



Public Hearing – September 1, 2026

Proposed Rules Governing Cumulative Impacts
Analysis for Permit Decisions in Environmental
Justice Areas

Revisor's ID No. R04805
CAH Docket No. 21-9003-39398

Introduction

- **CAH** is an independent, executive branch court that renders justice through fair, timely, and impartial hearings and high-quality dispute resolution services.
- **CAH** is independent from the Minnesota Pollution Control Agency and all other parties to this proceeding.
- **Hearing Purpose:** to allow the agency to present its case and to receive public comments

Administrative Law Judge
Kimberly Middendorf

Your Participation Matters

- Public participation in the rulemaking process is **essential** to the development of **fair** and **thoughtful** public policy.
- Pursuant to Minn. Stat. Ch. 14, this hearing is being conducted so that the public can **participate** and **be heard**.
- **Thank you** for contributing your thoughts, experience, and expertise.



Key Issues

1. Does the Agency have legal authority to adopt the rules?
2. Has the Agency fulfilled all relevant legal and procedural requirements to promulgate the rules?
3. Has the Agency demonstrated the need and reasonableness of each portion of the proposed rules?



Roadmap for Today



- My remarks
- Introduce panel
- Agency exhibits and presentation
- Public questions and comments

Agency Panel

- Maren Bardal, Senior Associate General Counsel
 - Hassan Bouchareb, Engineer
-
- Katie Izzo, Rule Coordinator

Agency Exhibits



Agency exhibits from this hearing are available to view at

<https://www.pca.state.mn.us/get-engaged/cumulative-impacts-rulemaking>

Ways to Comment

(1) Offer **oral comments** at this hearing

(2) Offer **written comments** electronically, by mail, or by fax

Electronically at: www.minnesotaoah.granicusideas.com/discussions

By **U.S. mail** to:

Court of Administrative Hearings
Attn: Judge Kimberly Middendorf
P.O. Box 64620
St. Paul, MN 55164-0620

By **Fax** to 651-539-0310

Preferred Method for Written Comments

eComments is the preferred method for submitting written comments.

Presenting Oral Comments

In WebEx

- At the bottom right side of your computer screen, click on the **chat** icon.
- Type your first and last name in the **chat** to request to speak.
- **Chat** will go directly to the host, who will put you in queue and unmute your microphone when it is your turn.

By Telephone

- Press ***3** on your keypad to indicate your interest in joining the queue to speak. Pressing *3 again will undo it.
- The WebEx host will place you into the queue in the order received; when it is your turn, the host will say the first 6 digits of your phone number and unmute your line.
- State and spell your first and last name for the record before commenting.

Process for Presenting Oral Comments

- For those attending by WebEx, **turn on your video** by clicking the video icon.
- To ensure everyone is heard, please try to limit your initial comments to 5 minutes.
- You may return to the queue to speak again, time permitting. (Preference will be given to those who have not spoken yet.)
- Our objective during the hearing process is to hear from as many different people, and on as wide a range of topics, as our time together permits.

Remember – Other Ways to Comment

- You may also submit written comments by **eComments**, **mail**, or **fax**.
- If you are unable to comment today, please know that all comments are considered in the same way regardless of the way they are submitted.



Tips for Oral Comments

- State and spell your first and last name
- If you are commenting on behalf of an organization, identify the organization
- Speak slowly, clearly, and loudly - only audible statements will be recorded
- Spell names and technical terms
- Introducing an acronym? Be sure to state the full phrase



Recordkeeping

- The court reporter's transcript is the official record of the hearing
 - The judge and the agency will cite to the transcript
 - The transcript will include your comments, and the judge may quote you in the report
- Recording of this hearing is prohibited



Comment Deadline



Post-hearing comment
period closes

September 21, 2026

Comments must be received by
4:30 p.m. on that day

Rebuttal Comment Deadline



Rebuttal is a reply to something someone else said - not a new comment.

5 business days from close of comment period on September 21, 2026

Rebuttals must be received by 4:30 p.m. on September 28, 2026

Judge's Report



- Judge will issue a report
- Within 30 days of the close of the record, unless extension is granted
- You can view the report at mn.gov/cah/media/opinion-archive.jsp
OR tinyurl.com/cah-archive

Required Reminder for Lobbyists



[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)

- Lobbyists must register with the Campaign Finance and Public Disclosure Board.
- Questions about registration should be directed to that Board
- www.cfb.mn.gov



Agency Panel

mn.gov/cah

Exhibits

- Purpose:
 - Document legal authority of the MPCA to adopt the proposed rule;
 - Demonstrate that the agency has fulfilled all relevant legal and procedural requirements; and
 - Demonstrate the need for and reasonableness of each portion of the proposed rules.

List of exhibits

Exhibit	Description
A	The July 24, 2023, and April 21, 2025, Requests for Comments
B	Petition for Rulemaking (N/A)
C	Proposed rule, including Revisor's approval
D	Statement of Need and Reasonableness (SONAR) with Appendix 1: CI-MAP Technical Support Document (TSD)
E	Letter mailing the SONAR to the Legislative Reference Library
F	The May 18, 2026, Notice of Hearing
G	Certificate of Sending Notice to the Mailing List and Certificate of Accuracy
H	Certificates of Giving Additional Notice under the Additional Notice Plan
I	Written comments received during the comment periods, and MPCA response to pre-hearing comments
J	Chief ALJ authorization for omission of proposed text, if applicable (N/A)
K	Any other documents or evidence to show compliance with law or rule
L	Comments and materials submitted during the hearing



Proposed Cumulative Impacts Rule

Public hearing

CAH Docket No. 21-9003-39398

Agenda

- Proposed cumulative impacts rule
 - Statutory authority
 - Rule applicability
 - Proposed rule overview
- Other statutory obligations
 - Public engagement and Tribal consultation
 - Environmental justice areas and environmental stressor database



MPCA rulemaking resources

Today's presentation

- More high-level
- Provide more time for comments and questions

Cumulative impacts rulemaking

- <https://www.pca.state.mn.us/get-engaged/cumulative-impacts>
- Where we post rulemaking documents and other information
- Links to recordings of previous public meetings and webinars
- Links to where interested parties can submit written comments



CI rulemaking webpage



Statutory authority and rule applicability

Cumulative Impacts Rule

Revisor ID: R-04805

- Minn. Stat. § 116.065 provides a framework for these rules and identifies statutory obligations
 - Subdivision 1. **Definitions.**
 - Subd. 2. **Applicability.**
 - Subd. 3. **Cumulative impacts analysis; determination of need.**
 - Subd. 4. **Public meeting requirements.**
 - Subd. 5. **Environmental justice areas; permit decisions.**
 - Subd. 6. **Rulemaking.**
 - Subd. 7. **Compliance costs.**

Rulemaking directives

- Minn. Stat. § 116.065, subd. 6 identifies specific directives regarding the adoption of these rules
 - Publish the notice of intent to adopt within 36 months of May 25, 2023
 - During rulemaking engage in robust public engagement, including public meetings, and Tribal consultation
 - Directives regarding what the rules adopted must establish/define
 - Provide translation services and translated materials upon request
 - Provide public notice in advance of public meetings

Applicability

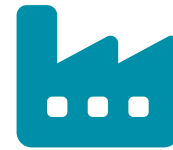


Where

Applies in environmental justice areas and a one-mile buffer zone

- Twin Cities seven-county metro
- City of the first class (Rochester and Duluth)

Facilities that may be affected by Minnesota's new cumulative impacts law (aq-rule2-25f)



Who

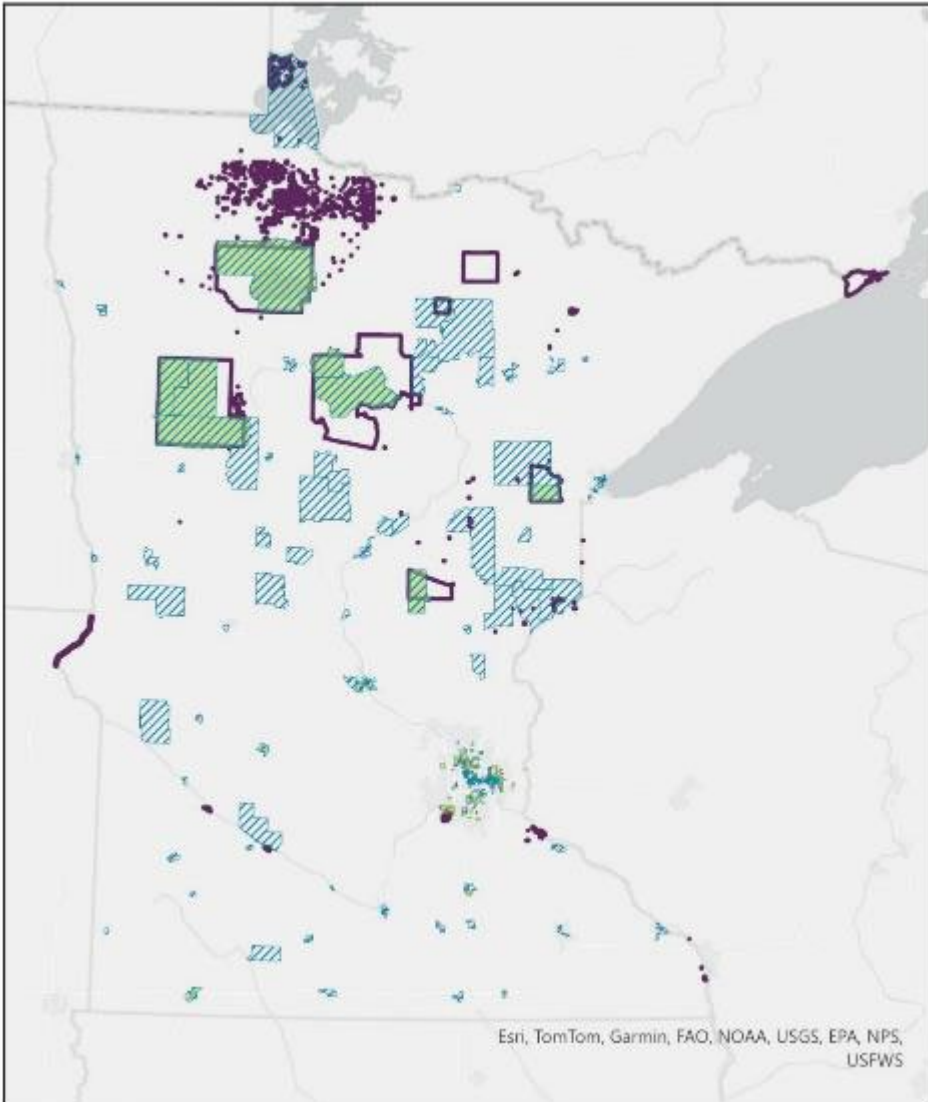
Applies to Major (Title V) and state permit applications

Only for air permit applications

Includes:

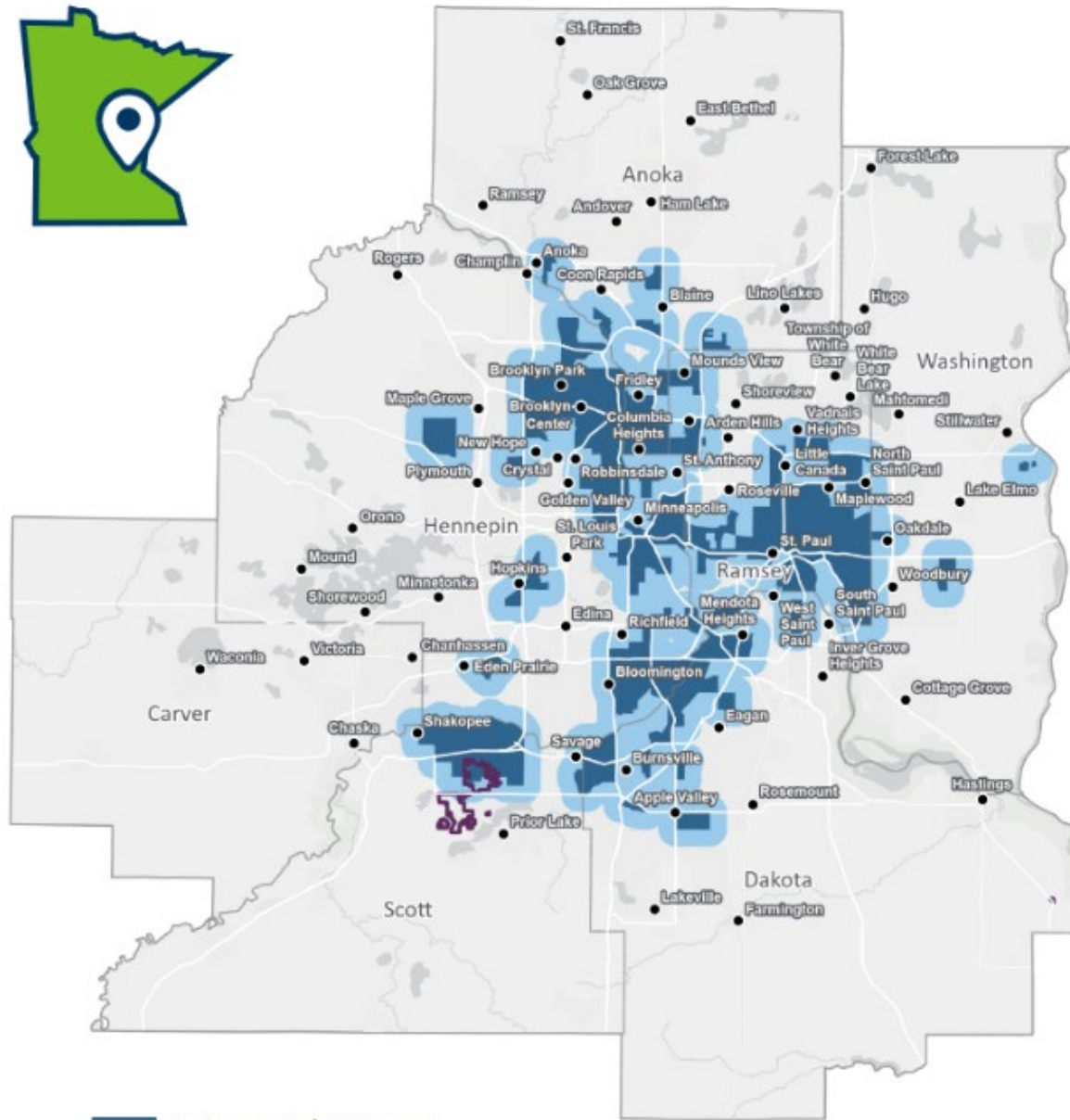
- new facilities
- facility expansions
- reissuing a permit for an existing facility

Environmental justice maps



Minnesota Legislature defined “environmental justice areas” in Minnesota statutes

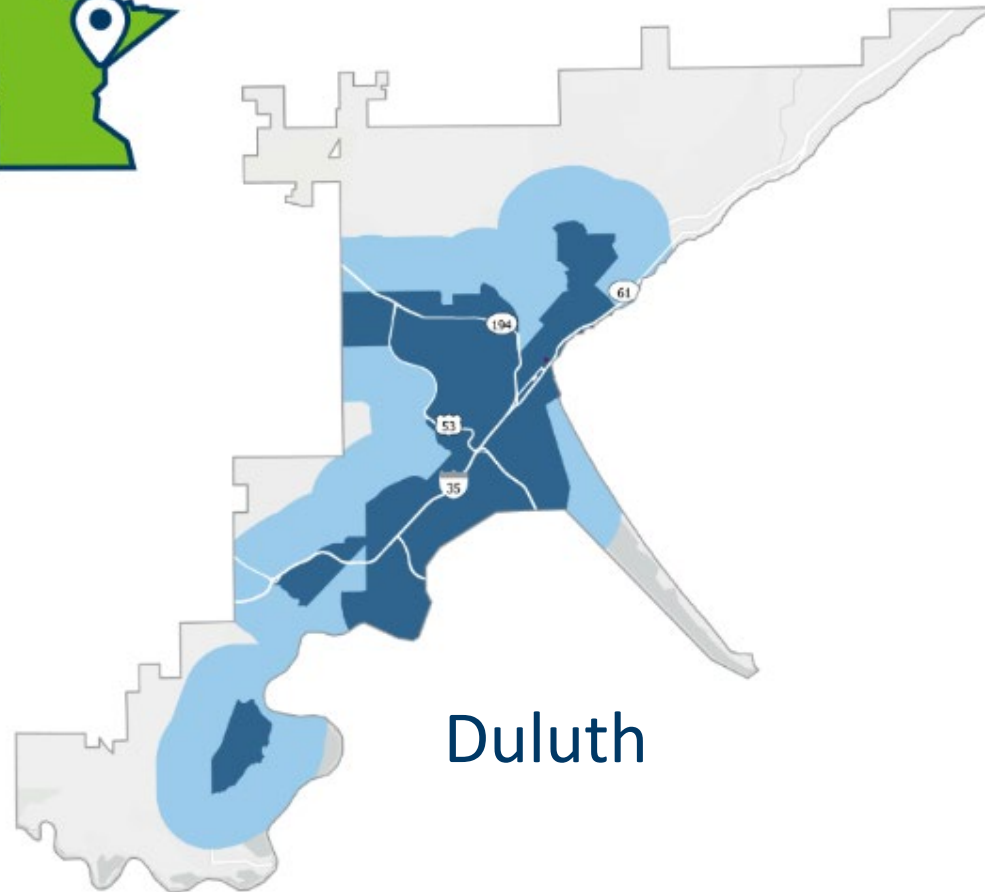
- 40% or more of the population is nonwhite
- 35% or more of the households have an income at or below 200% of poverty (\$60,000 for a family of four)
- 40% or more of the population over the age of five has limited English proficiency
- located within Indian Country



- Environmental justice areas
- One mile buffer
- Tribal land

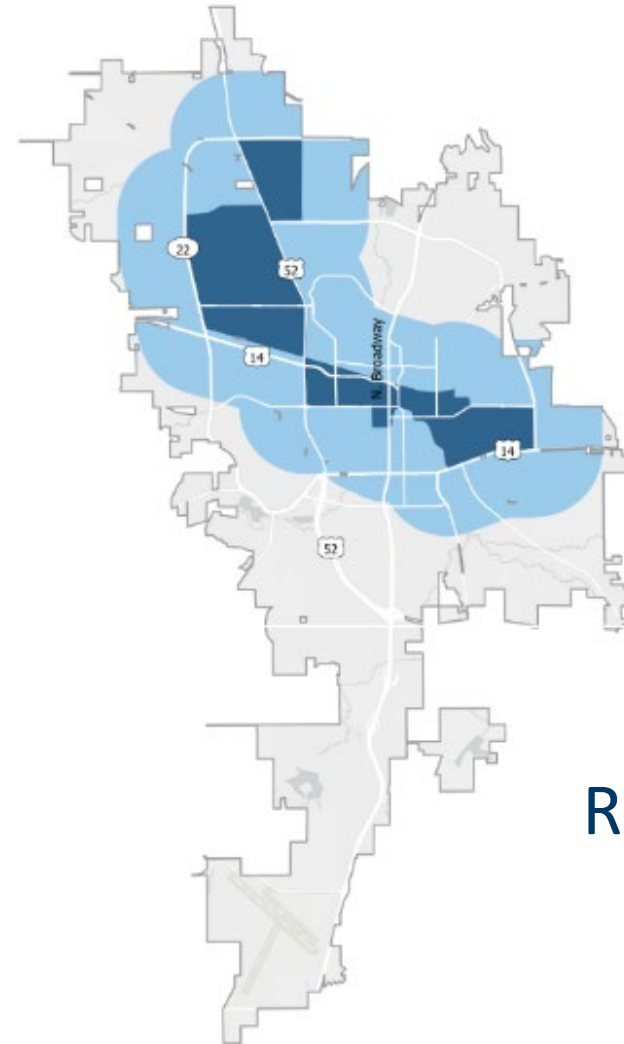
Environmental justice
areas in the Twin Cities
seven-county metro

Environmental justice areas in Duluth and Rochester



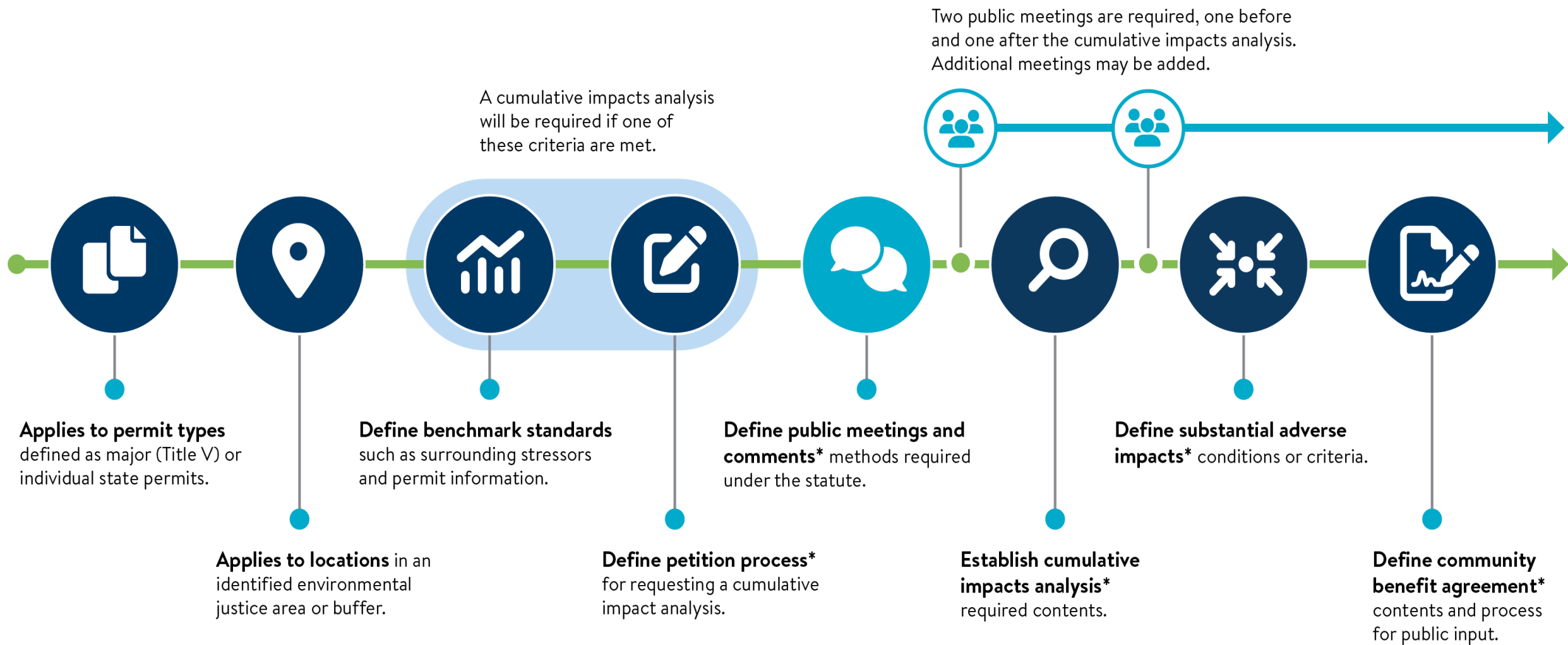
Duluth

- Environmental justice areas
- One mile buffer
- Tribal land
- Duluth city limits



Rochester

- Environmental justice areas
- One mile buffer
- Rochester city limits



* To be defined in rule

Proposed Cumulative Impacts Rule overview

Big picture

- Create a process that is transparent, manageable, and meets the statutory objectives.
- Need to be able to account for unique circumstances.
- Focus is on understanding the health and environmental impacts of issuing a permit.
- Provide a consistent methodology to analyze and address environmental/health impacts.
- Provide the ability to meaningfully involve Minnesotans in decisions that may impact their health and the environment where they live, work, and gather.

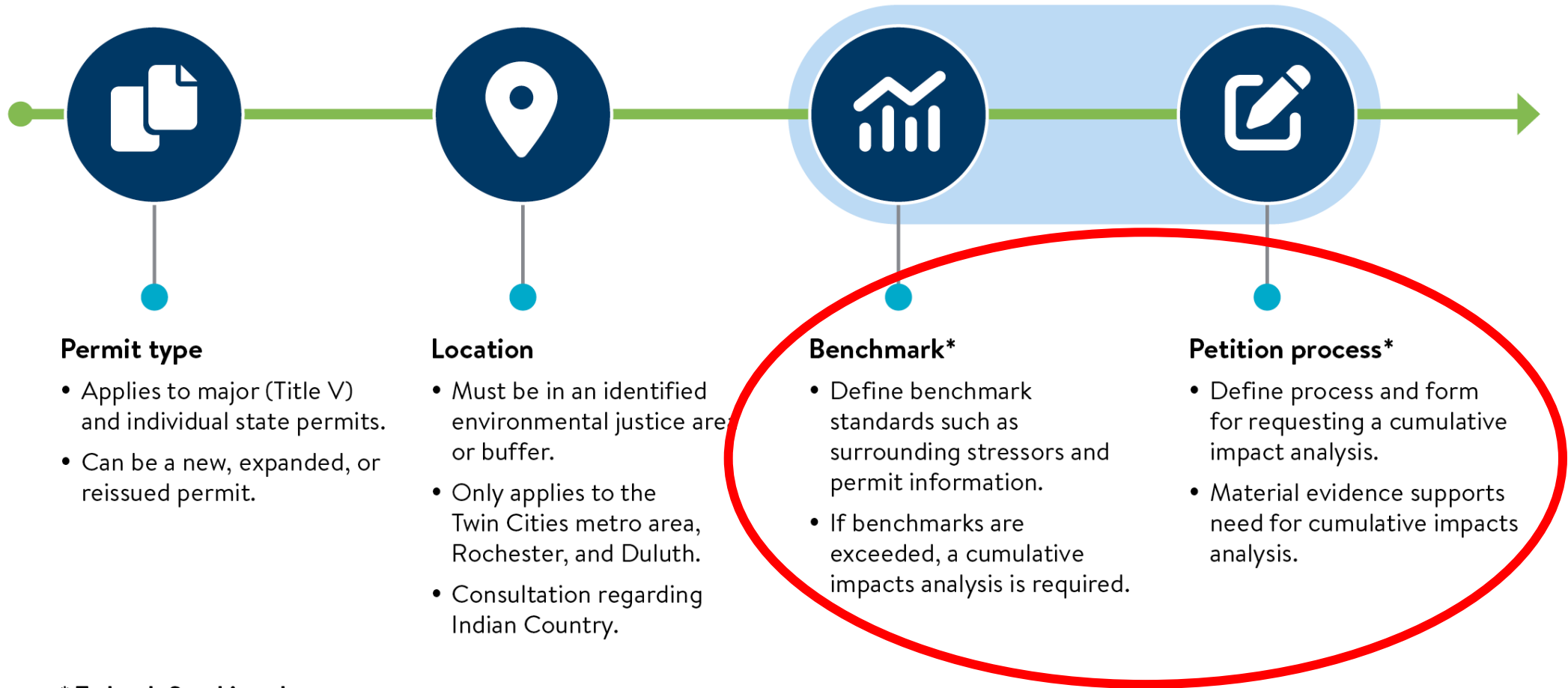
Overview

- Rules crafted to align with statutory obligations and directives
- Cumulative impacts rules span **Minn. R. 7007.6000 to 7007.6120**
 - [Cumulative Impacts proposed rule overview - English \(aq-rule2-25au\)](#)
 - [Cumulative Impacts proposed rule overview - Spanish \(aq-rule2-25av\)](#)
 - [Cumulative Impacts proposed rule overview - Hmong \(aq-rule2-25aw\)](#)
 - [Cumulative Impacts proposed rule overview - Somali \(aq-rule2-25ax\)](#)
- Housekeeping edits to **Minn. R. 7007.0050 to 7007.1850**

Structural and supporting requirements

- Scope in **Minn. R. 7007.6000**
- Definitions in **Minn. R. 7007.6010**
 - Additional terms and references to definitions in Minn. Stat. § 116.065, subd. 1
- Applicability and procedures in **Minn. R. 7007.6020**
 - Provide clarity regarding applicability established in Minn. Stat. § 116.065, subd. 2
- General requirements in **Minn. R. 7007.6040**
 - Submittal certifications, information requests, record keeping, etc.
- Permit decisions in **Minn. R. 7007.6120**
 - Provide clarity regarding permit decisions established in Minn. Stat. § 116.065, subd. 5

A cumulative impacts analysis will be required if one of these criteria are met.

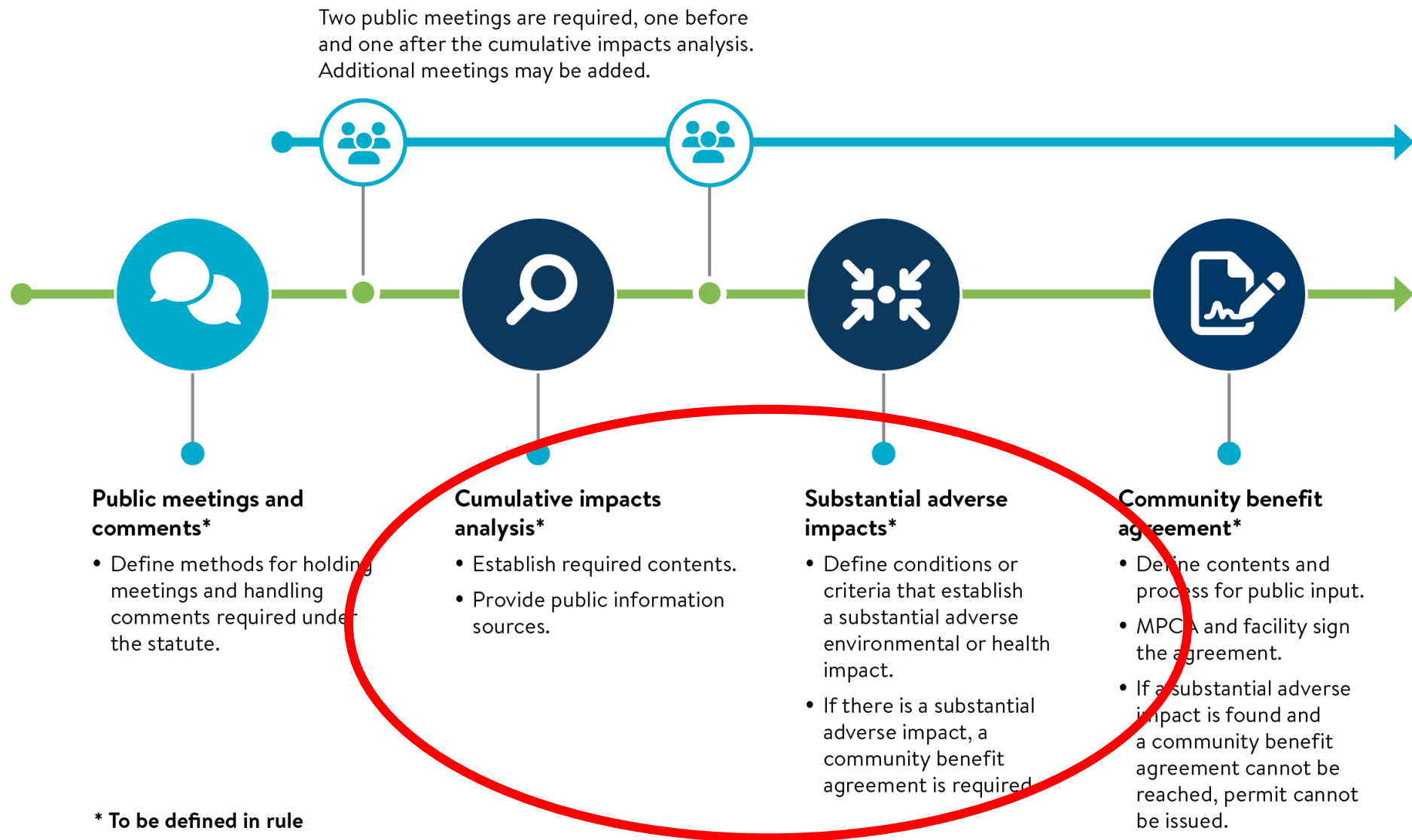


* To be defined in rule

Stage 1: Pre-cumulative impacts analysis

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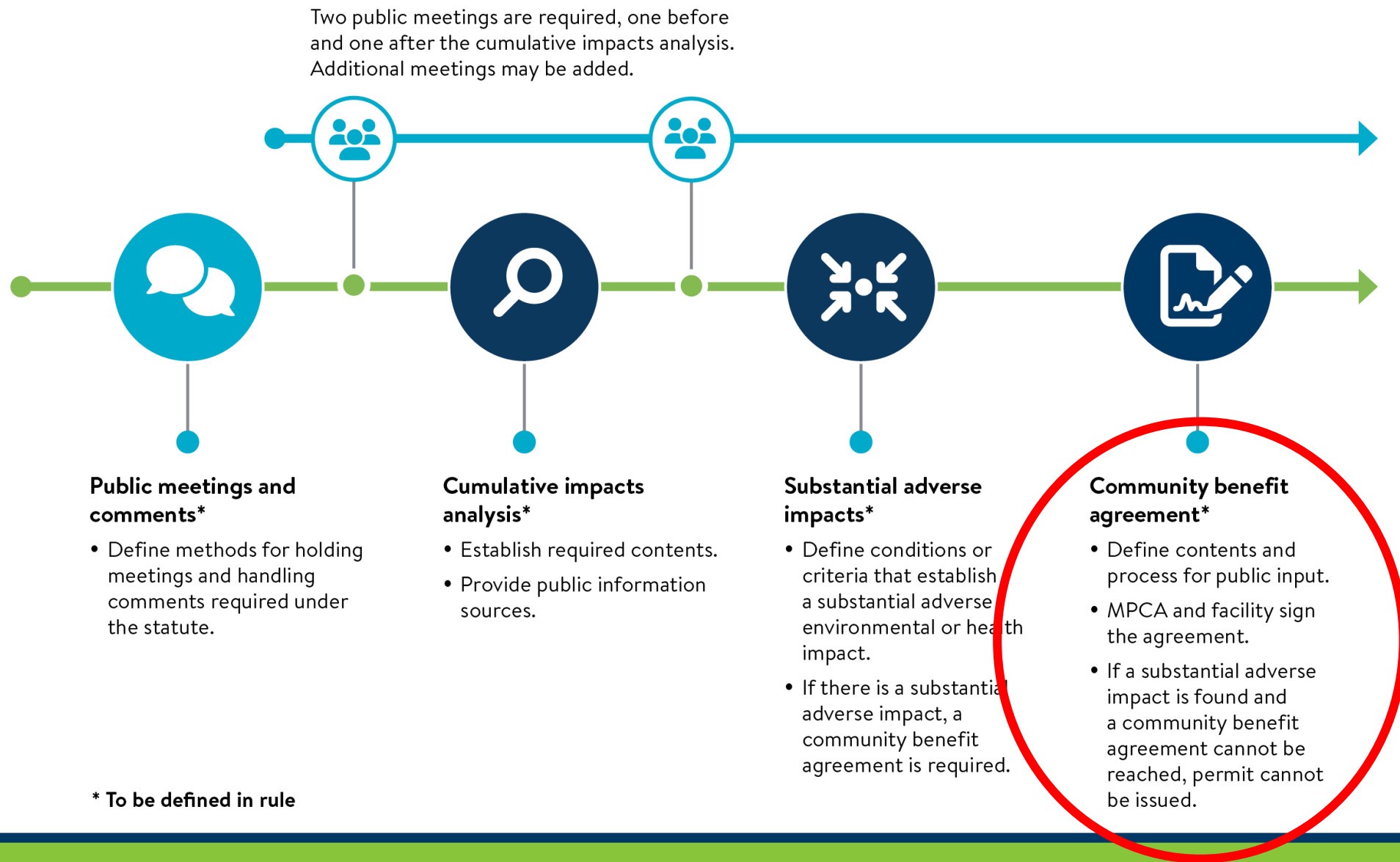
- Tribal consultation & coordination in **Minn. R. 7007.6030**
 - Fulfill the requirements of Minn. Stat. § 116.065, subd. 6(c)(6)
- Initial assessment in **Minn. R. 7007.6050**
 - Fulfill the requirements of Minn. Stat. § 116.065, subd. 3(a) and 6(c)(1)
- Petition process in **Minn. R. 7007.6060**
 - Fulfill the requirements of Minn. Stat. § 116.065, subd. 6(c)(5)
- Determination of need in **Minn. R. 7007.6070**
 - Provide clarity regarding determinations established in Minn. Stat. § 116.065, subd. 3



Stage 2: Cumulative impacts analysis (CI analysis)

Stage 2: Cumulative impacts analysis (CI analysis)

- Public participation in **Minn. R. 7007.6080**
 - Provide clarity regarding meetings and comments established in Minn. Stat. § 116.065, subd. 4
 - Fulfill the requirements of Minn. Stat. § 116.065, subd. 6(c)(7)
- Cumulative impacts analysis in **Minn. R. 7007.6090**
 - Fulfill the requirements of Minn. Stat. § 116.065, subd. 6(c)(2)
- Substantial adverse impacts in **Minn. R. 7007.6100**
 - Fulfill the requirements of Minn. Stat. § 116.065, subd. 6(c)(3)



Stage 3: Community benefit agreement (CBA)

Stage 3: Community benefit agreement (CBA)

- Public participation in **Minn. R. 7007.6080**
 - Supports CBA active outreach requirements of Minn. Stat. § 116.065, subd. 6(c)(4)(i)
- Community benefit agreements in **Minn. R. 7007.6110**
 - Fulfill the requirements of Minn. Stat. § 116.065, subd. 6(c)(4)
- Modifying community benefit agreements in **Minn. R. 7007.6115**
 - Fulfill the requirements of Minn. Stat. § 116.065, subd. 6(c)(4)



Public engagement and Tribal consultation

Public engagement and Tribal consultation during rulemaking

- MPCA conducted extensive outreach and engagement during this rulemaking
 - Public meetings, webinars, and workshops
 - Informal tabling, conversations, interviews, focus groups
 - Community events
 - State fair
 - CBA input panel
 - Environmental Justice Advisory Group
- Tribal coordination and consultation





Select a stressor

Cumulative impacts summary	
Air pollution	+
Land pollution	+
Water pollution	+
Traffic factors	+
Social factors	+
Public health factors	+
Neighborhood factors	+

Map options

- ☐ Show statewide data
- ☐ Show Indian Country
- ☐ Show MPCA air quality permits

Overview

Search results

Buffer tool

50 mi

Stressor overview

Cumulative impacts

The total number of adverse stressors

This tool was created by the Minnesota Pollution Control Agency to help identify communities disproportionately affected by sources of pollution, and those with characteristics that make them more sensitive to pollution. The tool displays the combined effects of current and past pollution on health, well-being, and quality of life.

This map displays the number of adverse stressors for each population of a census tract. The map shows the number of stressors that can be explored further in the table of contents. An indicator that exceeds the state or middle) for that given indicator. For more information on environmental justice initiatives, including further assistance interacting with cumulative impacts web page.

Data dates: This data was collected from 2017 and 2025. Each environmental justice area has specific data source information.

More information on background, methodology, and data sources for stressors can be found in the [Cumulative Impacts technical document \(opens PDF\)](#).

Cumulative impacts mapping and analysis platform (draft 2026)

[Abra una guía en español de este sitio web.](#)

[Fur hagaha Soomaaliga ee boggan.](#)

[Qhib phau ntawv qhia uas ua lus Hmoob rau lub website no.](#)

This is a draft version of the cumulative impacts mapping and analysis platform, designed to support the Minnesota Pollution Control Agency's cumulative impacts analysis rules that govern permit decisions in environmental justice areas. The cumulative impacts analysis rules apply to facilities in or within one mile of an environmental justice area in the Twin Cities seven-county metro area and the cities of Duluth and Rochester. This tool identifies and provides a publicly accessible database of environmental stressors by census tract. Environmental stressors are factors that may make people susceptible to harm from exposure to pollutants.

This tool allows permit applicants to specify a location and gather data on environmental stressors that are present in environmental justice areas within a one-mile radius around their proposed project. This tool can also be used by residents that live in or near an environmental justice area to better understand the stressors present in their communities.

For more information on environmental justice initiatives, including cumulative impacts or further assistance interacting with this application, visit the MPCA's [Cumulative Impacts web page](#). More information on background, data sources, and methodology for stressors can be found in the [CI-MAP technical document \(opens PDF\)](#).

For questions please contact: cumulativeimpacts.pca@state.mn.us

Close

Launch tour

Esri, USGS | MPCA, US Census Bureau

Luverne

Albert Lea

Rochester

counties, and air quality permits.

Powered by Esri

Contact us:
Environmental emergencies (24 hours): 800-422-0798
[Submit a question](#)

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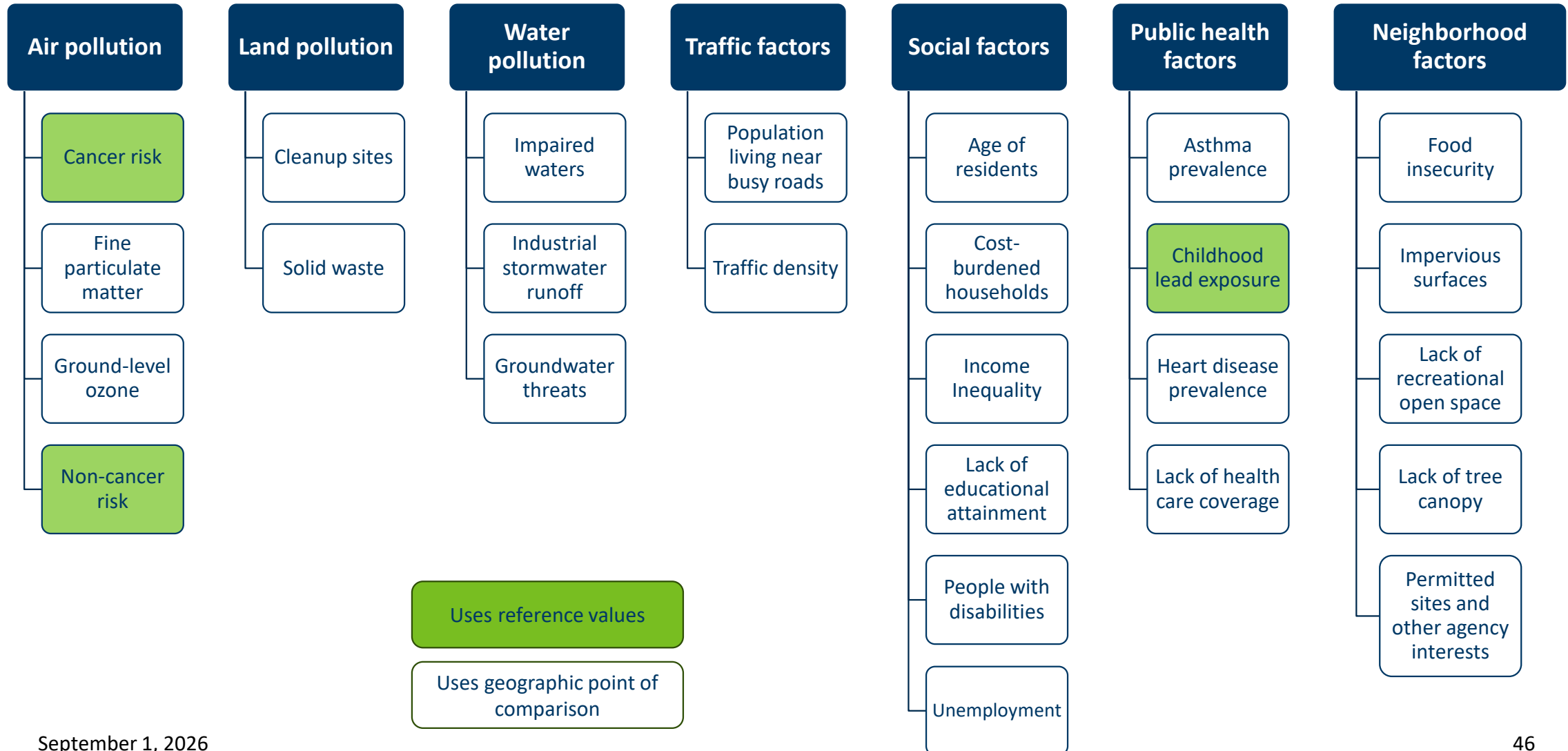
m MINNESOTA POLLUTION CONTROL AGENCY

Environmental justice areas and environmental stressors

Statutory obligations

- MPCA must publish and maintain a list of environmental justice areas in MN
- MPCA must maintain an updated, public database of identified stressors in census tracts.
- Defines “environmental stressors.”
- Stressors are part of determining whether issuing a permit would have a substantial adverse impact on environment/health.
- MPCA must establish the content of a CI analysis and provide sources of public information applicants can access regarding stressors present in an EJ area.

Environmental stressors



Cumulative impacts mapping and analysis platform (CI-MAP)

- MPCA provides information for each census tract and comparisons to reference values or county/statewide comparison values
 - Intention is to enable a methodology to consider stressors as part of these determinations.
- Enables a comparative analysis for individual stressors where reference values don't exist.
- Enables a comparative analysis to consider cumulative effect of multiple stressors.

Thank you!

Thank you for your time and interest in participating in this rulemaking!

Brief Intermission

Our Hearing Will Resume Soon

To be added to the speaking queue:

Via Webex: Send a chat to the host

Via Phone: Dial *3

We will unmute you when it is your turn to provide verbal comments or questions.

Public Questions and Comments

Administrative Law Judge
Kimberly Middendorf



- In **WebEx**, put your name in the **Chat** box to request to speak and be placed in the queue
- To comment by **phone**, press ***3** to be placed in the queue
 - Press *3 again if you would like to remove yourself from the queue

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Thank you!

mn.gov/cah