe the proposed rules should be strengthened to ensure that communities experiencing cumulative impacts today are not left without meaningful protections.

We recommend the following improvements:

- Eliminate the two-year exemption for permit reissuances.
Communities are experiencing cumulative environmental impacts now. Delaying implementation of CI requirements unnecessarily postpones protections for residents already affected by pollution and other environmental stressors.
- Require written notice to all residents—not only property owners—within one mile of a proposed project before studies begin or permit applications are accepted.
Early notification allows residents to understand potential cumulative impacts, participate meaningfully in the process, and provide input before key decisions are made.

- Require a CI analysis for projects proposed within five miles of a designated Environmental Justice (EJ) area.
Environmental impacts do not stop at neighborhood or municipal boundaries. Projects located near EJ communities can contribute to existing cumulative environmental burdens, even when they fall outside the designated area.
- Allow the Commissioner to require a CI analysis whenever credible evidence demonstrates that a project could create substantial cumulative environmental or public health impacts.
This authority should include infrastructure projects that may facilitate future growth and development, as these projects can create long-term impacts that are not always captured during initial review.
- Allow a well-supported community petition, accompanied by credible evidence, to independently trigger a CI analysis.
Community members often have firsthand knowledge of existing environmental conditions and reasonably foreseeable cumulative impacts that may not be apparent from permit applications or technical documents alone.
- Require written findings whenever the Commissioner grants or denies a discretionary CI analysis.
A written explanation would improve transparency, promote consistency in decision-making, and strengthen public confidence in the process.

Cumulative impacts analyses should identify and prevent disproportionate environmental burdens before communities become overburdened. Expanding the triggering criteria, eliminating unnecessary delays, strengthening community petition processes, ensuring early notification, and improving transparency would better fulfill the purpose of these rules and help prevent future environmental injustices.

Minnesota has an opportunity to create a cumulative impacts framework that meaningfully protects communities. These improvements would help ensure that the voices and experiences of affected residents are considered before environmental harms become irreversible.

3. Comments on Proposed Rule: Initial Assessment:

For nearly four years, our community has participated in environmental review for a development-driven transportation project. Through that experience, we learned that the information included in an Initial Assessment can determine whether additional environmental review takes place. When an Initial Assessment is incomplete, narrowly focused, or missing important information, significant cumulative impacts may never receive the level of evaluation they require.

We support requiring Initial Assessments for projects near Environmental Justice (EJ) communities and making those assessments publicly available. However, we recommend strengthening the Initial Assessment process to ensure it is independent, comprehensive, transparent, and deserving of public confidence.

Initial Assessments should be required for projects proposed within five miles of a designated EJ area. Transportation corridors, increased traffic, noise, air emissions, and growth-inducing projects often impact communities far beyond a one-mile radius and can further burden communities already experiencing environmental challenges.

The Initial Assessment should evaluate not only the direct impacts of a proposed project, but also the reasonably foreseeable growth and development the project is intended to support. It should consider a broad range of cumulative environmental stressors, including noise, traffic, lighting, vibration, stormwater impacts, habitat fragmentation, air pollution, and other environmental conditions—not only regulated emissions.

The assessment should also evaluate the presence of vulnerable populations and sensitive locations, including schools, childcare facilities, healthcare facilities, senior housing, and communities with higher concentrations of children, older adults, individuals with disabilities, and people living with chronic health conditions.

We are concerned that the proposed rules allow the Project Proposer to prepare the Initial Assessment that will be used to determine whether additional review is required. This creates an inherent conflict of interest because the entity seeking approval for a project is also responsible for preparing the analysis that determines whether additional scrutiny is necessary.

The Initial Assessment should instead be prepared by the MPCA or by an independent third party selected or approved by the MPCA, with the cost covered by the Project Proposer. This approach would promote objectivity, strengthen public confidence, and ensure that decisions are based on an independent evaluation rather than an assessment prepared by an applicant seeking approval.

The public should also have a meaningful opportunity to review and challenge the completeness and accuracy of an Initial Assessment before the MPCA determines whether a cumulative impacts analysis is required. If substantive comments or credible evidence identify material omissions, inaccuracies, or deficiencies, the MPCA should require the assessment to be corrected, supplemented, or expanded before making a final determination.

The rules should establish a clear, timely, and accessible process for incorporating new information into an Initial Assessment, with formal appeals serving as a last resort when concerns cannot otherwise be resolved.

Finally, Initial Assessments should be made publicly available in a searchable and downloadable format and accompanied by a plain-language summary so residents can understand proposed projects and participate meaningfully in the review process.

An Initial Assessment is the foundation for determining whether additional environmental review will occur. That decision should not depend primarily on information provided by the permit applicant. A more independent, transparent, and comprehensive Initial Assessment process will improve public confidence, strengthen

environmental decision-making, and help ensure cumulative environmental impacts are identified before communities become overburdened.

4. Comments on Proposed Rule: Petition Process – Public Notice

Meaningful participation begins with meaningful notice. All residents and property owners within one mile of a proposed project should receive written notice of the opportunity to submit a petition at least 45 days before the petition deadline, or longer if the permitting process provides additional time.

Because the petition deadline expires at the end of the public comment period, timely notice is essential to ensure residents have a realistic opportunity to understand the proposed project, attend public meetings or open houses, engage with neighbors, gather signatures, and participate before that opportunity is lost.

The notice should include all information necessary for residents to understand and complete the petition process, including, but not limited to:

- A description of the proposed project;
- Permit information and relevant project details;
- Applicable deadlines;
- Dates and locations of public meetings or open houses;
- Public comment period dates; and
- A plain-language explanation of the petition process, including eligibility requirements, signature requirements, where to obtain petition forms, and all information required to submit a complete petition.

Residents cannot meaningfully participate in a process they do not know exists or do not have enough time to understand. Clear, timely, and accessible notice is essential to ensuring that community members have a fair opportunity to participate in decisions that may affect their health, environment, and quality of life.

5. Comments on Proposed Rule: Petition Process – Petition Threshold

The proposed requirement of 100 signatures from residents or property owners within one mile of a facility may be achievable in densely populated areas, but it could create a significant barrier to participation in smaller communities and rural areas. A fixed numerical threshold does not account for the substantial differences in population density across Minnesota.

The purpose of a petition requirement should be to demonstrate meaningful community concern, not to create a barrier that prevents communities from raising legitimate concerns about projects that may affect their health, environment, and quality of life.

The MPCA should consider a more flexible and equitable approach by scaling the petition threshold based on the population of the affected area. One option would be to require signatures from a percentage of the residents who received the required written notice of the proposed project, such as 10% or 25%. Because the permit applicant

would already be required to provide notice to these residents and property owners, this approach would establish a clear, objective, and community-specific threshold.

Alternatively, the MPCA could allow a petition supported by 100 signatures from residents or property owners within the county and any adjacent county, similar to the Environmental Quality Board's petition process.

A petition process should be accessible to all communities across Minnesota, not only those with enough population density to meet an arbitrary numerical requirement. A more flexible standard would better support meaningful public participation while still ensuring that petitions reflect demonstrated community concern.

6. Comments on Proposed Rule: Petition Process – Petition Information

The petition process should not require residents to provide information that has not been reasonably made available to the public. A petition should not be rejected or considered incomplete because it is missing information that was not included in the required public notice or otherwise provided by the permit applicant or the MPCA.

If information necessary to complete a petition has not been made available, the MPCA should require the permit applicant to provide that information and allow the petition process to continue rather than rejecting the petition based on circumstances outside the petitioners' control. Residents should not lose the opportunity to request a cumulative impacts analysis simply because required information was unavailable to them.

Additionally, if a petition is determined to be incomplete or not in compliance with the requirements, the petitioner should be given an opportunity to correct or supplement the petition, as long as sufficient time remains before the close of the public comment period.

A fair petition process should focus on ensuring that communities have a meaningful opportunity to participate, rather than creating procedural barriers that prevent valid concerns from being considered.

7. Comments on Proposed Rule: Petition Process – Petition Evaluation

Through our work, we also support other communities in understanding environmental review processes and their rights to participate. We have firsthand experience with Minnesota's public participation processes, including Environmental Assessment Worksheet (EAW) petitions and reverse referendum petitions.

The petition process should provide a meaningful opportunity for residents to demonstrate when a cumulative impacts (CI) analysis is warranted. When a petition identifies material omissions, inaccuracies, or other credible evidence demonstrating the potential for substantial environmental or public health impacts, the MPCA should fully evaluate that information before determining whether a CI analysis is required.

If substantive comments or credible evidence identify material deficiencies in the available information, the MPCA should require the record to be corrected, supplemented, or expanded before making its determination. Public participation should serve as a tool to improve environmental decision-making, not simply become another document added to the administrative record after decisions have effectively been made.

The MPCA should review petitions to determine whether they meet the rule's eligibility and evidentiary requirements, while the Responsible Governmental Unit (RGU) should be responsible for verifying required signatures. Once a petition is determined to be valid and the required signatures have been verified, a cumulative impacts analysis should be required.

This approach would ensure that community concerns supported by credible evidence receive meaningful consideration and that the petition process fulfills its intended purpose of identifying potential cumulative impacts before they result in further harm.

8. Comments on Proposed Rule: Community Meetings

We support the proposed requirement for two community meetings during the cumulative impacts analysis process. Holding one meeting before the analysis begins and another after the draft analysis is completed, but before approval, creates important opportunities for community members to engage, provide input, and help shape the final analysis.

To maximize the effectiveness of these meetings, all residents and property owners within one mile of the identified impact area should receive written notice sufficiently in advance of each meeting. This notice should provide enough time for residents to understand the project, review available information, and participate meaningfully.

Meeting agendas, presentation materials, draft analyses, and supporting documents should also be made publicly available at least seven days before each meeting. Providing materials in advance allows residents to prepare informed questions and comments rather than encountering important information for the first time during the meeting.

Finally, the rules should require that substantive public comments identifying material omissions, inaccuracies, or additional cumulative impacts be meaningfully considered and incorporated into the cumulative impacts analysis when warranted. Public meetings should serve as an opportunity to improve the quality and accuracy of the analysis—not simply provide information after key decisions have already been made.

Strengthening these provisions will help ensure that required community meetings result in meaningful public participation and contribute to a more complete, accurate, and accountable cumulative impacts analysis.

9. Comments on Proposed Rule: Community Benefit Agreement (CBA) Meetings

We support the proposed requirement to hold two public meetings when a Community Benefit Agreement (CBA) is required. Providing opportunities for community input before a draft agreement is developed and again after a draft is available will strengthen transparency, accountability, and public participation.

To ensure these meetings are meaningful, all residents and property owners within the identified impact area should receive written notice sufficiently in advance of each meeting. Agendas, draft CBA language, and supporting materials should be made publicly available at least seven days before each meeting so residents have adequate time to review the information, understand the proposed agreement, and provide informed feedback.

The draft CBA should remain open to revision following the second public meeting. When substantive public comments identify additional community priorities, concerns, or deficiencies, those comments should be meaningfully considered and incorporated into the agreement when appropriate before it is finalized.

Community meetings should provide a genuine opportunity for residents to help shape the final agreement—not simply an opportunity to comment on a document that has already been developed or effectively decided.

Strengthening these provisions will help ensure that Community Benefit Agreements reflect meaningful community input and result in commitments that address the needs, priorities, and concerns identified by the communities most affected by the project.

10. Comments on Proposed Rule: Public Comments and Responses

We support providing 30-day public comment periods surrounding each required community meeting and allowing residents to submit comments during those meetings. However, requiring the facility to simply respond to comments does not ensure that public participation meaningfully influences the cumulative impacts analysis.

The proposed rules should require that substantive comments identifying material omissions, inaccuracies, additional cumulative impacts, or other relevant information be carefully evaluated and incorporated into the cumulative impacts analysis when appropriate before the analysis is finalized. If the facility determines that revisions are not warranted, the response should clearly explain the factual and technical basis for that decision and identify the evidence relied upon.

The rules should also establish a fair, transparent, equitable, and cost-effective administrative process for challenging decisions when a facility declines to revise a cumulative impacts analysis despite credible evidence submitted during the public comment process. Meaningful public participation requires more than the ability to submit comments—it requires a practical mechanism to ensure that significant concerns receive independent review before permitting decisions are finalized.

If administrative remedies are exhausted and judicial review becomes necessary, the rules should include a mechanism allowing prevailing petitioners to recover reasonable

attorney fees and litigation costs from the Project Proposer. Because the Project Proposer is responsible for providing accurate and complete information during the review process, residents should not bear the full financial burden of challenging analyses that fail to adequately consider credible evidence or community concerns.

Without such protections, the cost of pursuing legitimate challenges may prevent many residents from participating fully, undermining the purpose of the cumulative impacts process.

Public participation should strengthen the quality, accuracy, and completeness of cumulative impacts analyses. It should not simply result in written responses that become part of the administrative record after decisions have effectively been made.

11. Feedback on the proposed cumulative impact rules

Transparency is essential to meaningful public participation. Residents should have the ability to understand how a cumulative impacts analysis was developed and independently evaluate whether it accurately reflects the conditions experienced by the affected community.

The proposed rules should require that all significant assumptions, modeling inputs, methodologies, background data, emission estimates, and supporting information used in the analysis be clearly documented and made publicly available. This information should be provided alongside the draft cumulative impacts analysis so community members have a meaningful opportunity to review the information, ask informed questions, and provide substantive comments before the analysis is finalized.

Greater transparency will strengthen the quality of public participation, improve accountability, and increase public confidence in the cumulative impacts and permitting processes.

The proposed rules identify several important components of a cumulative impacts analysis; however, cumulative impacts extend beyond air emissions alone and should not be evaluated solely based on current conditions.

A comprehensive cumulative impacts analysis should evaluate the full range of environmental and community stressors that may affect public health and quality of life. This should include, but not be limited to, noise, vibration, odor, light pollution, truck traffic, water resources, habitat impacts, and other existing environmental burdens. These impacts should be evaluated collectively because communities experience them together, not as separate and isolated issues.

The analysis should also evaluate both existing conditions and reasonably foreseeable future development. Assessing a proposed facility in isolation does not provide an accurate picture of cumulative environmental burdens or the long-term impacts a project may create.

A thorough analysis should consider existing permitted facilities, transportation infrastructure, anticipated traffic growth, planned industrial development, and other reasonably foreseeable projects or activities that may contribute to cumulative impacts over time.

Evaluating the full range of environmental stressors, along with existing conditions and reasonably foreseeable future impacts, will provide a more accurate and realistic assessment of how a proposed project may affect surrounding communities throughout the life of the project. This approach is essential to ensuring that cumulative impacts analyses fulfill their purpose of protecting public health, the environment, and the communities that depend on them.

12. Keeping the Cumulative Impacts Analysis Current

A cumulative impacts analysis should reflect the conditions that exist when permitting decisions are made—not only the conditions that existed when the analysis was originally prepared.

Large projects often take several years to move from initial planning through final permitting. During that time, traffic patterns may change, surrounding development may occur, environmental conditions may shift, new pollution sources may be introduced, and new scientific or health information may become available. Information that accurately represented conditions at the beginning of a project may no longer reflect the realities of the community when final permitting decisions are made.

If significant changes occur during project development—including changes to facility design, emissions, operations, mitigation measures, surrounding land use, or other relevant environmental conditions—the cumulative impacts analysis should be updated before a final permitting decision is issued.

Permitting decisions should be based on current, accurate, and relevant information. Requiring cumulative impacts analyses to be updated when significant time has passed or when material changes occur will help ensure that decisions reflect the conditions communities actually experience, rather than relying on outdated information collected years earlier.

An updated and accurate cumulative impacts analysis is essential to ensuring that permitting decisions adequately protect public health, the environment, and affected communities.

13. Support for Including Air Emissions Risk Analysis

We support the proposed requirement to evaluate cancer risks and other health-based hazard quotients and hazard indexes as part of the air emissions risk analysis. This represents an important step toward understanding how emissions may affect the health of nearby communities, rather than focusing solely on whether a project meets ambient air quality standards.

Too often, environmental reviews focus primarily on regulatory compliance without fully considering the potential health impacts experienced by people living near permitted facilities. Including health-based risk analyses recognizes that protecting human health must be a central goal of environmental permitting.

Cancer remains a significant public health concern in Minnesota and across the United States. Evaluating cancer risks and other potential health hazards before permits are issued provides an opportunity to identify concerns, reduce exposures where possible, and make more informed decisions that protect both current and future generations.

We appreciate the MPCA's inclusion of this requirement and encourage continued refinement of health-based analyses as scientific knowledge, risk assessment methods, and our understanding of environmental health impacts continue to evolve.

14. Transparent Standards for Determining a Substantial Adverse Impact

We support allowing the Commissioner to consider factors beyond numerical air quality thresholds when determining whether a proposed facility may create a substantial adverse impact. Cumulative impacts cannot always be captured by a single numerical value, and protecting communities requires consideration of broader environmental and health conditions.

However, the proposed rules should clearly explain how the Commissioner will evaluate and weigh the broader determination criteria, including the initial assessment, cumulative impacts analysis, public comments, mitigation measures, and existing environmental stressors. Without clear evaluation standards, similar projects could receive different outcomes despite having comparable facts and circumstances.

The written determination should explain not only the Commissioner's final conclusion, but also how each relevant factor contributed to that decision. Clearly documenting the reasoning behind a substantial adverse impact determination will promote consistency, transparency, and public confidence in the permitting process.

A transparent and consistent decision-making framework will help ensure that cumulative impacts determinations are based on the full context of a community's conditions and not limited to narrow regulatory thresholds alone.

15. Avoid, Minimize, and Mitigate Impacts

The proposed rules allow a Project Proposer to avoid the requirement for a Community Benefit Agreement (CBA) if proposed mitigation measures reduce impacts enough to avoid a substantial adverse impact.

We support encouraging effective mitigation; however, mitigation should not replace thoughtful project planning or the consideration of less harmful alternatives. Environmental impacts should first be avoided where feasible, then minimized when they cannot be avoided, and only then mitigated for remaining unavoidable impacts.

Avoid. Minimize. Mitigate. In that order.

When mitigation measures are proposed, the Project Proposer should be required to provide credible evidence demonstrating that those measures will achieve the claimed reductions in environmental and health impacts. The Commissioner should independently evaluate that evidence before determining that a substantial adverse impact has been avoided or eliminated.

Where appropriate, mitigation measures should also include monitoring and reporting requirements to verify that anticipated reductions in impacts are actually achieved once the project is operational. If monitoring demonstrates that avoidance, minimization, or mitigation measures are not performing as expected, the Commissioner should have the authority to require additional corrective actions.

Requiring Project Proposers to follow the mitigation hierarchy—first avoiding impacts where possible, then minimizing unavoidable impacts, and finally mitigating remaining impacts—will help ensure that Community Benefit Agreements are not avoided based solely on unproven or unsupported mitigation claims.

This approach will strengthen accountability, better protect public health and the environment, and ensure that communities affected by proposed projects receive meaningful protections.

16. Feedback on the proposed cumulative impact rules

We support the development of these proposed rules; however, they will only be effective if the MPCA has meaningful authority and clear mechanisms to enforce them.

One of the greatest frustrations residents experience during environmental review processes is the lack of a practical way to address concerns when required procedures are not followed, analyses are incomplete, or significant inaccuracies are identified. Laws and regulations establish important protections, but those protections are limited if there is no effective way to ensure compliance.

The proposed rules should clearly authorize the Commissioner to require deficiencies to be corrected before permitting decisions are finalized. Depending on the circumstances, this may include requiring a cumulative impacts analysis to be revised or supplemented, requiring additional community participation when significant new information is identified, delaying permit decisions until deficiencies are resolved, or denying a permit when a Project Proposer fails to comply with the requirements of the rule.

The rules should also establish a clear and accessible process for residents to raise concerns about noncompliance or significant deficiencies and ensure those concerns receive independent review before permitting decisions become final.

A cumulative impacts analysis should be more than a procedural exercise. Meaningful enforcement promotes accountability, encourages compliance, creates a fair process for all applicants, and builds public confidence that the cumulative impacts process will

achieve its intended purpose: protecting public health, the environment, and communities experiencing environmental burdens.

Strong rules require strong enforcement. Without meaningful oversight and accountability, the cumulative impacts process risks becoming a requirement on paper rather than a meaningful protection for Minnesota communities.

Commenter's Name: Dave Satre #2

Date: July 17th, 2026

My name is Dave Satre. I currently live in an EJ area on the West Side of Saint Paul with my wife and one-year-old daughter. I grew up next to a lead polluter, which has given me medical issues for as long as I can remember, and my memory is not that good due to lead exposure and its medically diagnosed impact on my neurodevelopment.

I work at Cherokee Heights Elementary School. I love my students and my community, and it breaks my heart that I am strongly considering leaving due to the amount of environmental stressors my daughter will be exposed to if she spends the duration of her childhood in our area, including my old enemy, lead, which has been documented on the West Side's air monitors. It is no secret that our community is overburdened with toxins, and the MPCA's own cumulative impacts map shows that the area where our home sits is exposed to 22 out of 26 environmental stressors, well over the state median of 13.

Recommendations: What do you like or dislike about the rules? How would you change certain sections, and why? Feel free to take inspiration from the listed talking points. Try to write these points in your own words with justification for why you believe particular sections of the rules should be changed or kept the same. Under the current insufficient proposed Cumulative Impact draft rules, which I believe go against the spirit and language of the law, I will be forced to make a devastating decision: abandon the community I love, or knowingly raise my daughter in an area that is statistically more likely to affect her health for the rest of her life adversely, the way mine was due to my own toxic exposure.

There is currently no clear pathway to permit denial under a failure to reach a Community Benefit Agreement, and the fact that there also is no clear avenue for community involvement in the negotiation to reach a Community Benefit Agreement leaves me deeply pessimistic that this law will be enforced the way that its legislators and their constituents had intended when it was passed.

There are many positive elements of the law as it is written, including the thorough analysis of conditions in EJ communities, which has allowed my family to understand the true extent of our exposure through utilizing the MPCA's cumulative impact map, along with the various other tremendously beneficial resources this does and will provide to the community. Having recently become a father, I often revisit the adage: 'a society grows great when old men plant trees in whose shade they will never sit'. Working in schools with the next generation of wonderful little Minnesotans, this feels all the more relevant to me.

My students, my daughter, and my fellow Minnesotans deserve to see this law implemented exactly as initially envisioned. With a possibility for closure of a polluter that is unable to reach a legitimate Community Benefit Agreement, and with true community involvement in the negotiation of the agreement.

Commenters Name: Kathleen Stuebner

Date: July 17th, 2026

This is Kathy Stuebner, resident of Plymouth, she/her pronouns. I have been involved with my church in working towards shutting down the HERC. I applaud the rules in general as a huge step in the right direction. Too many impacts have been allowed affecting the north side of Minneapolis. I am concerned that these proposed rules do not take into account existing problems in repermitting and lack clear criteria for denying new permits. The rules leave too much undefined. There should be requirements for the facility owner and MPCA to work together with community groups to create a council to represent that community. The CBA process lacks clear criteria for the commissioner to make the decision to deny a CBA. The community needs to have a voice in this process. Again, I am in favor of more clarity for the criteria and more involvement of the affected communities.

Commenters Name: Max McMeeken

Date: July 17th, 2026

Hi my name is Max and I live in Frogtown in Saint Paul. If the MPCA wants to get serious about its goal of reducing the harm of polluting facilities in primarily BIPOC and low-income communities then it should move quicker to shut down the Hennepin Energy Recovery Center (HERC) and regulate towards a broader zero waste policy for the city and the state. Also, any new data centers are going to destroy our local ecosystems. Minnesota is not doing enough to address climate change, and any data center that is built will be a huge step in the wrong direction. We need to set regulations that would make the thought of building a data center laughable. We need renewable energy. We need to regulate the fossil fuel economy so much so that it becomes unprofitable for these corporations to keep destroying our land and our health for their profit. There are smarter ways to live. Let's build towards a livable future for everyone. Climate change is already destroying our ways of life. We need to regulate to mitigate risk.

Many EJ communities are already facing a cumulative impacts burden from decades of exposure to pollution. I recommend using existing environmental stressors of impacted EJ areas and pollution emissions from facilities to require a cumulative impacts analysis for permit reissuances. This will better accomplish the goal of the law to address the existing cumulative impacts burden

The definition of substantial adverse impact is too vague and undefined, leaving both facility owners and communities in the dark about determination of substantial adverse impact until the commissioner publishes their reasoning. This creates uncertainty and leaves any determination of substantial adverse impact vulnerable to legal challenge. I recommend that the cumulative impacts analysis looks at environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to

New Jersey's approach and will provide a more objective determination of substantial adverse impact, creating better clarity for all parties involved.

The community benefit agreement (CBA) process lacks clear criteria for the commissioner denying a community benefit agreement. There is no ability for community members to express that a community benefit agreement is unwanted or for the commissioner to deny a CBA. This goes against the statute, which states that "unless the commissioner enters into a community benefit agreement with the facility owner or operator the commissioner must deny a permit". I recommend that the facility owner and MPCA work with community organizations and leaders to create a community council to represent the community. This council would support community outreach, negotiate with the facility owner, and provide a recommendation to either approve or deny the proposed CBA. The commissioner must then respond to the recommendation and give a justification for their decision. This will better ensure that the CBA process is reflective of the community's desire.

Commenters Name: Aubree Derksen

Date: July 17th, 2026

I am a member of a frontline community fighting a hyperscale data center and a tribal community is also connected to my town. In looking through the community input panels for the CBAs I do not see a single tribal member represented yet this rulemaking process is supposed to also apply to tribal communities and CBAs in turn would also apply to them. You need to redo the community input panel with tribal input and provide a timeline extension so you can do that. Tribal sovereignty requires respecting treaty rights. In looking at the May 13th Adverse Impact working session I also do not see tribal members represented. That working session needs to be redone, a timeline extension provided so they are included. I was at the April 9th workshop in Rochester and there were only 4 people there, no tribal members were represented. Overall I'm seeing a lot of red flags and need to redo pieces with more intentionality. Tribal representation matters and their absence is unacceptable.

Commenters Name: Gretchen Larson

Date: July 17th, 2026

I have been following the efforts to shut down the HERC for quite a while now. It is clear what needs to be done. Shut it down. It is also clear that we need to find other solutions to disposing of the trash we are currently polluting the air with. Please. Draw the line. Use existing environmental stressors of impacted EJ areas and pollution emissions from facilities to require a cumulative impacts analysis for permit reissuances. This will better accomplish the goal of the law to address the existing cumulative impacts burden. No more stop gap measures including writing unenforceable, vague language into the repermitting standards. Consider New Jersey's approach which provides a template for a more objective determination of

substantial adverse impact, creating better clarity for all parties involved. Do the hard thing, don't leave this mess behind for those that come after you. Do not provide loopholes that will further delay change by endless court cases. Our children are counting on you to do the right thing, not the expedient thing.

Commenters Name: Janet Court

Date: July 17th, 2026

I'm 86 years old, I have lived my whole life in the twin cities area, the last 45 years in Minneapolis. I developed asthma when I lived in Philips and Elliot Park neighborhoods. I currently live in Powderhorn. I have lived in neighborhoods experiencing high levels of pollution much of my life. This is also true of my children and grandchildren. My youngest son has COPD. Pollutants from traffic, businesses and industry combine to cause chronic illness year after year the illnesses get worse. Unfortunately our current federal government seems to be favoring our early death. We are begging you to create as strong as possible regulations to protect people especially in low income communities. Also please prioritize listening to these communities. They understand what it is like for them and the illnesses they have been diagnosed with better than any outsider. Thank you for your efforts, I know staff at the MPCA have been working on this issue for many years. I have talked with many compassionate concerned staff over the last several years. We are counting on you.

Commenters Name: Anne Englert

Date: July 17th, 2026

My name is Anne Englert, and I am a retired teacher of young children who has lived in Minneapolis and various areas of the Twin Cities for 39 years. For years I've been concerned about economically disadvantaged and marginalized people, like many of those living in north Minneapolis. I've learned about the serious, detrimental health effects of pollution from facilities, such as the Hennepin Energy Recovery Center, that are too often built in these neighborhoods that are already disproportionately burdened. The 2023 Cumulative Impacts Law passed was intended to reduce the harm of polluting facilities in communities that are primarily low-income and people of color. These draft rules need to take into account that there is already a burden of cumulative impacts in many such communities, due to the decades of pollution from existing facilities, and they should pave the way for shutting them down, or at least significantly reducing their levels of pollution. Reissuances of permits should be based on the existing health and environmental stressors of impacted communities as well as toxic emissions from facilities. Another concern I have with these draft rules is that the CBA process lacks specific criteria for the commissioner to deny a community benefit agreement. There is also no ability for community members to express that a community benefit agreement is unacceptable. I suggest that the facility owner and the MPCA work together with community leaders to create a council to represent the community. This council would reach out to residents, negotiate with the facility owner, and make a recommendation to approve or deny the proposed CBA. The commissioner must then respond to the recommendation and give a justification for their decision. This process will better ensure that the desires of the community are incorporated into the agreement. I appreciate that these

draft rules require a great deal of information in the initial assessment as well as the cumulative impacts analysis, which will provide a more thorough understanding of how polluting facilities negatively affect their surrounding communities. Hopefully they will result in better, more just decisions about where those facilities are built, how they are permitted to operate, and whether they need to be decommissioned. Thank you very much for inviting and reading my comments.

Commenters Name: David Derksen

Date: July 17th, 2026

My name is Reverend David Derksen. I am an ordained Lutheran minister who works as a prison chaplain in the Federal Bureau of Prisons. Today, I am writing as a father and a concerned resident of Pine Island, MN—a small, rural community just a few miles North of Rochester. Our community is experiencing a proposed development of a hyperscale data center that is estimated to use NINE TIMES the amount of energy the whole city of Rochester uses at its peak usage. This extreme use of energy comes with all sorts of need for large transmission lines gobbling up scarce and productive farmland in my community. I am truly frightened by all the reports coming out from neighborhoods where these data centers have been built, and I dearly do not want this built—as proposed—about one mile from my home. Plus, this is being done without true community consent. All of this was done under unethical behavior by the developer and city. They hid the true nature of this project limiting the community from substantive participation. For example, using euphemisms like “technology park” and a code name, “Project Skyway,” they made the information costs steep for public participation in the process. Once we learned of its true nature, our community organized and started pushing back. But it may be too late. The developer and city officials already snuck in a CBA and voted on it without ever really presenting this to the public. This brings me to your rule change. In particular, I want to highlight the CBA part and recommend changes that enshrine true community participation. We need robust rules or criteria upon which CBAs are approved or disapproved by the Commissioners. I suggest CBAs should only be accepted when they are drafted by citizen commission from the affected community in order to ensure big money interests do not exploit vulnerable populations. I love my rural community, and I want my neighbors along with myself to have a say when it comes to major developments coming into my community that may forever change and possibly harm those who live there. Please consider requiring CBAs be drafted with local citizen commission inputs so that what is happening in Pine Island does not happen elsewhere in our great state.

Commenters Name: Christie Manning

Date: July 16th, 2026

My name is Christie Manning, and I teach Environmental Studies at Macalester College. As part of my teaching and research, I have collaborated with many organizations, communities, and Minnesota community members whose lives and health have been impacted by polluting facilities. I am writing as both an environmental justice scholar as well as a concerned community member about the proposed cumulative impact rules. I have met many Twin Cities (and beyond) community members through my environmental justice work. For example, since last November, I have been working with a group of mothers from the Southport neighborhood of the West Side of Saint Paul. These amazing women are fighting for their families' right to breath clean air. Many of their children struggle with asthma and

other respiratory ailments, due to their neighborhood's location between highway 52 and the several facilities in the Southport industrial zone (such as several metal recyclers, in addition to the Saint Paul airport). I am in awe of the strength this group of parents has shown on behalf of their kids' well-being. Unfortunately, the current proposed rules would do nothing to help this group of families, or other Minnesota families living in similar situations near already-existing polluting facilities. Though the proposed rules rightly create a strong, much-needed incentive for new polluting facilities to locate away from overburdened environmental justice (EJ) areas, they leave people like the Southport residents with no clear path toward reducing their legacy pollution burden or any support in shutting down facilities that cause cumulative harm to their families. The rules must be strengthened so that the permit renewal and re-issuance processes address existing pollution levels - like those in the Southport neighborhood - rather than allow the current, unhealthy status quo to remain for already-overburdened communities. In addition, the current rules leave the vast majority of the decision-making process up to the discretion of the MPCA Commissioner, with only vague guidelines. This needs to change. We need clear, objective, and binding quantitative benchmarks for what defines a 'substantial adverse impact' to make sure that decisions and enforcement are consistent and fair, and not in danger of shifting because of political or financial pressure. Finally, the current rules make residents meet an unreasonably high bar of proof. Demanding rigorous 'material evidence' and a high number of signatures is a difficult feat for EJ communities. They likely lack the time, funding, and specific expertise to gather and organize the necessary data. Please simplify the petition process. Reduce the signature threshold and require the MPCA to provide technical assistance or accessible public data to communities and groups seeking to file a petition. A lack of financial and other resources should never not bar a community from seeking protection. Indeed, communities' lack of financial (and other) resources is basically why they have been stuck breathing polluted air for so many decades. In closing, the Frontline Communities Protection Act is meant to protect Minnesotans who have long borne the first and worst of industrial pollution. Of course the law is only as strong as the rules that implement it. Please change the proposed rules to give communities a better shot at protection from pollution by allowing the law to apply to currently existing facilities, creating clear and objective guidelines, and reducing the burden on communities in the petition process. Let's do the right thing and give all Minnesota communities - like the families in the Southport neighborhood of Saint Paul - a chance to live without pollution.

Commenters Name: Side Corridor Residents, Owatonna East

Date: July 17th, 2026

EJ should not only address historical inequities—it should also prevent new ones from forming

Commenters Name: Aubree Derksen #3

Date: July 17th, 2026

Regarding the Community Benefit Agreement Rules: I am a frontline community member in the hyperscale data center fight and have already consulted with an attorney regarding CBA/Community Benefit Ordinances (CBOs). I have significant concerns over how the CBA/CBO are structured and I suggest a complete re-write with frontline community members and attorneys so that the rules can be structured correctly and I am happy to volunteer to participate in this. If this is not done the CBA will not be designed early enough with the right people, monitored correctly, it will be unenforceable, cause more harm when they're designed to prevent harm and it will create significant regulatory and enforcement confusion between state and local bodies when it comes to zoning as per my conversation with the attorney the CBA/CBO is something that needs to be incorporated in the zoning ordinances at the local level given the state does not control zoning, local municipalities do. As I have mentioned in another comment, the harms of these facilities does not stay within a neat and tidy 1 mile boundary, initial siting of high impact facilities happens via municipal zoning well before any permits are solicited, hyperscale data centers need to be included in the conversation and were not in the picture when the rules were initially created and new facilities, not just existing ones, need to be accounted for in this rule. An incredibly important point that needs to be highlighted is that when it comes to CBA/CBOs, they are legally binding contracts where a community has significant concerns about potential impacts to them and gives up their right to sue in exchange for certain agreed upon benefits/concessions from the entity doing the potential harm that are directly connected to those concerns. CBAs are not something that should be taken lightly, that can be done in two conversations as the current rule suggests or that should be left to the polluters to lead because they will always minimize the harm they're doing in the first place. Please take the rewrite seriously. I'm including the link to the "Detroit's Community Benefit Ordinance: Lessons Learned About the Community Engagement Process and Its Outcomes." <https://www.wri.org/research/detroits-community-benefits-ordinance-lessons-learned-about-community-engagement-process> If a podcast/webinar is more your jam here is another helpful resource from Young, Gifted and Green titled "Making Polluters Pay: Practical Strategies for Community Benefits" <https://www.youtube.com/live/37Em7IJUN7I?si=77GhFhuNwMkxQpYs>.

Commenters Name: Karen Lunde

Date: July 17th, 2026

As I wrote this, the wildfire smoke is choking the outdoor air and another fun night of plans has been completely cancelled for my children. What kind of world have we left for the kids when this is the air and we have to beg for public comment for them when we don't even begin to consider cumulative impact? I recommend using existing environmental stressors of impacted EJ areas and pollution emissions from facilities to require a cumulative impacts analysis for permit reissuances. This will better accomplish the goal of the law to address the existing cumulative impacts burden.



Health Professionals for a Healthy Climate

Health Professionals for a Healthy Climate
PO BOX 583013
Minneapolis, MN 55458-3013

The Honorable Kimberly Middendorf, Administrative Law Judge
c/o William Moore, Rules Coordinator
Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

July 17, 2026

RE: MPCA's Proposed Permanent Rules Relating to Cumulative Impacts Analysis in Environmental Justice Communities (CAH Docket 21-9003-39398)

Dear MPCA and the Honorable Kimberly Middendorf,

In addition to our organizational letter and the collaborative Frontline Communities Protection Coalition letter, Health Professionals for a Healthy Climate submits 13 personalized comments from some of our members, below.

To make it easier for you to view new information shared in each comment, we have italicized the personalized portions of their comments and have used standard text for the portions that came from our guiding template, which summarized some of the recommendations submitted in our existing comments.

Thank you so much for the opportunity to submit these comments. For any questions or to connect with any of the commenters, please contact ava@hpforhc.org.

Sincerely,

Health Professionals for a Healthy Climate

June 16, 2026—Sheila Weigman

Dear MPCA and the Honorable Kimberly Middendorf,

As an environmental engineer and health practitioner, I find a definite need to allow more openness and flexibility in the ability of a community to accept or reject Community Benefits Agreements. An unfair CBA could saddle a community with years of objectionable impacts. Situations where the Commissioner must deny a permit must be defined and mandated.

There are many situations we have seen when communities continued to live with the impacts of permitted industries and facilities polluting for years with no or little acknowledgment of the many years of air emissions that affect their health and welfare, such as Northern Iron, and we want Cumulative Impact Analysis required in these cases. The case of Northern Iron continues to be a major concern.

I hope you consider the recommendations submitted in the comments by Health Professionals for a Healthy Climate and the Frontline Communities Protection Coalition.

Sincerely,

Sheila Weigman

June 16, 2026—Hannah Resendiz Olson

Dear MPCA and the Honorable Kimberly Middendorf,

As a public health specialist living in North Minneapolis, I am concerned that most polluting facilities lack existing relationships or trust with the communities most impacted. Neighborhoods like ours that have been historically and presently neglected do not have faith that facilities and politicians will act in our best interests. We feel this neglect every single day, for instance, as the HERC continues to burn trash and poison our communities. This lack of trust risks low participation in community outreach efforts. The MPCA should require that community outreach occurs through trusted organizations and mandate that facilities partner with neighborhood associations, churches, health systems, and local nonprofits so that information reaches community members through voices we trust.

I hope you consider the recommendations submitted in the comments by Health Professionals for a Healthy Climate and the Frontline Communities Protection Coalition.

Sincerely,

Hannah Resendiz Olson

July 7, 2026—Rachel Wormer:

Dear MPCA and the Honorable Kimberly Middendorf,

As a public health professional based in Minneapolis, MN, I understand the direct, negative impacts that pollution and environmental racism have on community health and wellbeing.

I live in a designated 'environmental justice' zip code, as defined by the MPCA's earlier cumulative impacts work. Everyday, especially in summer, I see how industrial facilities that were allowed to be zoned in residential neighborhoods like mine — a neighborhood where nearly 70% of residents identify as Black, Indigenous, Latinx/Hispanic, or of mixed races, ethnicities, or cultures — have directly diminished the local air quality, poisoned the soil in my and my neighbors' yards, and contributed to increased rates of cancers, heart issues, breathing problems, and reproductive health issues in my household and my neighbors. This

is backed by decades of robust science linking these health conditions to living near industrial sites that cause pollution.

The cumulative impacts law needs to be implemented in the way it was intended when passed, meaning a strong law that prioritizes everyday Minnesotans, not industrial facilities known to pollute.

The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

The draft rules lay out a detailed process for when and how a cumulative impacts analysis is conducted. However, there are three areas in the draft rules which should be strengthened to better protect environmental justice (EJ) communities consistent with the language of the law, which are the following:

1. Permit reissuances: Permit reissuances must consider pollution impacts of the facility and specific conditions in the community, in addition to consideration of past enforcement actions. An owner/operator applying for a permit reissuance should be required to submit an analysis of the facility's impacts on environmental stressors of an environmental justice area similar to that required in the initial assessment for new facilities to determine if a complete cumulative impacts analysis should be required.
2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey's approach and will create better clarity for all parties involved.
3. Community benefit agreements: The community benefit agreement (CBA) process needs clear criteria for denial. Under the current proposed rules, facilities can keep revising a CBA until it meets requirements. These rules do not acknowledge any circumstances under which the Commissioner would deny a CBA. To address this concern, the MPCA and owner/operator should work with community organizations and representatives to create a community council to represent the community and recommend the approval or rejection of a CBA agreement.

Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Rachel Wormer

July 8, 2026—Joshua Houdek:

Dear MPCA and the Honorable Kimberly Middendorf,

As a public policy manager, I understand the direct, negative impacts that pollution and environmental racism have on community health and wellbeing. The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

The draft rules lay out a detailed process for when and how a cumulative impacts analysis is conducted. However, there are three areas in the draft rules which should be strengthened to better protect environmental justice (EJ) communities consistent with the language of the law, which are the following:

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Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Joshua Houdek

July 9, 2026—Michael Overend:

Dear MPCA and the Honorable Kimberly Middendorf,

I am a Veterinarian based in Cohasset. As a health professional, I understand the direct, negative impacts that pollution and environmental racism have on community health and wellbeing.

The negative impact of sulfate pollution on Minnesota waters from prior, and current, iron mining practices has diminished wild rice production and significantly increased the levels of methyl mercury in our freshwater fish. This increase in methyl mercury in our freshwater food chain is directly affecting the recommended levels of fish consumption in Northern Minnesota, with an increased impact on frontline indigenous citizens.

The MPCA needs to enforce the accepted water sulfate standards for iron mining which can be cost-effectively addressed by technologies utilizing enhanced natural bacterial sequestration of sulfate pollution.

The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

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Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Michael Overend

July 9, 2026—Sophie Scharner:

Dear MPCA and the Honorable Kimberly Middendorf,

I am a child and perinatal psychiatrist based in Saint Paul. As a health professional, I understand the direct, negative impacts that pollution and environmental racism have on community health and wellbeing. I've seen that children who live in neighborhoods close to sources of pollution with less mitigating factors (less trees e.g.) often have more Asthma, more premature birth, more cardiovascular illness and cancer later.

The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

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Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Sophie Scharner

July 9, 2026—Dana Janowiak:

Dear MPCA and the Honorable Kimberly Middendorf,

I am a public health nurse based in Minneapolis. As a health professional, I understand the direct, negative impacts that pollution and environmental racism have on community health and wellbeing.

Working as a public health nurse, I visited families living in neighborhoods with homes with lead paint, cockroaches, mice, bed bugs, mold, chemicals, and poor air quality. My visits were often focused on addressing these issues instead of helping the new mom bond with her baby or help teach a family parenting skills.

Once, I went to visit a family because a child was frequently in the ER with asthma exacerbations. They were living in an apartment complex right in the interstate. When I opened up the child's nebulizer equipment out of the bag, several cockroaches crawled out. How is a family supposed to be healthy in these environments? Our babies and children experience the impacts of poor air quality much more than we do as adults because they breathe more and their bodies are more susceptible to the damage from pollution. Children are not little adults. Our babies and children do not have a voice in this process and yet they have the most at stake.

The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

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work with community organizations and representatives to create a community council to represent the community and recommend the approval or rejection of a CBA agreement.

Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Dana Janowiak

July 9, 2026—Michael Maleska

Dear MPCA and the Honorable Kimberly Middendorf,

I am a former union president based in Hibbing, and have negotiated for over 1000 workers/retirees/fams. This has given me an understanding of the direct, negative impacts that pollution and environmental racism have on community health and wellbeing.

In June of 2025 my colleague (a retired taconite mining engineer) hired a private aircraft to make 3 flights. A Minnesota Star Tribune journalist and photographer (See front page, [Minnesota Star Tribune, 27 Jul 25](#)) joined on one of the flights. We are in possession of 900 photos demonstrating 1,000's of acres of defoliated landscape surrounding all 7 taconite mining tailings reservoirs.

Sulfate, mercury and other heavy metals have been leaching and leaking from these tailings piles for over 60 years to the tune of 10's of 1,000's of TONS annually into public waters. All three watersheds are receiving this pollution including the Mississippi River (Keetac- USS, and soon MesabiMetallics), Rainy River (Minntac-USS, Minorca-Cliffs), Hibbing Taconite (Cliffs), and St. Louis River including the Fond Du Lac Reservation and Lake Superior (United Taconite-Cliffs).

We provide a podcast on YouTube: ViewsRmine. This is a serious matter. We will gladly contribute to any effort you can include us in to educate the residents of NE MN as to this tragedy. There is no time to lose, since Cu/Ni mining interests have been working the crowd here for decades in an effort to begin the extraction of copper and nickel which is 40 to 100 X more toxic.

The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

The draft rules lay out a detailed process for when and how a cumulative impacts analysis is conducted. However, there are three areas in the draft rules which should be strengthened to better protect environmental justice (EJ) communities consistent with the language of the law, which are the following:

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Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Michael Maleska

July 9, 2026—Crystal Goggleye

Dear MPCA and the Honorable Kimberly Middendorf,

I am a Certified peer recovery specialist with reciprocal, based in Hibbing. As a health professional, I understand the direct, negative impacts that pollution and environmental racism have on community health and wellbeing—particularly for Native American community members. These issues also disproportionately impact homelessness community members, who experience higher impacts from pollution in addition to challenges such as death from freezing outdoors.

The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

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To address this concern, the MPCA and owner/operator should work with community organizations and representatives to create a community council to represent the community and recommend the approval or rejection of a CBA agreement.

Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Crystal Goggleye

July 9, 2026—Bryce Purdy

Dear MPCA and the Honorable Kimberly Middendorf,

As a retired physician, I understand the direct, negative impacts that pollution and environmental racism have on community health and wellbeing. I believe we are all entitled to clean air. The fact that racially discriminatory housing practices have disproportionately denied this right to people of color is unjust. I support the HPHC position on strengthening clean air protection.

The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

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Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Bryce Purdy

July 14, 2026—Emily Onello

Dear MPCA and the Honorable Kimberly Middendorf,

I am a family physician and medical educator based in Duluth. As a health professional, I understand the direct, negative impacts that pollution and environmental racism have on community health and wellbeing.

Over the decades in practice, I have seen the negative health impacts on patients in a variety of ways.

In my early years of practice, it was brought to my attention that in my rural community there was a nearby 'cancer cluster' of cases, likely related to contamination of the water supply from a defunct military site and dumping ground. This included a very rare cancer diagnosed in a young adult with a tragic outcome. In a nearby rural community, there were ongoing concerns for exposure to respiratory particulates from the mining activities going on for decades. While it is difficult to know if a given adverse event or cancer case is linked directly to exposure, it does stay with you when a patient without any clear risk factors develops an abnormality like lung cancer.

More recently, in a more urban practice setting, I have noticed the ways in which regional and distant wildfire smoke have impacted patients negatively. This includes the more obvious asthma flares and chronic obstructive pulmonary disease (or COPD) exacerbations, but also the less obvious impacts of

wildfire smoke like worsening eye and sinus allergy symptoms, poor sleep patterns and delayed/deferred outdoor activities.

The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

The draft rules lay out a detailed process for when and how a cumulative impacts analysis is conducted. However, there are three areas in the draft rules which should be strengthened to better protect environmental justice (EJ) communities consistent with the language of the law, which are the following:

1. Permit reissuances: Permit reissuances must consider pollution impacts of the facility and specific conditions in the community, in addition to consideration of past enforcement actions. An owner/operator applying for a permit reissuance should be required to submit an analysis of the facility's impacts on environmental stressors of an environmental justice area similar to that required in the initial assessment for new facilities to determine if a complete cumulative impacts analysis should be required.
2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey's approach and will create better clarity for all parties involved.
3. Community benefit agreements: The community benefit agreement (CBA) process needs clear criteria for denial. Under the current proposed rules, facilities can keep revising a CBA until it meets requirements. These rules do not acknowledge any circumstances under which the Commissioner would deny a CBA. To address this concern, the MPCA and owner/operator should work with community organizations and representatives to create a community council to represent the community and recommend the approval or rejection of a CBA agreement.

A cumulative impact analysis is a critical step toward health equity and environmental justice. It is critical to allow impacted citizens and communities a meaningful role in deciding how and if projects will move forward and how the project may impact human health and wellness.

Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Emily Onello

July 15, 2026—Jessica Fisher

Dear MPCA and the Honorable Kimberly Middendorf,

I am a Nurse Practitioner based in Minneapolis. As a health professional, I understand the direct, negative impacts that pollution and environmental racism have on community health and wellbeing. The MPCA Cumulative Impacts (CI) proposed rules support the need for consideration of cumulative impacts in air permitting decisions. Air pollution contributes to Minnesota's significant health disparities and improving air quality is critical in reducing health inequities in the Twin Cities, Duluth, and Rochester.

The draft rules lay out a detailed process for when and how a cumulative impacts analysis is conducted. However, there are three areas in the draft rules which should be strengthened to better protect environmental justice (EJ) communities consistent with the language of the law, which are the following:

1. Permit reissuances: Permit reissuances must consider pollution impacts of the facility and specific conditions in the community, in addition to consideration of past enforcement actions. An owner/operator applying for a permit reissuance should be required to submit an analysis of the facility's impacts on environmental stressors of an environmental justice area similar to that required in the initial assessment for new facilities to determine if a complete cumulative impacts analysis should be required.
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Thank you for the opportunity to comment on these critical public health rules.

Sincerely,

Jessica Fisher

July 17, 2026—Ava Corey-Gruenes

Dear MPCA and the Honorable Kimberly Middendorf,

I want to support the comments written by Health Professionals for a Healthy Climate and the Frontline Communities Protection Coalition, and provide my perspective on the issue of Community Benefit Agreements, which is informed by my decade of engagement in environmental justice advocacy, BA and

MA in Gender and Women's Studies, and experience working in reproductive justice before transitioning to full-time work at the intersection of environmental and public health.

From a reproductive justice lens, I am particularly concerned with protecting communities' ability to say "no," or revoke consent, to pollution that harms their health, and the health of their children. Just as we should be allowed to say "no" to any other issue that harms our bodies, we should be able to say "no" to pollution. Communities deserve to have their "no" respected—not met with "how can I convince you?"

Neglecting to provide a path for communities to deny a permit (either directly or through the CBA process) undermines the legitimacy of any permit that is granted, or CBA that is created—if you can't say "no", it's not an agreement.

I'm also concerned about how this undermines communities' power to negotiate the conditions under which they might consent to a particular source of pollution. If a company understands that a CBA will be approved eventually regardless of consent, communities have very little bargaining power. Conversely, allowing communities to say "no" would increase the likelihood that companies agree to CBAs that yield more significant benefits for communities.

For this reason, I ask that when impacted people indicate that they do not consent to a particular source of pollution, that should be the end of the conversation—the MPCA should respect that "no" and deny or revoke the permit.

Thank you so much for your time and consideration.

Sincerely,

Ava Corey-Gruenes (she/they)

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

We live in St Paul. We have a heat pump and an air purifier for our inside air. My children have had asthma attacks and it is so scary. I'm writing to ask you to rigorously apply the Frontline Communities Protection Act so that industry can not exploit loopholes. Thank you for crafting a strong law to protect all who breathe air across our state.

Stuart Knappmiller
St Paul, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

My name is Kris and I live in and work next to an Environmental Justice area in Rochester. Everyday we feel the impacts of pollution in the air we breathe; Highway 52 and Rochester Public Utilities keep our neighborhood blanketed in pollution from methane gas plants, diesel exhaust, heavy traffic, and tire particulate. My asthma, which hasn't been a problem since I was ten, is triggered more and more often by these layers of pollution. We envision MN having clean air and sky blue waters, but almost everyday I see and breathe hazy air and stare at a murky Zumbro River. We should have a say in what these polluting facilities are and are not able to do in our communities, our environment, and our health. The rules as currently written do not allow us to say "No" to a permit if we are not satisfied with the CBA. The permit denial criteria should be clearly defined. I'm asking you to model the cumulative impacts analysis after the New Jersey law. Thank you for creating a healthier MN.

Kris Acuña
Rochester, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I believe it is important to consider the sum total of the resulting impacts whenever the MPCA is tasked with writing rules to control pollution. It is simply logical for the MPCA to consider the reality of what those impacted by a proposal will experience. Wouldn't it be silly to consider each source of pollution on its own without consideration of the resulting combination of multiple pollution sources affecting an area and the population. It is time to put people at the center of the rulemaking process. If the cumulative impact is highly negative for a given population, it is not fair to ignore the cumulative effects. So it seems clear to me that we need to take a modern, scientifically defensible and simply logical approach to first writing a proposed rule. Look at the big picture. Make sure to analyze the reality the affected population will live. It is also important that the new rules be very clear and free of loopholes industry can hide in.

Bryan Wyberg
Roseville, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

I am almost 80 and have seen drastic changes in our environment since I was a child. The number of bugs and consequently birds have dropped and I firmly believe environmental pollution is a main cause. In addition, poor communities and inner city residents have shouldered much of the fallout from polluting factories and facilities in their midst. One factory may not be that much of a problem but when numerous polluting industries are located in near proximity to each other, the cumulative effects can be devastating. For these and many other reasons I am urging the MPCA to create strong rules without loopholes that industry can not dodge. In addition, please model the cumulative impacts analysis after the New Jersey law. We need strong laws against pollution and the public must be given adequate time and space to comment on these rules. In this regard, the community benefit agreement process needs clear criteria for community members to express if they do not want a CBA.

Susan Dragsten
Long Lake, MN

Administrative Law Judge Kimberly Middendorf
Minnesota Court of Administrative Hearings
600 North Robert St
PO BOX 64620
St. Paul, MN 55164-0620

Comment collected and submitted electronically via Sierra Club

7/17/2026

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for
Permit Decisions in Environmental Justice Areas

Dear Judge Middendorf,

Pollution is something we should be able to reduce and that is part of your job.

Margaret Keating
Minneapolis, MN



Paula Goodman Maccabee, Executive Director and Counsel

1961 Selby Ave., St. Paul, MN 55104 (651-646-8890)
paula@waterlegacy.org or pmaccabee@justchangelaw.com

July 17, 2026

Submitted electronically via Court of Administrative Hearings Portal

Administrative Law Judge Kimberly J. Middendorf

Court of Administrative Hearings

P.O. Box 64620

St. Paul, MN 55164

Commissioner Katrina Kessler

Minnesota Pollution Control Agency

520 Lafayette Avenue

St. Paul, MN 55155

RE: Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, Minnesota Rules chapter 7007; Revisor's ID Number R-4805; CAH Docket No. 21-9003-39398.

Dear Judge Middendorf, Commissioner Kessler,

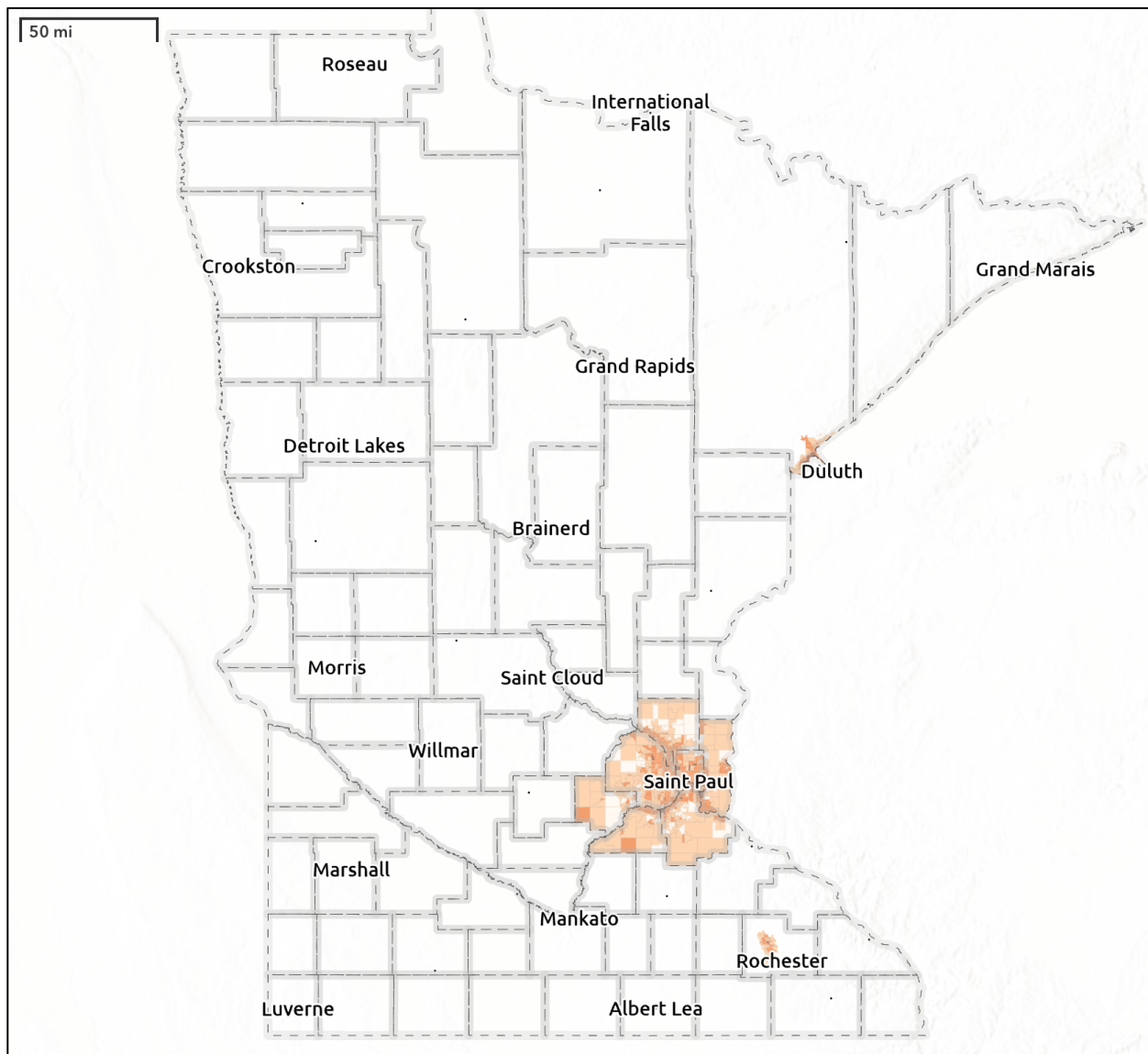
These comments are submitted on behalf of WaterLegacy. We appreciate the opportunity to comment on the cumulative impacts analysis rules. Our biggest concern with these proposed rules is that they fail to offer recognition or protection to much of the State of Minnesota. We address this issue first and then request changes to the proposed rules' narrow definition of "permit" and language regarding thresholds pertaining to the "insignificant activities list" to ensure that they do not constrict cumulative impacts analyses.

WaterLegacy believes it is a positive development that the Legislature and the Minnesota Pollution Control Agency ("MPCA") have recognized that census tracts with lower incomes, where nonwhite people or people with limited English proficiency live in the Twin Cities, other Minnesota cities of the first class, or in Indian Country as defined by the federal government should not be sacrifice zones to air pollution. However, it is troubling that the "applicability" of environmental justice cumulative impact protections excludes most rural communities, including Tribal members with Treaty-reserved usufructuary rights in Ceded Territories. *See* Proposed Rule 7007.6020, subp. 1 and 7007.6030, subp. 2(A); Minn. Stat. 116.065, subp. 2. This "applicability" exclusion seems to perpetuate the injustice of displacement of Tribal Nations from their lands and to treat rural communities in Northern Minnesota exposed to cumulative air pollutants as second class citizens.

In WaterLegacy's review of the U.S. Steel Minntac permit we heard from many Northern Minnesota community members that taconite air emissions of mercury and discharge of sulfate are still unregulated, poisoning the fish needed by rural residents and Tribal members for sustenance and by Tribal members for exercise of Treaty-reserved rights. We were asked why energy facilities in the Twin Cities were required to reduce mercury emissions, but taconite plants still allowed to release huge quantities of mercury with impunity. Two articles

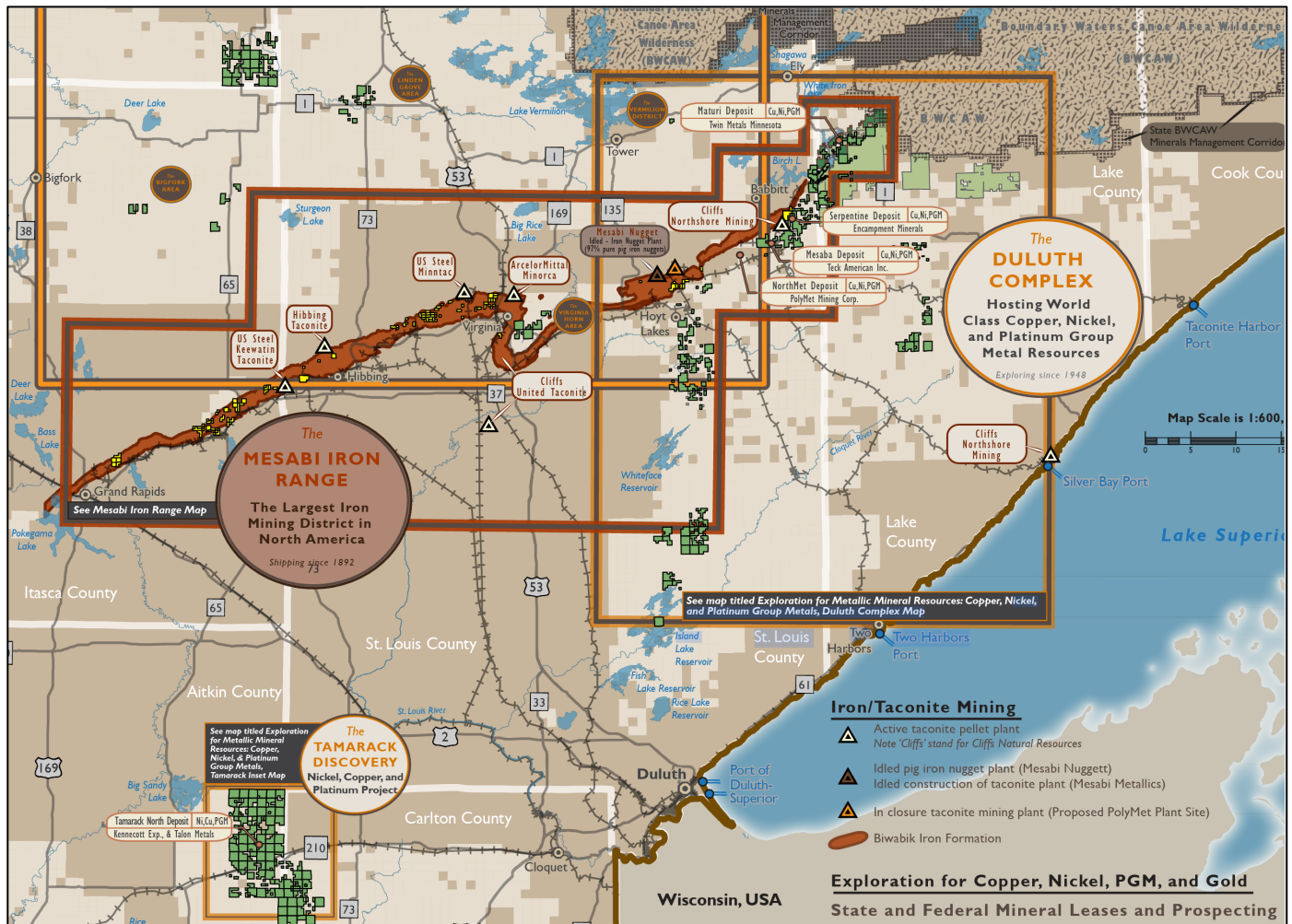
from *The Timberjay* related to the U.S. Steel Minntac permit are attached. They reflect concern about taconite industry mercury pollution and about the double standard where “mercury from taconite plants keeps falling into northern Minnesota lakes. It keeps accumulating in walleye and other fish in the region. It keeps triggering fish consumption advisories that fall disproportionately on tribal communities and rural families who depend on fish for food.”¹

The MPCA CI-MAP below (available at <https://pca-gis02.pca.state.mn.us/ci-map/>) shows the huge blank area in Northern Minnesota where cumulative impacts analysis is simply “inapplicable.”



¹ See Attachment A, Opinion, The MPCA and mercury – The state talks a tough game on taconite mercury emissions, so why won’t it pull the trigger? (June 4, 2026) *The Timberjay*, and M. Helmberger, Proposed Minntac air permit lacks stricter mercury standards (June 4, 2026), *The Timberjay*.

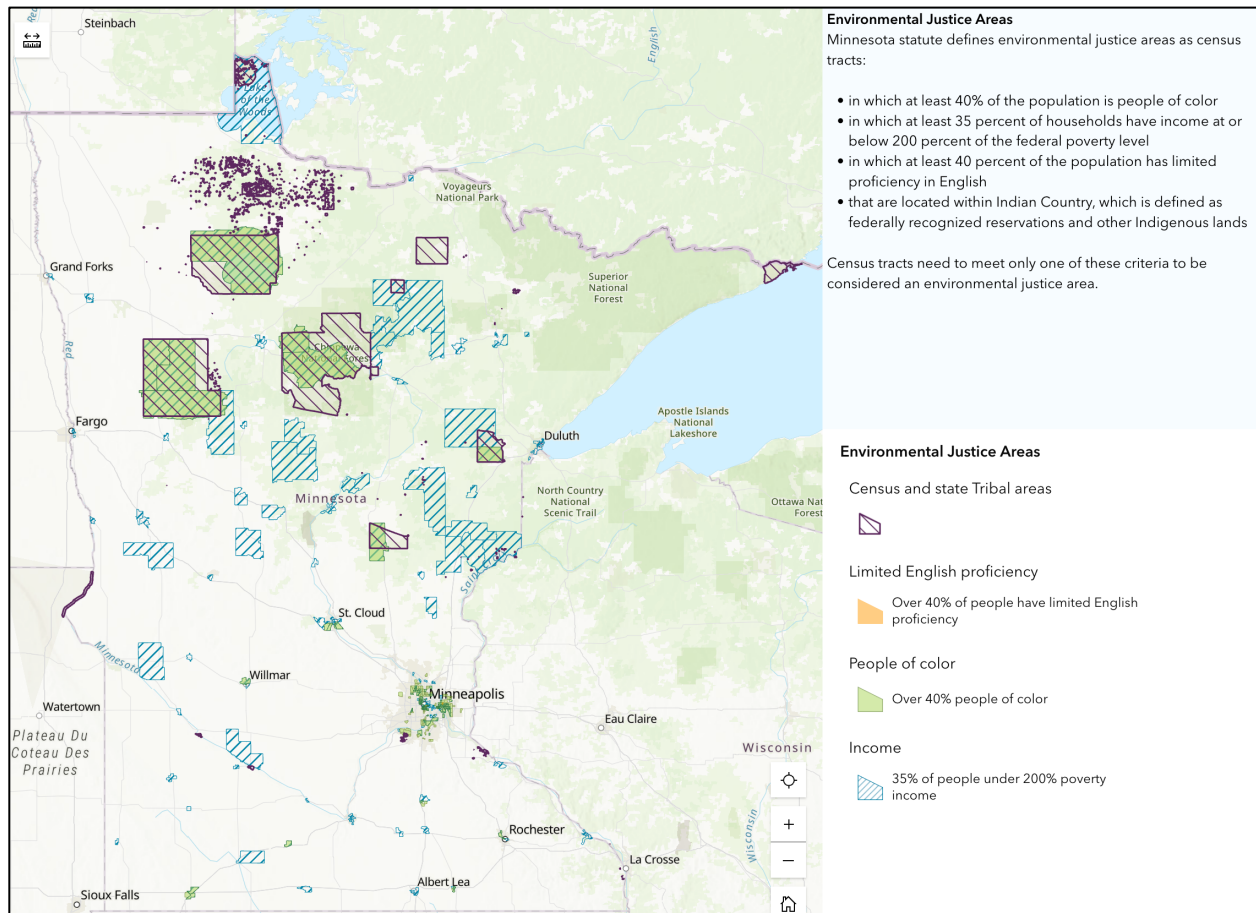
Northern Minnesotans are exposed to hazardous air pollution from wildfires across Canada and Minnesota and to taconite mine and coal combustion air emissions and discharge to surface and groundwater. They would be exposed to air emissions from a new gas resource development industry, and to particulates, toxic metals, and other pollutants in air, water, and land if proposed nickel and copper sulfide ore mines were approved. The map below shows multiple existing and potential sources of emissions from metals extraction.²



WaterLegacy requests that in formulating the initial proposed Rules the MPCA specifically recognize that environmental injustice is not limited to the areas where cumulative impacts analysis is explicitly made "applicable." The MPCA's mapping tool, "Understanding environmental justice in Minnesota," illustrates many of the environmental justice areas to which its current proposed cumulative impact analysis rules are not applicable. WaterLegacy requests that MPCA include language its final proposed rules stating that the commissioner would have the discretion to determine that a cumulative impact analysis be performed

² This map is copied from the Minnesota Department of Natural Resources Index Map to the Iron Mining & Metallic Mineral Exploration Mapset, available as of July 16, 2026 at https://files.dnr.state.mn.us/lands_minerals/mpes_projects/mnmin2017_compile.pdf.

pursuant to part 7007.6070, subp. 2 in census tracts and state Tribal areas that meet the statutory requirements for environmental justice areas. These areas, shown on MPCA's website,³ are copied below and provided in Attachment B.



In addition, WaterLegacy requests the following specific changes in the text of MPCA's proposed cumulative impacts rules:

1. MPCA should revise the definition of "permit" so that cumulative impacts analysis is not limited to permits for new construction, expansion, or reissuance of a permit for new construction or expansion. (MPCA proposed rule 7007.6010, subp. 31).

MPCA's proposed rule defining "permit" is inconsistent with the cumulative impacts statute, which states that a permit "includes a permit required for new construction or facility expansion or the reissuance of an existing permit." Minn. Stat. § 116.065, subp. 1(h) (emphasis added). The very next sentence of the statute states that "[t]his section applies to an application for a permit." Minn. Stat. § 116.065, subp. 2(a).

³ MPCA, Understanding environmental justice in Minnesota, is available on July 17, 2026 at <https://experience.arcgis.com/experience/bff19459422443d0816b632be0c25228/page/Page/?views=EJ-areas>, Attachment B.

MPCA lacks authority to constrict the application of cumulative impacts analysis beyond the inclusive definition of “permit” in statute.

Requested change to MPCA proposed rule **7007.6010, subp. 31**:

“Permit” means: ~~A.~~ any part 70 permit issued under part 7007.0200, subpart 2; any state permit issued under part 7007.0250, subpart 5 or 6, that authorizes new construction or facility expansion; or ~~B.~~ any reissuance of an expiring a part 7007 permit described in item A, including reissuance under part 7007.0450.”

2. MPCA should revise its provision using hazardous air pollutant unit thresholds to clarify that an activity that is insignificant under 7007.1300, subp. 5(A) may still trigger either a mandatory or discretionary cumulative impacts analysis.

MPCA proposed rules seem to intend that emissions of 25 percent of the “insignificant activities” emissions unit threshold in part 7007.1300, subp. 5(A) should require a mandatory cumulative impact analysis and that emissions below this level may still require a discretionary cumulative impact analysis. However, the text of proposed rule 7007.1300, subp. 5(B) may undermine the application of cumulative impacts analysis if a mandatory analysis benchmark is not reached. The statutory policy is clear. Minn. Stat. § 116.065, neither states nor implies that a threshold applies to limit cumulative impacts analysis. To the contrary, the legislation defines “cumulative impacts” to mean “the impacts of aggregated levels of past and current air, water, and land pollution in a defined geographic area to which current residents are exposed.” Minn. Stat. § 116.065, subd. 1(c). The legislation also requires a substantive determination of need for cumulative impacts analysis based on the likelihood of health impacts to community residents. Minn. Stat. § 116.065, subd. 3. Requested changes more clearly reflect this legislative intent and avoid confusion.

Requested change to MPCA proposed rule **7007.1300, subp. 5**.

Subp. 5. **Threshold table; hazardous air pollutants.** The thresholds for hazardous air pollutants listed in the following table are for determining whether:

- A. an emissions unit qualifies as an insignificant activity under subpart 4, item C, subitem (1); and
- B. an owner or operator must conduct a cumulative impacts analysis under part 7007.6090 according to the benchmark analysis in part 7007.6050, subpart 4, item B, subitem (2), and they do not affect the commissioner’s determination under part 7007.6070, subp. 2 whether an owner or operator must conduct a cumulative impacts analysis.

Conclusion

WaterLegacy appreciates the opportunity to comment on MPCA’s cumulative impact rules. We request changes to MPCA proposed rules part 7007.6010, subp. 31, which would conflict with the cumulative impacts analysis statute, Minn. Stat. § 116.065, by restricting the definition of “permit.” We also propose revisions to clarify the intent of 7007.1300, subp. 5(B), so it does not undermine the statutory purpose to require cumulative impacts analysis where aggregated levels of past and current pollution may impact the environment or health

of residents in an environmental area. Minn. Stat. § 116.065, subd. 3(1). These revisions are supported by Minn. Stat. §§ 14.15 and 14.26 and Minn. R. 1400.2100.

Finally, we request that MPCA's cumulative impacts analysis rules apply the evidence and understanding already available on its own website to recognize environmental justice areas throughout Minnesota, including those in Northern Minnesota where the health of rural and Tribal communities and the exercise by Tribal members of Treaty-reserved rights are threatened by cumulative exposures to pollutants and other stressors. The beneficial process in MPCA's proposed rulemaking should be applied broadly to protect the health of residents in all environmental justice areas of Minnesota, rather than unwittingly creating yet another disparity in stressors and health outcomes.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script, reading "Paula G. Maccabee".

Paula G. Maccabee
Executive Director and Counsel
WaterLegacy

Enclosure: Attachments A and B.

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The MPCA and mercury

The state talks a tough game on taconite mercury emissions, so why won't it pull the trigger?

Posted Thursday, June 4, 2026 11:39 am

Here in Minnesota, we like to tell ourselves that we do a great job of protecting the environment. We pass strong laws and have good folks working at our regulatory agencies. It all seems reassuring. But a close look at how the Minnesota Pollution Control Agency has handled mercury emissions from U.S. Steel's Minntac facility reveals something less reassuring — an agency that presents rigorous science, identifies workable solutions, has the legal authority to act, yet somehow can't make any of it stick.

To understand it all takes a bit of background. Under state rules enacted back in 2007, taconite facilities were required to submit mercury reduction plans by Dec. 30, 2018 — plans that would demonstrate how they would cut mercury emissions by 72 percent from baseline levels by Jan. 1, 2025. Other industrial mercury emitters in Minnesota had already been required to act three and a half years earlier. The taconite industry got extra time.

U.S. Steel used that time to falsely argue it couldn't be done.

The company submitted an alternative plan claiming that a 72 percent reduction was not technically achievable. They proposed, essentially, to keep doing what they were already doing and to "explore" and "continue to evaluate" other options. In other words, just more of the usual delay we've come to expect from U.S. Steel.

The MPCA didn't buy it. In a detailed January 2023 letter, the agency systematically dismantled the company's arguments. MPCA technical staff identified three technologies that Minntac's own research concluded are commercially available, don't impair pellet quality, don't cause excessive corrosion, and can consistently achieve a 72-percent or better reduction in mercury emissions. One of them, the fixed carbon bed option, could achieve a 99-percent reduction according to

Minntac's own submitted data. That could have delivered real mercury reductions for northeastern Minnesota lakes.

Except U.S. Steel doesn't want to pay for it and rejected the technology as too expensive. The MPCA countered with its own financial analysis of U.S. Steel's parent company, finding that compliance costs would represent about one-tenth of one percent of annual company revenues. In short, meeting the standard is economically achievable. The only thing standing in the way is corporate greed, and bureaucratic timidity.

Meanwhile, mercury from taconite plants keeps falling into northern Minnesota lakes. It keeps accumulating in walleye and other fish in the region. It keeps triggering fish consumption advisories that fall disproportionately on tribal communities and rural families who depend on fish for food. Minnesota set a statewide mercury reduction goal of 789 pounds per year, a target the EPA approved back in 2007. Nearly two decades later, the state is still not meeting it, in large part because its largest point-source emitters— taconite plants— have been permitted to study, evaluate, and delay.

This isn't a question of jobs versus the environment. U.S. Steel could afford to clean up its act and continue to operate. The company, however, would rather put the money it would cost to do so into the hands of shareholders. Those of us who live in the region are just supposed to accept more mercury in our fish.

When will state officials say enough is enough? As we report this week, Minntac's air emissions permit is up for renewal. Yet rather than setting a feasible emissions standard and a firm date for compliance, the MPCA has proposed a new permit that, once again, rewards U.S. Steel's intransigence.

MPCA officials had clearly hoped that action at the federal level would help them stiffen their spines. But when the feds issued their proposal to curb pollution from taconite plants in 2023, the MPCA expressed disappointment. In comments at the time, the MPCA told the EPA directly that its proposed mercury limits didn't go far enough. Taconite plants represent roughly 75 percent of total mercury emissions from point sources in Minnesota, and about half of all mercury emissions statewide. The MPCA urged the EPA to require reductions up to the capability of activated carbon bed technology. That analysis, of course, is now moot as the Trump administration recently suspended mercury clean-up in the taconite industry for at least two years.

Even so, the state doesn't need to wait. It has the authority under its 2007 mercury target to require U.S. Steel to clean up its act.

The MPCA has a clear legal mandate to act. Economic analyses confirm that the cost of clean-up is miniscule compared to the gross revenues of the company. And both the MPCA and U.S. Steel agree that there are viable control technologies. The only question is why the MPCA continues to allow Minntac to set the pace of its own compliance.

Without a clear standard and a firm date for improvement included in Minntac's new emissions permit, nothing will change and mercury will continue to accumulate in northeastern Minnesota fish.

OTHER ITEMS THAT MAY INTEREST YOU

Climate and fire (</stories/climate-and-fire,36535>)

Housing success story (</stories/housing-success-story,35715>)

<https://www.timberjay.com/stories/untitled,30748>



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Proposed Minntac air permit lacks stricter mercury standards

Posted Thursday, June 4, 2026 10:33 am

Marshall Helmberger

REGIONAL — The Minnesota Pollution Control Agency is seeking public comment through June 14 on a new draft air emissions permit for U.S. Steel's Minntac taconite operation in Mt. Iron. Rave reviews appear unlikely, however, as critics are already raising questions about the agency's apparent unwillingness to enforce state mandates regarding mercury emissions on one of the largest employers in northeastern Minnesota.

Mercury emissions, which contribute to fish consumption advisories, particularly in northeastern Minnesota, have increasingly become a sore point with anglers and tribes. A state rule, designated as 7007.0502, mandates strict mercury emission reduction plans for existing industrial facilities, but the MPCA has shown a consistent inability to prompt the state's taconite industry to get on board with the new requirements.

At over 1,000 pages, the new draft air emissions permit for Minntac is heavy on dense, technical language but fails to enact tightened standards for emissions of mercury, despite the agency's position that U.S. Steel has viable, commercially available technologies that can do so, and at a cost the company can afford.

That's a missed opportunity, according to Paula Maccabee, an attorney with Duluth-based

WaterLegacy. While Maccabee has focused mostly on water discharges, air emissions of mercury are known to contribute to the concentrations of mercury in fish from Minnesota lakes as the mercury precipitates out of the atmosphere. Maccabee notes that once a new permit is issued, no matter how weak, it gives legal cover for companies against lawsuits for their pollution.

According to the MPCA, the state's taconite industry accounts for about 75 percent of point source mercury emissions in the state and about 50 percent of all mercury emissions.

Maccabee recently met with a group of northeastern Minnesota residents, including several from Lake Vermilion, who are concerned that the proposed permit gives Minntac free rein to delay any clean-up of its mercury emissions.

Under a state plan, known as a Total Maximum Daily Load, or TMDL, analysis, completed back in 2007, taconite facilities were required to submit mercury reduction plans by Dec. 30, 2018 — plans that would demonstrate how they would cut mercury emissions by 72 percent from baseline levels by Jan. 1, 2025. Other industrial mercury emitters in Minnesota had already been required to act three and a half years earlier. The taconite industry got extra time, but it did little to move the ball forward.

While Minntac complied with the deadline to provide a mercury reduction plan, the plan failed to commit to mercury reductions, arguing that none of the available technologies were viable. The MPCA, in a strongly worded deficiency letter in 2023, identified three commercially available technologies that it believed the company could afford and that the company's own representatives concluded could achieve a 72-percent or better reduction in its mercury emissions without negatively impacting their processes or the quality of their taconite pellets. The MPCA, in rejecting Minntac's plan, found that complying with the mercury reductions required would cost a tiny fraction — less than 0.35 percent — of the parent company's total revenue. That analysis concluded that the total capital investment required for Minntac to achieve an 85 percent reduction in mercury would total \$41 million, with an annual operating cost of approximately \$29 million. According to the MPCA's analysis, the annual operating cost amounts to 0.13 percent of the company's annual revenue. The one-time capital expenditure would amount to approximately 0.19 percent of revenues.

The MPCA included that financial analysis in a 2023 comment letter to the Environmental Protection Agency, which urged federal regulators to impose stricter mercury standards on the taconite industry.

"The MPCA strongly supports stringent mercury control standards and urges EPA to set more stringent mercury limits for this source category than identified in the proposal. The MPCA believes that EPA must set more stringent mercury standards up to the 85 percent reduction capability of activated carbon injection (ACI) identified by EPA in the proposal," wrote Assistant MPCA Commissioner Frank Kohlasch in the June 28 letter.

Yet, while the MPCA was pushing for stricter federal regulation, it was forgoing its own legal authority to act. The emissions permit the MPCA is now proposing for Minntac incorporates no additional mercury controls, despite the agency's conclusion that those emissions could be reduced by 85 percent without overburdening the company financially.

When questioned about the apparent disconnect, the MPCA provided the following statement:

"We remain committed to achieving air emissions mercury reductions from all sources in the state, as called out in our 2007 Statewide Mercury TMDL and our Mercury Emission Reduction Rule and our grant to U.S. Steel to study mercury emission controls. We and stakeholders have known that achieving the results would not be easy. We are also navigating a complex interplay between federal rules and actions, litigation, our state rule, and our need to reduce mercury reaching Minnesota's water and fish."

MPCA officials note that there are other means of encouraging companies to reduce their emissions. "Permits are only one tool to achieve lowered emissions. The MPCA continues to work with U.S. Steel on its mercury reduction plan as required by Minnesota's Mercury Emission Reduction Rule," concludes the agency in its statement.

Yet U.S. Steel has a long history of resistance to efforts by state regulators to clean up their operations in Minnesota. And without an enforceable standard in their permit, Maccabee says there's little hope of meaningful progress.

"Without enforceable limits, it's just hopes and prayers," she said.

Maccabee notes that the state missed its targets for mercury reductions by 2025 because of the lack of progress from the taconite industry. The industry is likely to face even less pressure to act now that President Trump has suspended the federal mercury reductions plan for at least two years. "

Maccabee said the state has authority to act, with or without the EPA. In fact, she says, the state rules don't appear to give the MPCA discretion on the matter. "The rules say the reductions must happen. It's not a goal. This isn't an area where the MPCA has discretion to let Minntac off the hook. The rule is clear. The need is clear. We're just looking for safer fish to eat."

Introduction

EJ areas

Near an EJ area

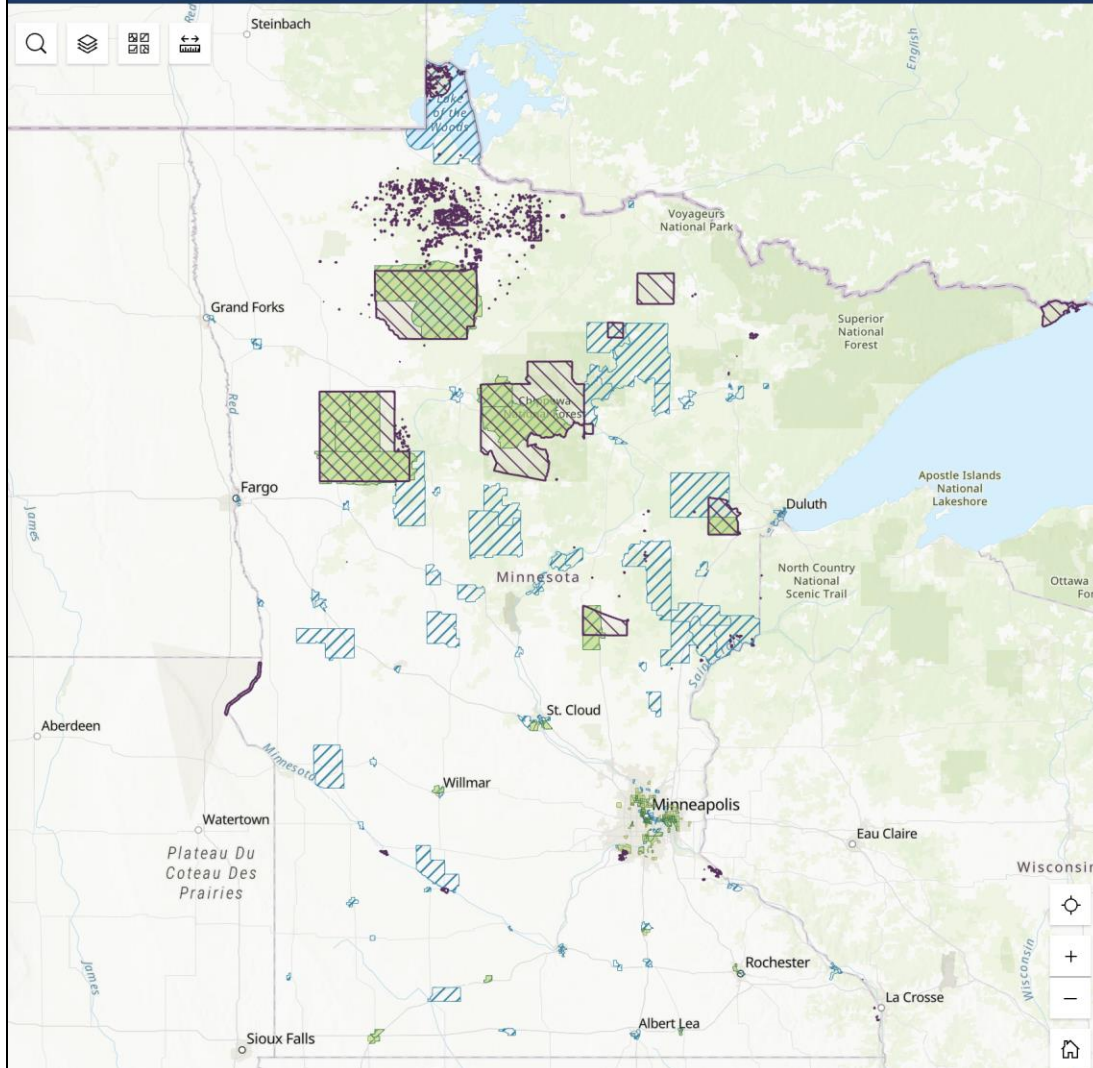
Income

People of color

Tribal areas

Language

Air pollution score



Environmental Justice Areas

Minnesota statute defines environmental justice areas as census tracts:

- in which at least 40% of the population is people of color
- in which at least 35 percent of households have income at or below 200 percent of the federal poverty level
- in which at least 40 percent of the population has limited proficiency in English
- that are located within Indian Country, which is defined as federally recognized reservations and other Indigenous lands

Census tracts need to meet only one of these criteria to be considered an environmental justice area.

Environmental Justice Areas

Census and state Tribal areas



Limited English proficiency

Over 40% of people have limited English proficiency

People of color

Over 40% people of color

Income

35% of people under 200% poverty income



MPCA Cumulative Impacts Rulemaking - Minnesota Rules Chapter 7007

Administrative Law Judge Kimberly Middendorf
Minnesota Office of Administrative Hearings

Comments submitted electronically through OAH eComments

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, Minnesota Rules Chapter 7007; Revisor R-4805; CAH Docket No. 21-9003-39398

Dear Judge Middendorf:

On behalf of Cordia Energy Center Minneapolis (Cordia), a large district energy company that provides heating and cooling to a large portion of commercial, retail, and government customers in downtown Minneapolis, we appreciate the opportunity to submit comments on the Minnesota Pollution Control Agency's (MPCA) Cumulative Impacts Rule, as proposed on May 18, 2026, in response to Minn. Stat. 116.065.

While Cordia supports the statutory objective of addressing cumulative impacts in environmental justice areas, the proposed rule, as drafted, fails to provide clear, objective decision criteria, relies on broad agency discretion, and introduces significant and unquantified impacts to permitting timelines and costs. Absent targeted revisions, the rule risks undermining both statutory intent and Minnesota's ability to support timely, predictable investment.

This letter addresses Cordia's concerns on the proposed rule, categorized as follows:

1. Failure to Implement Statutory Requirements;
2. Lack of Objective Decision Standards;
3. SONAR Failure to Appropriately Evaluate Economic and Timeline Impacts;
4. Miscellaneous comments.

These are discussed in more detail below. Please note that for brevity, the term "permittee" is used to refer to the owner or operator of the stationary source requesting a permit action, and "MPCA" is used to refer to the "Commissioner".

1 Failure to Implement Statutory Requirements

- a. Minn. Stat. 116.065, subd. 6 (c), indicates that rules adopted under this section must:

- (1) establish benchmarks to assist the commissioner's determination regarding the need for a cumulative impacts analysis ...
- (3) define conditions, criteria, or circumstances that establish an environmental or health impact as a substantial adverse impact.

The proposed rule does establish emissions-based benchmarks but allows MPCA to require a cumulative impacts analysis (CIA) based on broad discretionary considerations beyond benchmarks. A hybrid of partly prescriptive and partly open-ended, qualitative balancing criteria introduces material ambiguity in implementation. Cordia believes the decision to require a CIA should be based on objective, science-based quantitative thresholds or benchmarks and not on arbitrary discretionary agency decisions.

The proposed rule relies on broad, case-by-case agency discretion that limits predictability, transparency, and regulatory consistency for permittees and the public. This is inconsistent with the requirement in the statute.

- b. Minn. Stat. 116.065, subd. 3, states that "The commissioner is responsible for determining whether a proposed permit action may substantially impact the environment or health of the residents of an environmental justice area." (emphasis added). The legislation indicates that there should be some indication (i.e., "may substantially impact") that the permit action will have adverse effects. Any attempt to impute the effects of stressors to every "permit action" in a given area without considering the specific effects of a particular "permit action" will violate the plain language of the statute and leave MPCA vulnerable to challenge that such decisions violate or exceed MPCA's legal authority.

In both the determination of the need for a CIA and the determination denying a permit and/or requiring a CBA, the culpability of the facility's contribution to the substantially adverse environmental or health impact should be accounted for. There should be evidence that the permit action may contribute to relevant stressors in a way that poses the potential for an adverse health impact. Denying a permit action or requiring measures to reduce environmental stressors to which the facility contributes should be commensurate with the degree to which the permit action contributes to the substantial adverse impact.

2 Lack of Objective Decision Standards

- a. The proposed rule includes several MPCA decision points:
 - (i) determining whether the permittee needs to conduct a CIA (either mandatory or discretionary; the latter may include determining whether a petition is complete);
 - (ii) determining whether additional information is necessary to evaluate the CIA;

- (iii) determining whether the permittee needs to prepare a draft community benefit agreement, (i.e., whether the requested permit action would have a “substantial adverse impact”);
- (iv) determining whether additional information is necessary to determine “substantial adverse impact”; and
- (v) determining whether to issue or deny the requested permit action.

Since these determinations do not rely solely on defined benchmarks or threshold values and involve a level of judgment, they introduce an unacceptable level of uncertainty into the permitting process. Cordia recommends that specific quantitative benchmarks be established for these main decision points to promote transparency and ensure consistency in the air permitting process. Subjective and arbitrary judgements should not be used to make these important decisions.

- b. The proposed rule (7007.6070, subp. 4, B) requires MPCA, when determining whether issuing the requested permit action may substantially impact the environment or the health of the residents of the impacted environmental justice area (and the need to conduct a CIA), to consider cumulative potential impacts, specifically “whether the potential impact is significant” and “whether the contribution from the requested permit action is significant when viewed in connection with other contributions to the potential impact”. Similarly, the proposed rule (7007.6100, subp. 2, B) requires MPCA, when determining whether issuing the requested permit would result in a substantial adverse impact to the environment or the health of the residents of the impacted environmental justice area (and the need to prepare a community benefit agreement), to evaluate cumulative impacts, considering “whether the impact is significant” and “whether the contribution from the requested permit action is significant when viewed in connection with other contributions to the impact”. However, the rule does not define “significant” as used in either part of the rule. Cordia recommends that quantitative benchmarks be established to determine whether such impacts are “significant”.

3 SONAR Failure to Appropriately Evaluate Economic and Timeline Impacts

- a. Cordia is concerned that the proposed rule will significantly extend the time taken to obtain an air permit or permit renewal. The Chamber of Commerce’s February 2024 report titled “Streamlining Minnesota’s environmental permitting process: Essential for economic growth” identified significant issues associated with the timeliness of issuing Tier 2 air permits and permit amendments, especially compared to peer states. The proposed rule is likely to exacerbate long timelines, not only for facilities subject to the statute, but for all permittees due to the burden imposed on MPCA resources to support implementation of the statute.

The SONAR fails to consider an important aspect of the reasonableness of the proposed rule by not adequately evaluating the impact of the proposed rule on permitting timelines. The rule introduces multiple substantive and procedural requirements — including preparation and

review of cumulative impacts analyses, expanded public participation processes, and additional MPCA determinations — that will foreseeably extend the time required to issue permits and amendments. While the SONAR acknowledges that these requirements will increase complexity and duration, it does not quantify the expected timeline impacts, compare them to existing permitting timeframes, or evaluate how the additional steps interact with current permitting processes. In particular, the SONAR does not address the cumulative effect of these requirements on already lengthy permitting timelines, nor does it assess whether the resulting delays are reasonable or proportionate to the anticipated benefits of the rule. The proposed rule should include concrete and binding timelines for public engagement and final MPCA action.

- b. In the SONAR under “Costs to Comply”, MPCA estimates the probable costs of complying with the proposed rule. MPCA used a limited number of responses to an economic survey about the estimated cost of multiple steps of the proposed rule process. MPCA concluded from the survey responses that the total investment would be \$151,000 if a permittee had to complete all steps. MPCA also speculated that the actual costs to comply would be less than what was inferred from the survey responses. MPCA’s own analysis indicated that the total compliance cost would range from \$69,000 to \$170,000.

Costs associated with preparation of the CIA alone (e.g., traffic study; federal and state endangered species, threatened or rare plant or animal species; odor, dust and noise impacts; existence of contamination, historical remediation activities; air quality modeling; AERA; assessment of localized impacts of climate changes, vulnerabilities) would be similar to environmental review-level analyses (Environmental Assessment Worksheet/Environmental Impact Statement), far exceeding the estimates that MPCA associated with those steps of the process. Further, the costs associated with “Step 4: Additional Pollution Control Measures” and “Step 5: Community benefit agreement” were collectively estimated at \$45,000 (from the survey language, it appears these costs did not address capital costs associated with pollution control equipment or other benefits agreed to in the CBA.) Costs for additional pollution control measures can vary significantly, but can be in the millions of dollars.

This omission means the SONAR does not provide a reasoned evaluation of a key consequence of the proposed rule – the economic impact. The SONAR does not demonstrate that the Agency has fully considered the relevant factors associated with implementation of the rule, raising concerns that the rulemaking record is incomplete with respect to an important aspect of the problem.

- c. The proposed rule (7007.6060, Subp. 1, B) allows a petition to conduct a CIA to be filed with MPCA up to and including the date the public notice and comment period for the draft permit ends. A requested permit action may have been reviewed and processed by MPCA and received a negative declaration regarding the need for a CIA, and a draft permit prepared, negotiated, and posted for public comment, only for the process to revert back to requiring a CIA right before the

final permit was about to be issued. This creates significant uncertainty for the permittee and could have real-world implications for the procurement of equipment for the project. Cordia recommends that the final rule require a petition to be filed within 60 days of MPCA posting notice of receipt of an initial assessment as part of a requested permit action. Within that 60-day period, MPCA should not wait to see whether a petition will be filed, but should proceed with deciding the need for a CIA, and processing the permit application if a petition is not received.

- d. Currently a permittee may begin actual construction of a moderate amendment upon receipt of a letter of approval from MPCA authorizing the construction. The proposed rule prohibits construction until either a negative determination of the need for a CIA is issued or the amended permit has been issued. Cordia believes it is unreasonable to override the established procedure for moderate amendments, which allows construction to begin upon receipt of an authorization letter from MPCA.
- e. The proposed rule imposes specific timelines associated with conducting public meetings, of which a minimum of four are required (one before and one after conducting a CIA, and one before and one after preparing a CBA). These timelines include:
 - Submitting a public participation plan to MPCA within 30 days of MPCA determining (i) the need for a CIA and (ii) the need for a CBA;
 - Providing MPCA written notice of each public meeting at least 45 calendar days before each meeting;
 - Posting notice of each public meeting at least 30 calendar days before each meeting;
 - Providing at least 30 calendar days for public comment after each public meeting;
 - Posting a video and audio recording of each public meeting within 15 calendar days after each meeting
 - Providing MPCA an electronic copy of all written comments and a transcript of all oral comments received at each public meeting within 30 calendar days after each meeting;
 - Providing MPCA with a report responding to each public comment within 30 calendar days after the end of each public comment period and at least 45 calendar days before the next public meeting.

Collectively, these requirements may add approximately fourteen months to the current air permitting timeline (four public meetings, each requiring 45 days prior notice, a 30 day comment period, and 30 days post-meeting follow-up).

- f. Currently, an application for a permit reissuance does not trigger any immediate action by MPCA other than a determination of completeness. In practice, this has meant that such an application may not be processed for years after submittal. The proposed rule does not impose a timeline for MPCA to determine whether a CIA is needed.

- g. The proposed rule does not impose any timeframes for MPCA to make the determinations described in section 2 a above, which adds to the uncertainty associated with the timing of the overall permitting action.
- h. The contents of a CIA in the proposed rule (7007.6090, subp. 3) are duplicative of those required for an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS) which are required only if triggered by the Minnesota Environmental Quality Board's Environmental Review program (Minn. R., chapter 4410). Cordia believes that a detailed review should continue to be triggered by that program rather than by the Cumulative Impacts Rule. In addition, facility expansions, projects subject to federal New Source Review permitting, or new construction that are otherwise subject to environmental review should not require a CIA under 7007.6050 subp. 4 because this would be redundant with a separate CIA process to evaluate whether there is an adverse impact. Cordia recommends that MPCA revise the proposed rule to exempt permit actions undergoing environmental review or New Source Review permitting from requiring a CIA. If MPCA disagrees, Cordia requests that components of the CIA be waived if they have been covered by an environmental review conducted and approved within the preceding five years.
- i. Similarly, the proposed rule (7007.6090, subp. 4) requires the permittee to "conduct an air quality modeling analysis in accordance with a protocol approved in advance by MPCA". Air modeling protocols required by other MPCA programs often take considerable time and effort to prepare and months for MPCA to review and approve. Cordia recommends that a simpler protocol (not requiring e-services submittal) be sufficient for the purposes of the proposed rule. If not, we anticipate that this could add several months to the air permitting process.
- j. Similarly, the proposed rule (7007.6090, subp. 5) requires the permittee to "conduct an air emissions risk analysis (AERA) in accordance with a protocol approved in advance by MPCA". Cordia assumes that MPCA intends to require the existing two-stage AERA program to be followed, the first stage being the preparation, submittal, and MPCA review and approval of a detailed protocol. As with the air modeling analysis, the AERA protocol often takes considerable time and effort to prepare and months for MPCA to review and approve. Cordia recommends that a simpler protocol (not requiring e-services submittal) be sufficient for the purposes of the proposed rule. If not, we anticipate that this could add another several months to the air permitting process.
- k. Cordia is aware that an AERA can be triggered by the Air Toxics Regulation rule that is being proposed in parallel to the Cumulative Impacts rule. The two rules need to avoid duplication of effort. An AERA conducted within the preceding five years for the purposes of the Air Toxics Regulation rule should satisfy the requirements of the Cumulative Impacts rule.

4 Miscellaneous Comments

- a. In addition to establishing mandatory thresholds for a CIA, the rule should also define situations where a CIA is not required, including based on discretion. Permit actions that do not include an emissions increase should clearly meet the criteria for not substantially impacting the environment or health of residents of an environmental justice area. It is still possible that a proposed increase in emissions may not result in an adverse health impact, in which case, a CIA should not be required.
- b. The statute requires MPCA to establish benchmarks to determine the need for a CIA. The proposed rule requires a CIA to be conducted as part of a permit reissuance if any of four types of enforcement actions for any environmental media have been issued to the permittee in the previous three years. Cordia considers this unreasonable if the enforcement actions have been resolved to MPCA's satisfaction.
- c. Public participation will be a challenging aspect of the cumulative impacts rule. The technical details of the analysis will not be very accessible to the general public. The MPCA and project proposers will need to reference details and include that complexity in decision making while simplifying the process and outcomes as much as possible for public engagement. Information shared with the community should clearly indicate whether it is based on what is known, what is unknown, and what is uncertain, given constraints.

The draft rule does not include measures for qualifying the representativeness of the engaged individuals. In many public permitting processes, there is a small number of very engaged people from the community and a slightly larger number who are paying attention. Most people are often not engaged at all. The MPCA should not assume that the engaged group represents the views of the larger disengaged group. The MPCA should therefore consider how to weigh such community input into decision-making.

- d. In addition, MPCA should clarify within the rule a definition of who or what constitutes "the community" regarding a "permit action" and input for a CBA. The proposed rule does clarify this with respect to the petition process. However, further clarifying this with regard to the permit action generally, and who can provide input on the appropriate community benefit, will be necessary for best representing the appropriate stakeholders. Cordia recommends that community representatives participating in the community benefits agreement process be individuals who reside or own property in the impacted environmental justice area (i.e., the same criteria that the proposed rule requires for someone to sign a petition requesting a CIA).
- e. It is unreasonable to expect or require the facility to reduce stressors to which it does not contribute. Such stressors could be a legacy of other long-closed facilities or associated with

activities by other nearby (potentially competitor) facilities, or the general population (traffic, for example) that are unrelated to the proposed permit action and over which the project proposer will have little to no control. That said, Cordia supports any facility acting as a good neighbor by voluntarily adopting measures in the community to reduce stressors, regardless of whether the facility contributes to those particular stressors. This, however, is again why a clear and consistent definition of “community” is critical to the success of this program.

- f. In the proposed rule, there is uncertainty and lack of clarity around how the determination of “substantially impact the environment or health” in the context of the need for a CIA, and the determination of a “substantial adverse impact” in the context of a permit denial/CBA decision will be made. In particular, it is unclear how the analysis of a facility’s contribution to either the potential for a substantial adverse impact or an actual substantial adverse impact will be factored into each of those decisions. The Clean Air Act has been very effective in reducing the human health risk (impact) resulting from permitted facilities’ air emissions. Risk analyses based on United States Environmental Protection Agency (USEPA), MPCA, and Minnesota Department of Health (MDH) procedures have demonstrated very low contributions to cancer and non-cancer risks at receptors by point sources. The need to add substantial time and complexity to the permitting process by requiring a CIA, and the need to enter into CBAs that require extensive offsetting measures either on- or off-site, should be commensurate with the degree to which a facility’s air emissions are causing human health risks.

Similarly, the determination of whether a CIA demonstrates a “substantial adverse impact” relies on a broad, multi-factor evaluation without defined weighting, prioritization, or outcome thresholds. Although the rule incorporates quantitative risk metrics, environmental stressor data, and qualitative considerations, it does not establish how these factors translate into a definitive finding of substantial adverse impact. The SONAR acknowledges that “countless possible scenarios” exist and that impacts cannot be exhaustively defined, reinforcing that final determinations will depend on case-by-case agency judgment. As a result, the framework lacks the clarity needed to ensure predictability, consistency, and transparent decision-making in permitting outcomes.

- g. The proposed rule (7007.6090, subp. 4 and 5) separately outline the air quality modeling analysis and air emission risk analysis for the CIA but omits language from Subp. 3, G that states “an analysis and proposal of emission limits...necessary to avoid the negative impacts of the stationary source to the environment or the health of residents of the impacted environmental justice area and minimize or reduce the negative impacts of the stationary source to the environment or health of residents of the impacted environmental justice area.” (emphasis added) NAAQS and AERA guidance requires the maximum modeled values at the fence line to be compared to the standards for determining compliance, however, this location is not necessarily located within an environmental justice area. Subpart 4, E should be revised to “An air quality modeling analysis report must document the results of the air quality modeling analysis and

demonstrate whether issuing the requested permit action will cause or contribute to an exceedance of any ambient air quality standard within the impacted environmental justice areas identified in the initial assessment.” Subp. 5, A (3) should be revised to “evaluates the potential impacts from the stationary source and whether issuing the requested permit action is likely to cause or contribute to an exceedance of acceptable risk levels within the impacted environmental justice areas identified in the initial assessment identified in item D.”

- h. The statute (Minn. Stat. 116.065, subd. 7) states that in addition to the costs incurred by the permittee itself in complying with the rule, “the reasonable costs of the agency to comply with this section are to be borne by permit applicants subject to this section, as required under section 116.07, subdivision 4d, paragraph (b).” Cordia understands that this will increase the annual \$/ton fee that regulated facilities pay each year based on the actual emissions of a select set of air pollutants. This fee is currently \$214.32/ton. The MPCA does not provide an estimate of how the fee will increase due to the proposed rule.
- i. The proposed rule (7007.6060, Subp. 4, A) requires MPCA to determine whether the petition complies with subparts 1 to 3. Cordia seeks clarification whether MPCA will confirm that at least 100 of the individuals signing the petition either reside or own property in the impacted EJ area.
- j. The proposed rule (7007.6060, Subp. 4, E) requires MPCA to notify the petitioners' representative that the petition is void if the petition does not comply with subparts 1 to 3 and the petitioners fail to remedy all of the deficiencies identified in item D, subitem (2), within 15 calendar days. Cordia requests that the MPCA also send the same notification to the permittee.
- k. The proposed rule (7007.6080, Subp. 7, A (1)) requires the permittee to “post and maintain, in a legible condition, physical signs in the impacted environmental justice area that comply with item C” and that the signs “be posted in at least four public spaces in each environmental justice area within the impacted environmental justice area” per 7007.6080, subp. 7, C (2)). Cordia considers this requirement to be excessive and unnecessary given the other requirements for notifying the public. In urban areas, the impacted environmental justice area can be geographically large and include multiple environmental justice areas, each of which require at least four signs. These signs must also be maintained for at least 30 days prior to each public meeting. This may require multiple visits by the permittee to ensure that the signs have not been defaced or removed.
- l. The proposed rule (7007.6100, Subp. A (1) and (2)) should include clarifying language that the results of the air quality analysis are to be assessed at the maximum receptor within the impacted environmental justice area. A facility’s maximum modeled impacts are typically located along its fenceline, and if that fenceline is not within the environmental justice area, using that value as the determination of the substantial adverse impact would be incorrect. The air impacts

analysis determination of a substantial adverse impact should only be considered for the receptors located inside the area where the residents are impacted.

Based on the issues raised herein, Cordia respectfully requests that the Administrative Law Judge find that the proposed rule requires significant revision to (1) establish clear, objective decision thresholds, (2) define key terms including “significant” and “substantial adverse impact,” and (3) fully evaluate and mitigate the rule’s impacts on permitting timelines and costs. Absent these revisions, the rule does not demonstrate reasonableness or full consideration of the relevant factors required under Minnesota law.

Cordia appreciates the opportunity to comment on this important stage of the CIA rulemaking.

Sincerely,

Chris Freeman
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Cordia Energy LLC
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303-746-1573

July 17, 2026

Submitted Electronically

Minnesota Court of Administrative Hearings
Attn: Administrative Law Judge Kimberly J. Middendorf
600 N. Robert St., P.O. Box
64620, St. Paul MN 55164-0620

Re: Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, *Minnesota Rules* chapter 7007; Revisor's ID Number R-4805

Dear Judge Middendorf:

On behalf of the Minnesota Hospital Association (MHA), thank you for the opportunity to comment on the proposed rules governing cumulative impacts analysis and permit decisions in environmental justice areas. MHA represents Minnesota's nonprofit hospitals and health systems that provide essential health care services to communities across the state, including many facilities located within or near environmental justice areas and subject to Minnesota Pollution Control Agency (MPCA) air pollution permitting requirements. MHA previously commented in 2023 during development of these rules and appreciates MPCA's continued engagement throughout the rulemaking process.

Hospitals occupy a unique position within Minnesota's air permitting framework. Federal and state requirements obligate hospitals to maintain emergency power systems capable of sustaining patient care during power disruptions. Emergency generators and related infrastructure are not discretionary industrial operations – they are life-saving systems that ensure uninterrupted operation of emergency departments, intensive care units, operating rooms, life-support equipment, electronic medical records, security systems, and other critical functions. As a result, hospitals are required to hold air pollution permits despite not operating as industrial facilities. While MHA appreciates that regulators must evaluate worst-case scenarios, the permitting framework can overlook the significant difference between a facility's permitted capacity and its normal operating conditions. Hospital emergency generators, for example, are permitted for continuous operation but in practice run only for periodic testing and during actual outages. Moreover, in a true emergency or disaster, communities depend on hospitals to remain fully operational even when doing so temporarily results in a higher environmental impact. Maintaining the infrastructure necessary to support uninterrupted patient care during these events is itself a critical public service.

MHA remains concerned that the proposed rule applies the same cumulative impacts framework to hospitals as it does to industrial facilities without adequately accounting for hospitals' public health mission. Under the proposed rule, many hospital projects—including generator replacements, energy resiliency improvements, boiler upgrades, and facility expansions—could trigger extensive cumulative impacts analysis requirements, public participation obligations, and potentially community benefit agreement negotiations. These requirements could apply even when emissions increases are modest or negligible, and associated with infrastructure necessary to maintain patient safety and compliance with healthcare accreditation and emergency preparedness standards.

MHA respectfully requests that MPCA revise the rule to provide clear, objective, and predictable standards for Minnesota's hospitals and health systems. Specifically, MHA offers the following revisions with accompanying amendment language found in Appendix A attached to this letter:

1. **Provide a hospital-specific consideration or exemption for emergency power systems and life-saving infrastructure.** Hospitals are required by federal accreditation standards to maintain emergency generators, backup power systems, and related equipment to ensure continuity of patient care during emergencies and power outages. Projects involving the replacement, modernization, expansion, or maintenance of these systems should be afforded streamlined treatment under the rule, particularly when the project improves reliability, efficiency, or emissions performance. Such projects are undertaken to satisfy legal and patient safety obligations rather than to expand industrial production.
2. **Establish clear, objective, and measurable standards for determining when a cumulative impacts analysis is required.** Hospitals and health systems routinely plan major capital projects years in advance. The final rule should provide predictable permitting outcomes by limiting cumulative impacts reviews to projects that meet clearly defined thresholds. MHA is concerned that the combination of mandatory triggers, broad agency discretion, and the petition process may create uncertainty regarding whether routine healthcare facility projects will be subjected to extensive additional review.
3. **Clarify and narrow the definition of "substantial adverse impact."** Determinations should be based on objective, scientifically supported environmental and public health impacts directly attributable to the proposed project. Applicants should be able to reasonably predict permitting outcomes before making significant capital investments.

4. **Differentiate between new facilities, major expansions, permit renewals, and routine infrastructure upgrades.** Hospitals routinely replace equipment and modernize systems to maintain compliance, reliability, and patient safety. These activities should not automatically receive the same level of review as new industrial development. MHA recommends that permit renewals and equipment replacement projects be subject to a more limited review process unless they are projected to result in a significant increase in emissions.
5. **Limit cumulative impacts analyses to factors reasonably related to the proposed air permit action.** The proposed rule requires extensive analysis of climate impacts, socioeconomic conditions, traffic, land use, noise, odor, environmental stressors, and other factors. While MHA supports meaningful environmental review, the scope of analysis should be reasonably connected to impacts caused by the permitted activity. Hospitals should not be required to analyze or mitigate conditions that are unrelated to their operations or beyond their ability to control.
6. **Provide certainty regarding application completeness and information requests.** The rule should establish clear standards for when an application is complete, limit supplemental information requests, and define objective endpoints for cumulative impacts reviews. Regulatory certainty is essential to timely completion of healthcare infrastructure projects. The cumulative impacts process also has the potential to be very lengthy, and MHA encourages MPCA to pair the completeness determination with a reasonable but firm deadline for completing the review.
7. **Establish expedited review procedures for projects involving healthcare resiliency, patient safety, and regulatory compliance.** Hospitals frequently undertake projects necessary to ensure reliability of services, comply with federal emergency preparedness requirements, address aging infrastructure, or respond to changing patient care needs. MPCA should provide an expedited pathway for essential healthcare projects to avoid potential delays that could affect patient care.
8. **Clarify the relationship between cumulative impacts requirements and community benefit agreements.** Community benefit agreements should not become a prerequisite for permit issuance where a hospital already complies with all applicable environmental requirements. The rule should recognize hospitals' existing contributions through charity care, community health programs, workforce development, and other community investments, and ensure any agreement is directly tied to project-related impacts.

9. **Provide protections against repetitive or strategic delay.** MHA supports meaningful public participation but is concerned that petitions, multiple public meetings, and sequential review requirements could unnecessarily delay important healthcare projects. The rule should establish clear timelines and ensure decisions are based on scientific evidence and objective regulatory standards.
10. **Recognize the unique public-health mission of hospitals in all permitting decisions.** Hospitals are not discretionary commercial enterprises; they are community institutions charged with serving patients under all circumstances, including natural disasters, pandemics, severe weather events, and power outages. The final rule should expressly acknowledge the essential public-health function of hospitals and direct the commissioner to consider impacts on patient care, healthcare access, emergency preparedness, and community health when implementing cumulative impacts requirements.

MHA supports the Legislature's goal of ensuring meaningful environmental justice review and community engagement. At the same time, the final rule must recognize the critical public health role hospitals play and avoid creating unintended barriers to projects necessary to maintain safe, reliable, and resilient healthcare services.

Thank you for your consideration of these comments. MHA looks forward to continuing to work with MPCA to develop an approach that advances environmental justice objectives while preserving hospitals' ability to provide uninterrupted care to Minnesota patients and communities.

Sincerely,



Michelle Benson
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Appendix A:

Recommended Amendments to Proposed Rules Relating to Cumulative Impacts Analysis in Environmental Justice Areas (Revisor ID R-4805)

The Minnesota Hospital Association (MHA) respectfully submits the following proposed amendments to the draft rule for consideration by the Minnesota Pollution Control Agency. These recommended amendments are intended to preserve the rule's environmental justice objectives while recognizing the unique public-health mission of hospitals, ensuring regulatory certainty, and avoiding unintended barriers to critical healthcare infrastructure projects. MHA's recommendations are informed by the statutory obligations hospitals must maintain emergency preparedness, backup power systems, and uninterrupted patient care.

1. Exemption for Hospital Lifesaving and Emergency Power Infrastructure

Part 7007.6020, Subpart 2 (Exemptions)

Add new Item D after line 23.20

Proposed Language:

D. Parts 7007.6000 to 7007.6120 do not apply to a requested permit action for a hospital licensed under Minnesota Statutes, chapter 144, when the requested permit action is limited to the installation, replacement, repair, upgrade, maintenance, testing, or operation of emergency generators, backup power systems, boilers, or other life-safety equipment required by federal or state law, accreditation standards, emergency preparedness requirements, or public health guidance, unless the requested permit action results in a net increase in potential emissions exceeding major source thresholds under applicable state or federal law.

Reason: Hospitals are legally required to maintain emergency power systems to protect patients and comply with federal emergency preparedness standards. These systems exist to preserve life and public health, not to expand industrial operations.

2. Permit Renewal Relief for Hospitals

Part 7007.6050, Subpart 4(C) (Lines 37.5–37.14)

Add new paragraph following Subpart 4(C):

For hospitals licensed under Minnesota Statutes, chapter 144, a cumulative impacts analysis shall not be required solely due to permit reissuance unless the underlying

enforcement action involved documented exceedances of applicable ambient air quality standards, health-risk benchmarks, or permit violations resulting in demonstrated harm to public health or the environment.

Reason: Routine permit renewals should not trigger extensive cumulative impacts review due to minor or administrative compliance matters unrelated to community health impacts.

3. Clarify and Narrow the Definition of "Substantial Adverse Impact"

Part 7007.6100, Subpart 1

Add new language after line 67.18:

In making a final determination of substantial adverse impact, the commissioner shall rely on objective, scientifically supported evidence demonstrating a direct causal connection between emissions associated with the requested permit action and the identified impact. Conditions or impacts not reasonably attributable to the requested permit action shall not be considered substantial adverse impacts.

Reason: Permit applicants should have predictable standards that are based on measurable environmental and health impacts directly attributable to the permitted activity.

4. Consideration of Public Health Benefits

Part 7007.6100, Subpart 2

Add new Item F after line 69.9

Proposed Language:

F. For hospitals, health systems, and other essential healthcare facilities, the commissioner shall consider the public health benefits associated with the requested permit action, including impacts on patient care, healthcare access, emergency preparedness, public health resilience, continuity of essential medical services, and community health outcomes.

Reason: The proposed rule evaluates socioeconomic impacts but does not require consideration of the significant public health benefits provided by hospitals and health systems.

5. Limit Scope of Required Analyses

Part 7007.6090, Subpart 3

Add new introductory paragraph before Item A**Proposed Language:**

The analyses required under this subpart shall be limited to impacts reasonably related to and attributable to the requested permit action and supported by available scientific evidence. Applicants shall not be required to evaluate conditions, impacts, or stressors that are unrelated to the requested permit action or beyond the applicant's operational control.

Reason: Hospitals should not be required to analyze or mitigate broad societal or environmental conditions unrelated to the emissions associated with a specific permit action.

6. Establish Application Completeness and Finality**Part 7007.6040****Add new Subpart 6a after line 30.23****Proposed Language:**

Subp. 6a. Completeness Determination. Within 60 calendar days of receiving an initial assessment or cumulative impacts analysis, the commissioner shall determine whether the submission is complete and identify any additional information required. Following a completeness determination, additional information requests may be made only upon a written finding that material information necessary for the permitting decision was not reasonably available at the time the completeness determination was issued.

Reason: Hospitals and other permittees require certainty regarding application requirements, project planning, and capital investment schedules.

7. Expedited Review for Critical Healthcare Infrastructure**Part 7007.6120****Add new Subpart 3 after line 83.19****Proposed Language:**

Subp. 3. Expedited Review for Essential Healthcare Facilities. Upon request by a hospital licensed under Minnesota Statutes, chapter 144, the commissioner shall prioritize review of permit actions involving emergency preparedness, backup power generation, utility system reliability, patient safety improvements, public health emergency response, replacement of aging infrastructure, or projects necessary to maintain uninterrupted healthcare services.

Reason: Delays in healthcare infrastructure projects can directly affect patient safety and access to care.

8. Recognition of Existing Community Benefits

Part 7007.6110, Subpart 4

Add new Item D after line 73.20

Proposed Language:

D. For hospitals and health systems, existing community health improvement activities, charity care programs, workforce development initiatives, community health investments, behavioral health programs, preventive health services, and other community benefit activities shall be considered in determining whether community benefits have been provided and may satisfy all or a portion of any required community benefit agreement.

Reason: Nonprofit hospitals already provide substantial and documented community benefits that directly support environmental justice communities and improve health outcomes.

9. Petition Process Standards

Part 7007.6060, Subpart 5(A)

Amend lines 40.16–40.20 as follows:

The commissioner shall grant a petition only when the petition demonstrates, through material and scientifically supportable evidence, a reasonable likelihood that emissions associated with the requested permit action will cause a significant environmental or health impact that cannot be adequately evaluated through existing permitting requirements.

Reason: The petition process should be based on objective evidence and not serve as a mechanism for indefinite delay of critical healthcare infrastructure projects.

10. Create Definition of Essential Healthcare Facility

Part 7007.6010 (Definitions)

Add new subpart

Proposed Language:

"Essential healthcare facility" means a hospital licensed under Minnesota Statutes, chapter 144, or a facility operated by a licensed health system that provides inpatient,

emergency, trauma, critical care, surgical, behavioral health, or other medically necessary healthcare services to the public.

Reason: The proposed rule currently treats hospitals and industrial facilities identically despite their differing public purposes and statutory responsibilities. Recognition of hospitals as essential healthcare facilities would allow the rule to appropriately balance environmental justice goals with patient care and public health obligations.

Conclusion

MHA respectfully requests that MPCA incorporate these amendments into the final rule. Together, these revisions would preserve meaningful environmental justice protections while providing hospitals with greater regulatory certainty and ensuring that critical healthcare infrastructure projects necessary to protect patients and communities can proceed in a timely manner. The recommended amendments are fully consistent with the Legislature's environmental justice objectives and appropriately recognize the unique public health mission that Minnesota hospitals fulfill every day.

Grant Johnson
President

Valentina Mgeni
Secretary



Ronald Johnson
Vice President

Constance Campbell
Treasurer

George M. Taylor Jr.
Assistant Secretary/Treasurer

July 15, 2026

Administrative Law Judge Kimberly Middendorf
600 North Robert Street
P.O. Box 64620
St. Paul, MN 55164-0620

Re: Comments of the Prairie Island Indian Community on
Minnesota Pollution Control Agency's Proposed New Rules
Governing Cumulative Impacts Analysis for Permit Decisions in
Environmental Justice Areas
Minnesota Rules chapter 7007; Revisor's ID R-04805
CAH Docket No. 21-9003-39398

Dear Administrative Law Judge Kimberly J. Middendorf:

The Prairie Island Indian Community ("Community") Tribal members are Mdewakanton, which means *born of the water*. As Dakota Oyate (*people*), we also are caretakers of our history and sacred lands. To fulfill our responsibilities to Ina Maka (*Mother Earth*), we all must come together to protect Mni Sota - *the land where the water reflects the skies*.

The Community submits the following comments on Minnesota Pollution Control Agency's ("MPCA") proposed changes to *Minnesota Rules* chapter 4007 for the permitting requirements of facilities within Environmental Justice ("EJ") areas. We graciously thank MPCA for their continued dedication toward protecting our shared lands and wish to identify some existing concerns to further those efforts.

To begin, the Cumulative Impacts Mapping and Analysis Platform ("CI-MAP") identifies EJ area census tract 27049080202 (Goodhue County) as having a combined stressor score of 18 out of 26, compared to a state median of 13 and a county median of 12. The Community is located directly within this EJ area, putting it well above the average threshold of cumulative impacts within the state. However, the Community shares EJ area census tract 27037061401 (Dakota County), as well. The problem at hand is that the proposed new rules do not address Goodhue County. This makes any effort to protect the

Community obsolete, since we reside in both counties. Expanding the reach to include tract 21037061401 would benefit the desired health and safety protections the Community seeks.

The Community has borne the impact of undue burdens and past injustices for a long time. Currently, we are in the vicinity of multiple high-polluting facilities of fine particulate matter. As we continue to steward the land and protect the Community, we are challenged with the ongoing air pollutants that originate from surrounding areas. Protecting the health of our Tribal members is a top priority and ensuring the permits issued in both EJ area census tracts 27049080202 and 27037061401 is crucial in doing so.

In addition, the Community has concerns about the cumulative burden of pollution and the heightened social vulnerability affecting our Tribal members. Fine particulate matter (PM_{2.5}) levels in our EJ areas consistently have been measured at levels corresponding to an Air Quality Index above 100. Asthma prevalence in EJ area census tract 27049080202 also exceeds the state average. As noted by America's Health Rankings (2024), PM_{2.5} exposure contributes to both the development of asthma and the worsening of existing respiratory conditions by penetrating deep into the lungs and causing inflammation and airway irritation. These chronic exposures further exacerbate the disproportionate environmental burdens experienced by the Community due to external pollution sources and ongoing regional emissions.

This elevated environmental exposure compounds existing socioeconomic stressors faced by our Tribal members. The Community is located on low-lying land, between the Mississippi River and Vermillion River, directly within the 100-year floodplain. It also is situated within approximately 700 yards of the Prairie Island Nuclear Generating Plant, as well as in close proximity to Lock and Dam No. 3. These overlapping environmental risks create a layered and ongoing burden for our residents and heighten the vulnerability of the Community to additional environmental stressors.

With respect to the proposed cumulative impacts rule governing the permitting of emission facilities and stationary sources, the Community recognizes that the inclusion of community benefit agreements represents a positive step toward addressing inequities. However, for this rule to be meaningful and effective, it must go further in ensuring that new or modified permits do not deepen existing cumulative impacts. We strongly recommend the rule prioritizes the prevention of additional harm by clearly requiring permits to be denied where additional emissions would exacerbate already significant cumulative impacts in EJ areas, particularly where baseline conditions exceed state or health-based benchmarks. It also is critical that the rules define "substantial adverse impact" using clear, objective, and science-based criteria, supported by measurable thresholds and transparent methodologies, to ensure that determinations are consistent, defensible, and protective of public health.

The Community further emphasizes that where community benefit agreements (7007.6110) are utilized, they must include tangible, measurable, and enforceable outcomes that directly offset identified cumulative burdens and result in meaningful

improvements to community health and environmental conditions. In addition, MPCA should provide standardized datasets, modeling tools, and clear technical guidance, while retaining responsibility for data quality, underlying assumptions, and ongoing updates to tools, such as CI-MAP, so that both communities and permit applicants can rely on consistent and validated information. The rule also should ensure that Tribal Nations and other affected EJ communities are adequately involved in permitting decisions through meaningful consultation processes that considers the disproportionate impacts experienced in these areas and respects Tribal sovereignty.

Furthermore, in reference to section 7007.6090 Subp. 2, any Tribal Nation in an area of potential impact also should receive copies of the cumulative impacts analysis before the public meeting. This should include a minimum 45-calendar day notice to allow for meaningful review. Building on to this, section 7007.6060 Subp. 1 should be amended so that a formal request from a Tribal government qualifies as sufficient to petition the commissioner to require a cumulative impacts assessment without the need for obtaining 100 signatures from residents of the County where the proposed project is located.

Upon receiving a requested permit action, 7007.6030 Subp. 4 does not explicitly address a deadline in terms of days after receiving notice by which the commissioner must notify a Tribal Nation that they have received a permit application. Creating a deadline would help ensure that Tribes receive notice as soon as possible. When permits are issued, the required three-year compliance history outlined in 7007.6040 Subp. 3-J is inadequate. Tribes and the public should have at least ten years of compliance history and enforcement actions. Three years does not ever cover the term of the permits.

Air quality is an environmental justice issue where measurable and immediate improvements are achievable. This rule presents a critical opportunity to protect the health of the Community by ensuring that cumulative impacts are not only assessed but actively reduced. The Community urges MPCA to adopt permanent rules that provide clear, enforceable protection for overburdened communities and prevents further environmental harm.

The Community sincerely thanks the MPCA for the opportunity to comment on the proposed permanent rules relating to cumulative impacts analysis of permitting in Environmental Justice areas and your willingness to hear our concerns.

Please direct any further questions or requests for comment on this matter to Jessie Stomski, General Counsel, at Jessie.Stomski@piic.org or 651-764-1328.

Pidámaya (*Thank you*),



Grant Johnson
Tribal Council President



200 First Street SW
Rochester, Minnesota 55905

July 17, 2026

Administrative Law Judge Kimberly Middendorf
Minnesota Office of Administrative Hearings

Comments submitted electronically

Re: Minnesota Pollution Control Agency Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, Minnesota Rules Chapter 7007; Revisor R-4805

CAH Docket No. 21-9003-39398

To the Honorable Judge Middendorf:

Thank you for the opportunity to provide comments on the proposed Cumulative Impacts Rule, as proposed on May 18, 2026, in response to Minn. Stat. 116.065. Mayo Clinic appreciates the extensive engagement the Minnesota Pollution Control Agency (MPCA) has undertaken throughout this rulemaking process and recognizes the important goals underlying this effort.

For more than 150 years, Mayo Clinic has been committed to putting the needs of the patient first. As the world's largest integrated nonprofit medical group practice, Mayo Clinic provides care to approximately 1.3 million patients each year, including many with the most serious and complex medical conditions. We recognize that environmental quality is an important determinant of health and share the goal of improving health outcomes and reducing environmental burdens experienced by communities across Minnesota. Caring for patients from across the state, including those who travel to our Rochester campus, reinforces our understanding that healthy communities and healthy people are fundamentally connected.

We view ourselves as collaborative partners and responsible stewards for the communities we serve. We are committed to working with the MPCA, community and local government stakeholders, and other partners to ensure that implementation of this rule advances environmental justice while supporting continued access to essential healthcare services.

We support the goals of the proposed rule but respectfully request greater clarity regarding the scope and required elements of a cumulative impacts assessment, including the methodologies, documentation, and evidentiary standards that will be expected of permit applicants. As currently drafted, the proposed rule leaves uncertainty regarding how these assessments will be conducted and evaluated. Additional specificity would promote consistent implementation, improve transparency for applicants and communities alike, and provide greater predictability throughout the permitting process.

Healthcare organizations rely on timely permitting to maintain, modernize, and expand critical infrastructure that supports patient care. Projects requiring air permits may include replacement of aging equipment, expansion of clinical capacity, or installation of essential utility systems.

Uncertainty regarding permitting expectations has the potential to delay these projects, affecting our ability to efficiently invest in infrastructure that supports the delivery of high-quality care.

Greater clarity is particularly important because the proposed rule establishes a new analytical framework that will be applied by both the MPCA and permit applicants. Clearly articulated expectations at the outset will improve consistency, efficiency, and public confidence in the permitting process. We encourage the MPCA to consider incorporating additional guidance or more explicit rule language regarding:

- The required components of a cumulative impacts assessment;
- The methodologies and data sources that will be considered acceptable;
- The thresholds or criteria used to determine whether additional analysis or mitigation is necessary;
- An expected timeline for the MPCA to review cumulative impacts assessments;
- Clarification regarding how cumulative impacts assessments will apply to permit renewals, permit modifications, and other future permitting actions;
- Measures that promote consistency and predictability across permitting decisions.

Early implementation guidance will also reduce the need for iterative information requests during permit review, benefiting applicants, communities, and the MPCA alike.

Providing this additional clarity will improve transparency for all stakeholders, support consistent implementation across regulated entities, and reduce the potential for unnecessary delays while preserving the rule's environmental justice objectives.

Additionally, we would ask that the MPCA consider the feedback provided by the Minnesota Hospital Association regarding the unique role hospitals play in operating life-saving equipment. Hospitals are regulated by the state and federal governments to maintain this critical infrastructure, and so recognition of this is appreciated. This equipment is used, maintained, and updated to meet the needs of patients who come to us for care.

We appreciate the thoughtful work that has gone into developing this proposed rule and remain committed to engaging constructively throughout the rulemaking process. We believe that clear, predictable, and well-defined implementation standards will strengthen the rule, improve its effectiveness, and better serve both Minnesota communities and organizations providing essential public services.

Thank you for your consideration of these comments. We look forward to continuing to work collaboratively with the MPCA and other stakeholders as this important rulemaking moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nikki Vilendrer', with a stylized, looping flourish at the end.

Nikki Vilendrer
Director, Minnesota Government Relations
Mayo Clinic

ADMINISTRATIVE HEARINGS

July 16, 2026

JUL 17 2026

The Court of Administrative Hearings
600 Robert St N
City of Saint Paul, MN 55101

REC'D AT LOBBY DESK

RE: Notice of Hearing on Cumulative Impacts Rule, CAH Docket No. 21-9003-39398

To the attention Administrative Law Judge Kimberly J. Middendorf and The Court of Administrative Hearings,

Saint Paul-Ramsey County Public Health (SPRCPH) protects and improves the health of people and the environment in Ramsey County. SPRCPH is responsible for helping prevent the spread of disease, protecting against environmental and climate hazards, preventing injuries, promoting and encouraging healthy behaviors, planning and responding to health emergencies, and ensuring the quality and accessibility of health services.

Large areas of the county are within environmental justice areas as described in statute and there are facilities conducting business within the county where proposed cumulative impacts may apply. SPRCPH will respond to data requests within our scope and will continue to identify ways to collaborate with interested parties to protect the health and wellbeing of residents. Please accept the following comments and recommendations from SPRCPH regarding the Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, Minnesota Rules chapter 7007.

SPRCPH supports the proposed rules that require robust community engagement outlined in Minnesota Rule 7007.6080, subparts 1-11, but recommends the following modifications to provide additional support and guidance to communities. In the resident petition for a cumulative impact analysis process outlined in Minnesota Rule 7007.6060, SPRCPH supports including a process to reconcile multiple petitions. SPRCPH affirms engaging residents through local community-based organizations embedded in the social fabric of neighborhoods is often best practice. For Minnesota Rule 7007.6080 subpart 5 SPRCPH recommends adding a requirement that facility owners partner with trusted community organizations in determining the languages outreach should be conducted in, locations for public meetings, optimal meeting times, etc. for the development of public participation plans (as outlined in Minnesota Rule 7007.6080, subpart 2).

SPRCPH also supports the cumulative analysis contents and inclusion of an assessment of localized impacts of climate change in the cumulative impacts analysis at proposed Minnesota

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RamseyCountyMN.gov

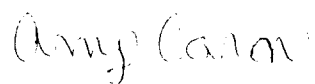
Rule 7007.6090, subpart 3. Climate hazards interact with localized pollution impacts and climate conditions will evolve over the life of the facility. Climate change has the potential to interact with and exacerbate many of the proposed factors included in the cumulative impacts assessment. For example, extreme heat makes it harder for the body to cope with poor air quality. SPRCPH recommends including a standard procedure in the rules for assessing localized impacts of climate change, including sound practices for climate modeling. Assessments should rely on best available science and include updates as new climate projections become available. Additionally, while the proposed rules state cumulative impacts analysis must include "a description of the socioeconomic impact of construction and operation on the residents," extending this to include a potential facility closure/decommissioning would provide a more comprehensive analysis on health and socioeconomic impacts.

SPRCPH supports proposed rules that increase transparency in decision-making processes, particularly regarding how health impacts and benefits were evaluated. SPRCPH supports Proposed Minnesota Rules 7007.6070 subp. 6 and 7007.6100 subp. 4 that require MPCA to publish decision documents that explain the basis for determinations of need for a cumulative impacts analysis and determination of substantial adverse impact. To facilitate greater transparency and objectivity, SPRCPH recommends establishing additional quantitative methods to assess cumulative impacts within the significant impact determination process that extend beyond air emissions risk analysis and air quality modeling. The 26 stressors used in the environmental stressors database and initial assessment provide an appropriate foundation for these methods because they capture a broad range of public health and environmental impacts. For example, the analysis could evaluate whether facility activities worsen an existing stressor or increase a stressor above that stressor's respective reference value or geographic point of comparison. Incorporating these stressors into the decision-making process would also maintain consistency with the preliminary analysis framework outlined in the rules.

Lastly, SPRCPH supports proposed rules that increase community input in decision-making, including requirements that public comments be considered in the development of community benefit agreements and the MPCA commissioner's decision on whether to enter into such agreements (proposed Minnesota Rules 7007.6080 subp. 5, subp. 8; 7007.6100 subp. 1, item A, subitem 4). Public participation in these processes can improve residents' understanding of environmental health information and understanding of potential environmental impacts while fostering trust in the process. Residents are more likely to engage when they feel heard and represented. SPRCPH also supports developing the following additional rules to elevate resident voices: engaging community councils to advise the MPCA on decisions related to community benefit agreements. This may include engaging existing community councils such as Saint Paul's district council system, or establishing new project-specific community councils comprised of residents in impacted areas. SPRCPH supports Proposed Minnesota rule 7007.6110, subp. 5 that requires ongoing reporting of community benefit agreement implementation to ensure commitments are fulfilled.

SPRCPH is committed to collaborating with residents, MPCA, and interested parties in the protection of environmental and public health through the implementation of this law.

Sincerely,

A handwritten signature in cursive script that reads "Amy Caron".

Amy Caron

Director

Saint Paul - Ramsey County Public Health



Metropolitan Airports Commission

6040 - 28th Avenue South, Minneapolis, MN 55450 • 612-726-8100 • metroairports.org

July 17, 2026

Submitted electronically through OAH eComments

Minnesota Office of Administrative Hearings
600 North Robert St.
P.O. Box 64620,
St. Paul, MN 55164-0620

Attn: Administrative Law Judge Kimberly Middendorf

Re: Proposed New Rules Governing Cumulative Impacts Analysis for Permit Decisions in Environmental Justice Areas, *Minnesota Rules* chapter 7007; Revisor's ID Number R04805; Court of Administrative Hearings Docket Number 21-9003-39398

Dear Judge Middendorf:

The Metropolitan Airports Commission (MAC) appreciates the opportunity to submit comments regarding the Minnesota Pollution Control Agency's (MPCA) proposed Cumulative Impacts Analysis (CIA) rules, published on May 18, 2026 ("the Proposed Rules" or "the Rules"). The MAC submits these comments with appreciation for all the thoughtful work the MPCA has put into the rule promulgation process. In providing these comments, our intent is to help improve the final rules in a way that balances the laudable goal of mitigating historically disproportionate environmental impacts with reasonable requirements for businesses that provide critical economic growth and stability to our area.

The MAC is the owner and operator of the Minneapolis-St. Paul International Airport ("MSP"), as well as a system of six general aviation airports in the Twin Cities metropolitan area. At the MAC, we take pride in operating the airports under our jurisdiction in an efficient, fiscally responsible, safe and secure manner, while maintaining a strong commitment to stakeholder and community relations. Thus, we have every incentive to maintain and develop facilities and property in a way that takes into careful consideration federal, state and local requirements and minimizes, to the greatest extent possible, the impact on communities, the environment and stakeholders who operate at our facilities.

Although the MAC itself, as a Registration Option D permittee, will not be subject to the Proposed Rules, we nevertheless harbor concerns about the detrimental effects the Rules may have on the MAC's statutory mandate to promote air transportation and its associated impact on economic

growth and positive community benefits throughout Minnesota. Specifically, the MAC has concerns about the following aspects of the Proposed Rules:

- **Current and future permittees subject to the Proposed Rules may forgo new facility or expansion projects because of the additional time and costs.** Recent analyses show that Minnesota already lags peer states in the time it takes to issue or reissue complex air permits.¹ The requirements in the Proposed Rules, which must be completed before the MPCA can even act on a requested permit action, could easily add an additional 12 to 18 months to that already prolonged process, if a facility has to complete both an Initial Assessment and a Cumulative Impacts Analysis (CIA) and then negotiate and obtain the approval of a Community Benefit Agreement. Furthermore, the \$69,000 to \$175,000 compliance cost estimate the MPCA included in its Statement of Need and Reasonableness² fails to account for the opportunity costs of these permit delays. Companies looking to build new facilities, including facilities at or near MSP or other MAC airports, will look to other areas with more certain and streamlined permitting processes rather than subject themselves to the costs and delays required to obtain an air permit in an affected area of this state. Meanwhile, companies may also forgo expansion opportunities here or may undertake them at facilities outside of Minnesota. Both types of losses would blunt the MAC's statutory mandate and stunt economic growth and the associated high-paying jobs in Minnesota. The MAC therefore strongly encourages the MPCA to revise its Proposed Rules to identify efficiencies and time limits throughout this entire process to decrease the burden on regulated parties.
- **The Proposed Rules give the Commissioner too much discretion at critical points in the process.** For instance, even if the results of an Initial Assessment show the requested permit action does not meet or exceed any established pollutant benchmarks, the Commissioner may still order the permit applicant to complete a CIA if she determines doing so "is necessary and supported by material evidence." Proposed Rule 7007.6070, subp. 2.A. However, the Rule — which simply restates the broad statutory language in Minn. Stat. § 116.05, subd. 3(e)(1) — provides no definition of or parameters for what constitutes a discretionary yet somehow "necessary" CIA, nor does it define "material evidence." Furthermore, unlike other Commissioner determinations elsewhere in the Proposed Rules, such as the determination of whether a permit action will have a "substantial adverse impact," this Rule lacks any sort of criteria the Commissioner must consider or satisfy in making her discretionary CIA determination. This unfettered discretion creates uncertainty in the impacts analysis process. It also makes it extremely hard for a permit applicant to bring a challenge to that discretion. This level of administrative discretion will again make permittees hesitant, at the very least, to invest

¹ See, e.g., [Streamlining Minnesota's Environmental Permitting Process: Accessing Timeliness and Certainty](#).

² SONAR, p. 176.

the time and money into new or expanded facilities, if the Commissioner can simply decide an expensive and time-consuming CIA is “necessary and supported by material evidence.” The MAC therefore strongly recommends MPCA develop objective parameters to guide and limit the Commissioner’s discretion in ordering CIAs for a facility with emissions below relevant pollutant levels or, better still, eliminate this vague and unlimited power altogether in the final version of this Rule.

- **The Proposed Rules define “impacted environmental justice area” too broadly, without consideration of which communities may be most impacted by a proposed permit action.**

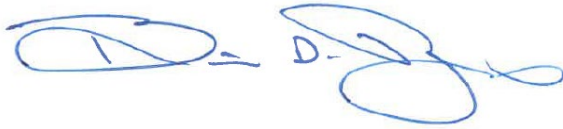
MSP neighbors several different environmental justice communities with different needs. MSP is approximately 2.5 miles across, and a permit action in the southwest corner would impact different communities than one in the northeast. Nonetheless, the proposed rules define “impacted environmental justice area” as an environmental justice area that is “within one mile of the property boundary of a stationary source,” without regard for whether a change to an existing stationary source — such as the types of facility expansion projects that bring economic development to MSP — is within one mile of an environmental justice area. The MAC recommends that the MPCA consider amending the proposed definition of “impacted environmental justice area,” Minn. R. 7007.6010, subp. 26, as follows:

“one or more environmental justice areas, in whole or in part, that are within one mile of ~~the proposed permit action property boundary of a stationary source~~, including any environmental justice area that the ~~proposed permit action stationary source~~ is located in.”.

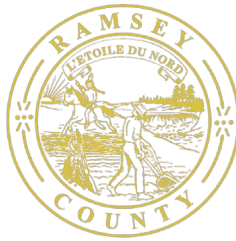
Additionally, the MAC is concerned about extending the meaning of “impacted environmental justice area” to include new residential developments constructed adjacent to facilities with known environmental impacts, including certain developments recently constructed immediately adjacent to MSP. The MAC submitted comments to the relevant governmental entities concerning the operational and environmental challenges associated with further residential development immediately adjacent to MSP; yet, the developments were allowed to proceed, notwithstanding the MAC’s warnings and contrary to regional planning initiatives. Under the Proposed Rules, these developments may now potentially be deemed “impacted environmental justice areas.” This not only would be an entirely predictable and avoidable outcome, it also would impose regulatory burdens that, as described above, threaten critical economic development benefitting the State and area residents and could unjustly burden or even preclude certain airport activities and interfere with MAC’s statutory mandate. The MAC urges MPCA to evaluate revisions to the Proposed Rules that will not prejudice the MAC, MSP tenants or other similarly situated parties regarding CIA analyses for these types of new residential developments.

The MAC appreciates all the work the MPCA has put into educating and seeking input from the public and the regulated community on this topic over the past three years as it created its Proposed Rules. We also appreciate this opportunity to provide input on the Rules. Although the MAC supports the overall goals of the Proposed Rules, we are concerned that certain aspects will suppress the development and growth of aviation facilities and blunt the MAC's statutory mandate to develop the full potentialities of the metropolitan area as an aviation center. The MAC believes that additional work is necessary to create final rules that advance the goal of environmental justice, while also providing more certainty for, and less needless regulatory burden on, current and future permittees who seek to grow aviation facilities, high-paying jobs, and the associated economic benefits so Minnesota thrives.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ryks", with a stylized flourish at the end.

Brian D. Ryks, Executive Director/CEO, Metropolitan Airports Commission



MAI CHONG XIONG
Ramsey County Commissioner
District 6

15 West Kellogg Boulevard
Suite 220
Saint Paul, MN 55102

Contact: Winona Yang
Principal Assistant
Phone: 651-266-8357

July 17, 2026

Re: Public Comment on Proposed Community Benefit Agreement Rules (Minn. R. 7007.6110)

Dear Minnesota Pollution Control Agency,

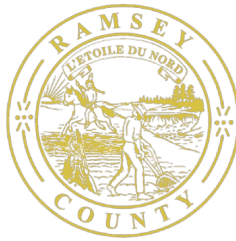
My name is Mai Chong Xiong, and I serve as the Ramsey County Commissioner for District 6, representing Saint Paul's Greater East Side, Payne Phalen, Dayton's Bluff, Conway, Battle Creek, Highwood and surrounding neighborhoods. District 6 is located within an Environmental Justice Area. Notably, Northern Iron & Machine, a metal foundry currently involved in multiple legal proceedings, is located within our district. I am also a lifelong Saint Paulite, a mother, and a resident who lives only a few blocks from Northern Iron. My son has asthma, so the connection between environmental policy and the health of our children is deeply personal to me.

For decades, East Side residents have lived with the cumulative effects of industrial emissions, traffic, dust, lead exposure, and other environmental burdens. Communities like ours have too often been expected to accept pollution first and seek relief later. The 2023 cumulative impacts law recognizes that environmental permitting must account for cumulative impacts and the existing conditions faced by residents of environmental justice areas.

I am submitting this public comment to urge the MPCA to strengthen the proposed rules governing community benefit agreements, particularly proposed Minnesota Rule 7007.6110.

The proposed rule requires a facility owner or operator to prepare a community benefit agreement when (1) a cumulative impacts analysis is required and (2) issuing the requested permit action would have a substantial adverse impact. However, the current process gives the facility owner or operator primary responsibility for preparing and submitting both the draft and proposed agreements. Residents "may" suggest community benefits, and those benefits must be discussed with the owner or operator during public meetings. The owner or operator must "consider" public comments, but the proposed rule does not expressly require residents to approve the final agreement nor how the owner or operator shall consider or prioritize such suggestions.

Community members should not merely be consulted about what benefits a polluting facility is willing to provide. They should have meaningful decision-making power over an agreement intended to address adverse impacts on their health and neighborhood.



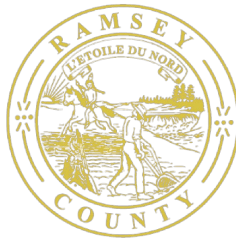
MAI CHONG XIONG
Ramsey County Commissioner
District 6

15 West Kellogg Boulevard
Suite 220
Saint Paul, MN 55102

Contact: Winona Yang
Principal Assistant
Phone: 651-266-8357

I recommend that the MPCA strengthen the rules in the following ways:

1. **Require meaningful community approval with the option for third-party oversight.** The proposed rule requires the MPCA to determine whether an agreement addresses issues raised through public participation and prioritizes benefits that directly affect residents. However, it does not clearly authorize the MPCA or an independent third party to ensure that residents' voices meaningfully shape the agreement throughout its development, negotiation, implementation, and enforcement. The final agreement should demonstrate support from residents of the impacted environmental justice area, not simply document that their comments were received and considered. The MPCA should establish a transparent process, possibly including oversight rules, for determining whether the agreement reflects community priorities, with particular weight given to residents who live closest to the facility and are most directly affected.
2. **Require community benefits to address the harms identified in the cumulative impacts analysis.** The proposed rule requires that the community benefits agreement describe the requested permit action's substantial adverse impact, its expected positive and negative impacts, and the effects of each benefit included or considered for inclusion. However, it does not expressly require each benefit to mitigate or otherwise have a direct relationship to a specific harm identified in the cumulative impacts analysis. Where residents face increased air pollution or respiratory risks, appropriate benefits could include additional emissions reductions, air filtration, health screenings, asthma prevention and treatment, environmental monitoring, lead remediation, green buffers, and investments that reduce exposure.
3. **Clarify that community benefits must be additional to, and may never replace, pollution prevention, emission controls, regulatory compliance, enforcement obligations, penalties, or remediation.** The proposed rule defines a "community benefit" broadly as a program, service, action, project, or resource providing a tangible health, environmental, social, economic, or other benefit. The community-benefit provisions do not expressly state that benefits must be additional to all existing legal, permit, enforcement, remediation, and compliance obligations. A facility should not be permitted to continue avoidable harm simply because it offers jobs, charitable contributions, or neighborhood improvements. Economic benefits cannot compensate for preventable illness. The community benefit agreement should also include clear accountability and enforcement measures, such as deadlines, compliance reporting, corrective action, and meaningful consequences, if an owner or operator fails to deliver, fully implement, or maintain the promised benefits, including pathways of legal relief for impacted community members.

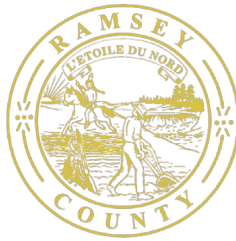


MAI CHONG XIONG
Ramsey County Commissioner
District 6

15 West Kellogg Boulevard
Suite 220
Saint Paul, MN 55102

Contact: Winona Yang
Principal Assistant
Phone: 651-266-8357

4. **Provide resources that allow residents to participate on equal footing.** The proposed rule requires outreach, mailed information, public notices, at least two public meetings concerning a community benefit agreement, language access, accessibility accommodations, and opportunities for residents to comment. It permits the owner or operator to hire a third party to assist with outreach, but it does not expressly require independent technical assistance, resident-selected facilitation, or funding for community participation expenses. The owner or operator should be required to fund an independent facilitator and reasonable participation expenses, including interpretation, translation, child care, food, transportation, accessible accommodations, and technical assistance selected by the community.
5. **Establish measurable and enforceable requirements.** The proposed rules define a “community benefit agreement” as an enforceable agreement between the MPCA commissioner and the facility owner or operator. The agreement must include implementation timelines, reporting and notification requirements, and details describing how each benefit will be deemed complete or fully implemented. Progress reports must be submitted at least semiannually, and reports and notices must be provided to the commissioner and people on the applicable mailing list. However, the community-benefit provisions do not expressly establish resident enforcement rights, specific penalties for nonperformance, or a resident complaint process. Each benefit should include a responsible party, dedicated funding, a completion deadline, measurable outcomes, and consequences for noncompliance. Residents should have access to progress reports in plain language and in languages commonly spoken in the affected community. The rules should also create a clear process for residents to report noncompliance and request enforcement.
6. **Require meaningful public participation before an agreement may be modified or terminated.** Proposed Rule 7007.6115 establishes a process for requesting modifications to an approved community benefit agreement. That process should be carefully reviewed to determine which changes require public notice, public comment, or meetings and whether any modification requires evidence of community support. A facility should not be able to weaken a benefit after receiving its permit without notice, community review, and MPCA approval. Material changes should require the same level of participation and community support as the original agreement.
7. **Community benefits should prioritize long-term, community-controlled investments and guard against displacement.** The rule should ensure that residents have a meaningful role in selecting and overseeing community benefits and should require consideration of whether proposed investments could contribute to the displacement of current residents or locally owned businesses. Benefits should improve the health, environment, and stability of existing residents, not increase property values while



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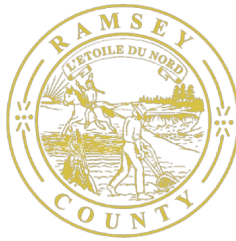
pushing those same residents out of the neighborhood. It is crucial that the impacted residents have the ability to define for themselves what these community benefits and impacts are.

Furthermore, I ask the MPCA to address the following questions:

- How will the agency determine whether a proposed agreement genuinely reflects community priorities?
- What happens when residents, the facility, and or the MPCA disagree about which benefits or adverse impacts should be included?
- What remedies will residents have when a facility fails to deliver a promised benefit?
- Will the MPCA require community participation and approval before an agreement is materially modified?
- If the community does not support the proposed community benefit agreement, how will its concerns meaningfully affect the agreement or the decision to modify or issue a permit?
- How can community members report concerns, both through the MPCA and/or through the owner or operator, and receive assurances that their concerns will be addressed?
- Will the MPCA notify local public health departments of any and all substantial adverse impacts, community benefit agreements entered, and other environmental impacts affecting residents?
- May the MPCA ensure that the community benefit agreements outline legal remedies that community may take in the instance that the owner or operator fails to fulfill its duties under the agreement?

Community benefit agreements can be a valuable tool, but they must not become a transactional substitute for clean air, a performative exercise to satisfy a legal requirement, or a process in which polluters decide what justice looks like.

Additionally, under the proposed rule, a community benefit agreement becomes relevant only after the MPCA determines that the permit action would have a substantial adverse impact. The broader permitting provisions should be reviewed carefully to confirm the precise circumstances under which the MPCA must deny the requested permit action and when a community benefit agreement allows the permit to be issued. Any exception must be built around meaningful pollution reduction, enforceable protections, and the priorities of the people who bear the harm.



MAI CHONG XIONG
Ramsey County Commissioner
District 6

15 West Kellogg Boulevard
Suite 220
Saint Paul, MN 55102

Contact: Winona Yang
Principal Assistant
Phone: 651-266-8357

In addition to these points, I want to express my support for the Frontline Communities Protection Coalition's public comments, led and organized by Comunidades Organizando el Poder y la Acción Latina (COPAL) and the Minnesota Environmental Justice Table, which include additional recommendations and data.

Thank you for considering my comments and for strengthening these rules so that Minnesota's environmental justice communities have genuine power, meaningful protection, and enforceable benefits.

Sincerely,

Commissioner Mai Chong Xiong
Ramsey County – District 6

Dear Minnesota Pollution Control Agency, ADMINISTRATIVE HEARINGS

I'm Lynn, I'm retired, I have lived a charmed life, but I have seen a lot in my short lifetime. About my charmed life - I grew up playing in pastures, meadows and fields. Not a lot of money, but LIFE abounded. All because where I was born and who my parents were.

"The AIR WE BREATHE" used so frequently, in so many different ways. Let's think about that - we ALL deserve quality, CLEAN Air that we breathe. The essence of our life!

So given my own "charmed life", I believe I need to speak out for anyone who does not have access to clean air - not by choice, but because they did not have a choice to live in a greener area. Heck, trying to survive and raise a family is hard enough without having to worry about how the "air you breathe" may be impacting your family's health. Be Just, Be Fair!

The current rules do not allow a method to determine substantial adverse impacts (SAI) from any environmental stressors that may be introduced, especially in Environmental Justice Areas, that specifically examines how many TOTAL adverse environmental stressors an existing facility is contributing to in the community.

Please Add a 4th determination method in the CI analysis on environmental and public health stressors, with a corresponding numerical threshold for SAI to better reflect the full burden that an impacted community may face.

Minnesota Pollution Control Agency - what a wonderfully important job you have. Please take our air cleanliness very seriously and prioritize it above industrial clout. And please remember you represent everybody, but especially those less able to advocate for themselves. Of course we need all kinds of new facilities - just make sure we have clear guidelines to analyze environmental stressors and their impacts. Require responsibility to clean air for everyone. Sincerely, Lynn Reuvers

Minnesota Pollution Control Agency.

My name is Ivan, I am a resident of the South Eastern Minnesota area. I have spent a lot of my life bouncing around the SE MN area. Most importantly I've lived in multiple Environmental Justice (EJ) and non-EJ areas. As someone who suffers from a varied types of chronic illnesses, such as Grave's Disease, Asthma, POTs, to name a few, my health is greatly impacted by my environment. I have witnessed the different qualities of housing in Rochester. Some have old piping, propane gas heating, and other low-income disparities. A lot of Rochester is impacted by continued construction as well. These facilities should be required to follow emission guidelines determined by the community benefit agreement (CBA). However, if there is no way for a community to say "no" then there is no way for construction to be barred.

An easier way to solve this issue is to define permit denial criteria spell out exactly how a Commissioner may deny a permit. Stop putting the pull under the potential polluter's control.

All in all, I'd love to see my future health held as important by many people who have say in the buildings around me. I would additionally like to support the comments of the Frontline Communities Protection Coalition. Thank you for this opportunity.

ADMINISTRATIVE HEARINGS

JUL 17 2026

REC'D AT LOBBY DESK

Dear Minnesota Pollution Control Agency,

444 E Center St
Rochester, MN
55904

My name is Richa Bishr and I am a resident ~~of Rochester, which~~ of a designated Environmental Justice area in Rochester. I am also a resident physician at Mayo Clinic. My apartment complex is on the Zumbro River, just down the road from the power plant. Every day, I walk to work over a bridge that crosses the river. I see families playing in parks along the riverbank, kayakers in the water, and the birds that call the river home. A clean, healthy, and safe living space is critical for this community and the animals with whom we share this home. I am worried about the impact of poorly regulated industries that may pollute the river and my city, and I'm also worried about the health of my patients who are impacted by environmental regulations across the state.

One of the major gaps in the current Cumulative Impacts draft rules is that there is not a clear path to deny a permit. Facilities can keep ~~reaching their~~ ^{fixing their} Community Benefit Agreement until it is approved. Communities are not allowed to say "no," which takes away agency from communities and puts them at the mercy of industries who may not understand the importance of keeping these areas ~~safe~~ ^{healthy} and clean. I support clear definitions for permit denial. I also support the establishment of a community council process, which empowers communities and will give them a voice during negotiations with facilities/industries. I am grateful for the opportunity to share my thoughts with you. I appreciate the work you are doing to keep us all healthy, and am hopeful that our recommendations will be heard by you.

ADMINISTRATIVE HEARINGS

Thank you! Richa BISHR

JUL 17 2026

REC'D AT LOBBY DESK

Anthony Floyd
6169 Stone Brooke Lane SW
Rochester, MN 55902

07 JULY 2026

Attention Judge Kimberly,

As a grandparent of four grandchildren
I am concerned about their future
in the environment we are leaving them.
Water and air pollution are among the
many concerns of mine!

In many decisions it's follow the money
to the big corporations. Not fair!

Communities are given lip service
and no real voice!

Thank you for your attention to this
issue!

Sincerely,
Anthony Floyd

ADMINISTRATIVE HEARINGS

JUL 17 2026

REC'D AT LOBBY DESK

To The Minnesota Pollution Control Agency
I live in Rochester MN and I'm
very concerned about the
environmental impact of clean
air, water on the health
of our community members.

I ~~will~~ volunteer for many
clinic or ~~research~~ research
committees. They often use a
database called "Houses" ~~where~~
where data on diseases can be
predicted based on income,
and ~~prox~~ proximity to facilities
that cause significant pollution
(air, water, ground). People of all
ages are impacted including

children & the elderly, as a
community member, my ~~opinion~~ ^{by}
opinion is not sought, and ^{corporation}
even if it is, it does not
seem to have an impact. Engage-

ADMINISTRATIVE HEARINGS

JUL 17 2026

REC'D AT LOBBY DESK

ment of the community means
going out to community orgs
like faith communities, schools,
neighborhood associations for
input. Explain how & input
is measured, include
community members as
coordinators of these groups
I recommend

- ① include benchmarks based
on health and include
healthcare professionals in
that process.
- ② make clear if a permit is
denied, why that is, and
monitor corrective action.

Sincerely

Mary Gofine

2315 10th Ave NW
Nashville TN 37201

megofine@gmail.com

My name is Stephanie and I live in a designated EJ area in Rochester. Every day, I bike or run in the area and am impacted by the pollution from Highway 52 ~~and~~ and 37th St; RPV; and Mayo Clinic. My mom recently passed away from lung cancer and as a doctor, I know there is a direct link between pollution and cancer rates. I cannot begin to explain how traumatizing it is to lose a loved one from cancer, and I think it is of utmost importance to work towards minimizing exposures that contribute to these cancer rates. The proposed rules currently have a major gap, which is that most facilities don't have existing relationships or trust within our EJ communities. We must work to make organizations accountable by requiring outreach of these facilities through trusted organizations. The facilities must use existing associations (e.g. churches, health systems, local nonprofits) to gain the trust and work with the community. In addition, I wish to express my full support for the public comments and technical amendments submitted by FCPC.

RECEIVED

JUL 16 2026

To the Minnesota Pollution Control Agency,

We are transplants to Rochester from Boston & St Paul. We love the green spaces we have found in Rochester, living in a park and being in nature. We are worried, however, about the MPCA proposed Cumulative impacts draft rules. We feel that changes to our communities must ultimately benefit our communities. Under the current draft, there isn't a way for our community to say "no" to proposed changes. We need to see clear criteria called out as a community consent process so we can be more deeply involved in proposed changes. Benefits to our communities should be defined by our communities. We support the work of the Franchise Communities Protection Coalition in representing the voices of our communities in this issue. We look forward to seeing how this work can be improved for a healthier, more sustainable Minnesota!

Sincerely,

Ben Gorman

+

Carmy Kelly

- Rochester, MN
55906

RECEIVED

JUL 16 2026

Office of Administrative Hearings

6/30/2026

RECEIVED

JUL 14 2026

To the Minnesota Pollution Control Agency,

Office of Administrative Hearings

My name is Charity Burns. I am a resident of Duluth, living in Duluth Heights (ZIP code 55811). While my neighborhood is not in a designated Environmental Justice area, I frequently go into EJ areas to buy groceries, walk my dog, and volunteer at a Church that hosts community dinners. The EJ areas in Duluth are ~~centrally~~ centrally located and high-traffic areas frequented by ~~many~~ families.

One of the things that I enjoy most about Duluth is the easy access to nature. Throughout the city, there are a number of parks and trailheads, enabling Duluthians to hike and appreciate nature in every season. ~~But~~ If air pollution in Duluth is not checked, the pristine nature that Duluth is famous for will be ruined.

I would highlight a gap in the Cumulative Impact Law/Rule: There is no method to determine substantial adverse impacts (SAI) from environmental stressors. The Cumulative Impact analysis has three methods to determine substantial adverse impacts, but none specifically examines how many total adverse environmental stressors an existing facility is contributing to in the community. I recommend adding a fourth determination method: include a section in the ~~the~~ Cumulative Impact analysis on environmental and public health stressors, with a corresponding numerical threshold for SAI to better reflect the full burden communities face.

over →

In addition to these points above, I want to express support for the Frontline Communities protection Coalition's public comments, which include additional recommendations and data.

Sincerely,

Chacity Burns

203 Maple Grove Road
~~203~~ Duluth, MN 55811

727-655-8556
ceveburns@gmail.com

Attention: Judge Kimberly Muddendorf
Re: CAM docket # 21-9003-39398

RECEIVED

JUL 13 2026

Date: July 7, 2026

Office of Administrative Hearings

Nearly everyone in older neighborhoods, like mine (Elton Hills) in Rochester looks to me to be affected by this law. I have lived in my home 50 years. I would like to think that I could be involved in preventing future pollution in my city. I am active in League of Women Voters and plan to continue to watch my government and affect good change.

There are gaps in your rules proposed MPCA rules:

- 1) you need to define denial criteria, else there will never be denials and community members will be disillusioned and fail to participate.
- 2) you should require a community council of sorts to give you advice, else it's just the large potential polluter & MPCA working things out.
- 3) cumulative impact should apply to those who have long-held permits, not just new ones. No "Grandfather clauses".
- 4) things remain a little fuzzy on how applicant conducts cumulative impact if they are current permit holders - tighten this up.

I love my community and want to keep it clean as it grows. I also want citizens to feel ownership of their town as I do.

- Amy Caucutt (5501)
716 284 5111 NW Rochester

(over)

P.S. According to your map of affected areas in Rochester, the neighborhood west of Hwy 52 called Sunset Terrace is one of the most impacted. I regularly volunteer in the elementary school there, which is 2nd or 3rd most poverty impacted in Rochester. My church, which I attend regularly is also in this neighborhood. When you are determining who may be impacted by air pollution, do not just look to where people live, but where people go to school, church, work etc when you ask for input.

RECEIVED

JUL - 8 2026

To Minnesota Pollution Control Agency,

Office of Administrative Hearings

My name is Amanda and I live in a designated Environmental justice area in Minneapolis. I am invested in MPCA's Cumulative Impacts rulemaking because the health of thousands and millions of people, my family, my neighbors, my community are impacted and w/ different diseases that already make it hard to live in our society, adding an exorbitant amount of pollution to our air is NOT OKAY!!! It kills us and with my asthma that was triggered by pollution, it makes it hard to live a good quality of life.

Adding to this, having to live with the noticeable pollution coming right off Interstate 94 has become very tiresome and dangerous. MPCA has declared in the past that it wants to hear from underrepresented communities, make sure you do that. I believe they will voice opinions that can differ from choices this organization is taking. We know that the Cumulative impact analysis has three methods to determine substantial adverse impacts but I suggest adding a fourth where an analysis is had to determine just how many total adverse environmental stressors it's going to add to the area, to the community.

I want my family to be able to walk outside and have peace. I want my students to be able to grow and enjoy a green future. I support the Front Line Communities Protection Coalition's public comments, which have recommendations and data.

Sincerely, Amanda Cane

To the MPC A,

My name is Ben, and I live in an Environmental Justice area in Duluth. I am writing this comment about the MPC A's Cumulative Impacts rule making because air pollution is really important to me and my neighbors. I live not very far from I-35, and I can smell pollutants from the highway often, particularly on hot and high-traffic days. I live in this neighborhood because it is affordable, and I want to stay because I love my community and neighbors.

One of the issues with the current set of rules is that there is no clear path to deny a permit. Under the current draft, a proposed facility can keep revising its Community Benefit Agreement until it gets approved. ~~to me~~, To me, this means that even the most ill-advised project could eventually be approved, even if the community doesn't want it. Instead, there should be clearly defined permit denial criteria, informed by community input. Industry is important, but there are clear cases when projects are not suitable for certain areas.

This rulemaking process is really important. I really appreciate the MPC A's dedication to community participation and thorough analysis of existing conditions in EJ communities. I hope you can strengthen these rules even further to fully exert this law's power and protect valuable communities.

RECEIVED

Thank you,

JUL - 8 2026

Office of Administrative Hearings

Ben Halgaard


A la Agencia de control de la contaminación de Minnesota.

Mi nombre es Denisse Rodriguez, actualmente vivo en Minneapolis, MN. Todos los días como persona consciente trabajo en ayudar con temas de medio ambiente en mis actividades diarias como, evitar el consumismo, el reciclar, reutilizar por observar como esta mi planeta, nuestro planeta sin embargo todo lo que hago no es suficiente pues es solo un granito de arena en todo un mar. Es frustrante observar los cielos oscuros, el olor de mal olor, y me pregunto que es lo que estamos dejando a las nuevas generaciones, como estara en una decada o en 5 decadas. Quizas lo que yo pueda hacer no significa mucho porque el cambio significativo sera cuando las fabricas realizen cambios realmente serios.

yo me pregunto cuantas fabricas realmente cumplen todas las normas para trabajar y general, cuantas realmente trabajan a conciencia de todo lo que causan no solo a su comunidad, si no a su mundo, cuantas personas nos detenemos a analizar en que mundo estamos viviendo, que es todo lo que respiramos día a día, y recuerda ~~ser~~ quizas no sea mucho lo que yo pueda hacer pero importa.

RECEIVED

JUL - 8 2026

Office of Administrative Hearings

RECEIVED

JUL - 8 2026

Dear Judge Kimberly Middendorf,

Office of Administrative Hearings

My name is Eva Peña and I live in the city of Mounds View. My family lives in the neighboring city of New Brighton. Both of those cities are designated Environmental Justice (EJ) areas.

Currently my home sits next to a highway and so does my grandma's. I have recognized many invisible impacts of this. One of those being poor air quality. Last summer, the air quality was so poor, that I was experiencing frequent migraines. I am not a person that regularly gets migraines so this was especially alarming. Additionally, I have many family members including my partner that have asthma. Therefore, I worry about how poor air quality may impact them. I would appreciate more investment into pollution relief that considers the community of people in the area. More public townhalls that are better advertised would be appreciated as well.

As of right now, I am not even sure if these measures are being taken in my communities. That information isn't reaching me which means that it is also not reaching other people. To address this, I recommend that there are more efforts taken to reach all community members of the impacted areas.

Additionally, I would like to state that I fully support public comments. Please listen to my fellow community members who write comments and consider us.

Thank you, EVA

July 1, 2026

Re: Cumulative Impacts Rule

RECEIVED

JUL - 8 2026

To Whom It May Concern:

Office of Administrative Hearings

My name is Jan Johnson of 206 N 11th Ave W, 55806 in Duluth. We are now here 3 1/2 years, relocated from the Southwest. Currently we live in an environmental justice area as retired citizens.

I'm concerned about the gap where a facility can keep revising its Community Benefit Agreement until it gets approved with no chance for the community to say no plus no circumstances are established by which the Commissioner would deny a permit. Of course this goes against the statute - 'the commissioner must deny a permit unless a CBA is entered.

This concerns me personally as my husband has a chronic health condition which makes him more vulnerable to the effects of air pollution - COPD. We have cinder-like debris on our window sills and smelly air from waste - a valuable resource for the community, although stinky...

So perhaps arriving at permit denial criteria that will point out specific circumstances under which the Commissioner must deny a permit - consistent with what the statute requires. Of course, inviting the community to form a representative body that can negotiate CBA's and offer recommendations.

In addition to these points, I want to express my full support for the public comments and technical amendments submitted by the Frontline Communities Protection Coalition. Thanks for the opportunity to have my say.

Most Sincerely, Jan Hills Johnson

JUL - 8 2026

To the Minnesota Pollution Control Agency,

My name is Jesus, and I live in the East Phillips ^{Office of Administrative Hearings} Neighborhood,

Minneapolis. I care about the MPCA's Cumulative Impacts Rule making because my family members spend a significant chunk of summer gardening and walking in Minneapolis.

My grandma garden's, my step father garden's, my nephew fishes, and we all spend time out doors in Minneapolis.

I'm worried that they are exposing themselves to worsening air quality, increased traffic pollution, and dangerous waste dropped by traveling commuters and commercial drivers.

Unfortunatly, It's been this way for as long as I remember, and it's not just East Phillips, I see it in North Minneapolis, in St. Paul, and many other places.

I hope my family members can live in a city that changes for the better. A Minnesota that doesn't allow our streets to be polluted and our ^{air} to be contaminated.

Where our waters are clean and our wildlife are taken into account. In addition to these points, I want to express support for the Frontline Communities Protection Coalition's Public comments, which include additional recommendations and data.

Thank you, Jesus

To the Minnesota Pollution Control Agency, **RECEIVED**

My name is Jordy Gavallpa, and I live **JUL - 8 2026**

Office of Administrative Hearings

in a designated Environmental Justice area

in ~~near~~ Eagan. I spend a lot of my time

walking in the parks close to my house.

Unfortunately, there is a very noisy street close to the Central Park, nearby the stores in Yankee Doodle road. It's hard to spend peaceful time without hearing cars and traffic noise.

It's hard to drive to a further area in Eagan or in the Metro area to not hear noise. It would be great to have that in my area.

This is why I am writing to ask if it's possible to reduce this noise pollution by

implementing more tunnels and investing

in electrical vehicles. This would make my community more peaceful. Thank you for

taking the time to read this. I'd also like

to express support for the Frontline Communities

Protection Coalition's public comments. I hope

to hear from you!

RECEIVED

JUL - 8 2026

June 30, 2026

Im Margaret West

Office of Administrative Hearings

I live in the Observation hill neighborhood
55806
in Duluth. I have concerns with the

Gaps in the Cumulative Impacts Law.

There is no method to determine substantial
adverse impact from industry environmental
stressors. MPCA must base decisions on actual
pollution burden in the neighborhood (Hibbard plant)
I believe we need more public information
and participation.

We live on steep hills, so heavy traffic
impacts our air and plants. I regularly
have to wash black soot off of house inside
out. My husband has asthma, is elderly, so pollution
during SW wind days is difficult.

I want to express support for
Frontline Communities Protection Coalition.

To whom it may concern at the
Minnesota Pollution Control Agency.

RECEIVED

JUL - 8 2026

Office of Administrative Hearings

My name is Sam, and I live in the Upton neighborhood in North Minneapolis. I am invested in the MPLA's Cumulative Impacts rulemaking because of my community being directly impacted by our air and environments. Our community thrives in community spaces. Parks, green spaces, and community landmarks are needed for a happy, healthy community. The gap I have identified in the proposed rules - community outreach is led by the polluting facility. Many folks in the North Minneapolis neighborhoods do not have existing relationships or trust within EJ communities. This can lead to our community having doubts about engaging and risks low participation. To fix this, I recommend requiring outreach through trusted organizations. Our community trusts those in our community - churches, local nonprofits, health systems, neighborhood associations.

I want to express my full support for the public comments and technical amendment sent by the FCPL, which include more data-driven recommendations to strengthen these rules.

Thank you for the opportunity to provide feedback.

I hope you take our community voices with the utmost seriousness.

Dear Minnesota Pollution Control Agency,

My name is Skye and I live ^{and work} in Cedar Riverside ~~neighborhood~~ an Environmental Justice area in Minneapolis. I am heavily involved in both Cedar Riverside and other communities, which makes me invested in MPCA's cumulative impacts rulemaking. I care about the health and well-being of myself, my loved ones, and the communities I am involved with. In Cedar-Riverside, we continue to grapple with the pollution from both I-94 and I-35 W; many of us suffering from asthma, illnesses, and other issues. I want my beloved Cedar Riverside and South Minneapolis to have more healthy food, community spaces, and clean air to improve the quality of life and empower the residents of this diverse community. The people living in these communities and breathe the air should be the ones deciding the fate, not just giant companies.

There is currently no method to determine substantial adverse impacts from environmental stressors. In addition, communities are being silenced when addressing their struggles. What needs to be done is there needs to be a method incorporated that analyzes environmental and public health stressors, reflecting on the perspectives our communities grapple with. PLEASE include voices of the community, and let THEM decide what their future should look like. Outreach with community members is a must. Facilities and agencies should be mandated to partner with neighborhood associations, religious centers, health systems, and local nonprofits and coalitions. I work at a nonprofit in Cedar-Riverside, and I can connect you with them. In addition to the points I articulated, I want to convey my full support for public comments and recommendations made by the Frontline Communities Protection coalition and our communities as a whole. Thank you for the opportunity to provide feedback. I hope you take into heart our community's voices.

RECEIVED

JUL - 8 2026

Office of Administrative Hearings

