

PUBLIC HEARING

Revisor's ID No. R04805

CAH Docket No. 21-9003-39398

**REGARDING PROPOSED RULES GOVERNING CUMULATIVE
IMPACTS ANALYSIS FOR PERMIT DECISIONS IN
ENVIRONMENTAL JUSTICE AREAS**

SEPTEMBER 1, 2026 - 3:00 p.m.

Hearing held virtually via WebEx

JUDGE: Kimberly Middendorf

REPORTER: Jonna Schrupp, Stenographic Court Reporter

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1 JUDGE MIDDENDORF: Welcome everyone. And
2 thank you so much for taking time out of what I know
3 has to be busy schedules to be here today to
4 participate in this public rulemaking process.

5 Today is September 1st, 2026. It is
6 three p.m. and we've gathered remotely via WebEx for
7 a public hearing in the matter of the Proposed Rules
8 Governing Cumulative Impacts Analysis For Permit
9 Decisions in Environmental Justice Areas.

10 This is Court of Administrative Hearings
11 docket number 21-9003-39398.

12 First slide, please. Next slide, please.

13 My name is Kimberly Middendorf. I'm an
14 Administrative Law Judge with the Court of
15 Administrative Hearings.

16 As an independent executive branch court,
17 the Court of Administrative Hearings is independent
18 of the Minnesota Pollution Control Agency, or MPCA,
19 which is the agency that is proposing to adopt rules
20 as part of today's hearing.

21 My Court is also independent of any of
22 the groups or individuals participating in this
23 hearing today. The role of the Court is to provide
24 hearings like this that is fair and neutral to all
25 of the participants.

1 It's my understanding that we will have
2 some commenters today who speak Spanish, and toward
3 that end we have an interpreter here today. So that
4 I don't forgot to do it later I'll swear Mr. Diaz in
5 now.

6 Mr. Diaz, let me know when you're ready,
7 please.

8 THE INTERPRETER: I am ready, Your Honor.

9 ANDRES DIAZ,
10 Spanish Interpreter was duly sworn:

11 JUDGE MIDDENDORF: Thank you so much,
12 Mr. Diaz.

13 All right. Next slide, please.

14 Our hearing today is being conducted
15 virtually via WebEx. Among other directives from
16 the legislature, specifically those in Minnesota
17 Statutes Chapter 14, Rulemaking hearings must be
18 conducted so that members of the public can
19 participate and be heard in the rulemaking process.

20 My primary role here today is to ensure
21 that there is procedural fairness, to ensure we are
22 courteous to each other so that all interested
23 parties can be heard, and to draw out knowledge from
24 as many voices as possible.

25 An underlying assumption of this process

1 is that we rely on the wisdom of the group, and so I
2 am particularly thankful, and on behalf of the MPCA
3 I know they are as well, but we're very grateful
4 that you are contributing your thoughts, expertise,
5 experience and time to forming these rules.

6 Next slide, please.

7 This hearing is part of a process by
8 which rules are adopted under the Minnesota
9 Administrative Procedure Act or Chapter 14. During
10 this rulemaking proceeding the MPCA is required to
11 document its statutory authority to adopt the
12 proposed rules; demonstrate that it has fulfilled
13 all relevant legal and procedural requirements of
14 the law; and, finally, demonstrate the need for and
15 reasonableness of each portion of the proposed rules
16 with an affirmative presentation of facts.

17 Those are the three big picture issues
18 that I'm interested in reviewing as part of this
19 proceeding.

20 Some of you are here to express your
21 thoughts or views on different parts of the rules,
22 and that is certainly helpful to the MPCA and to the
23 process.

24 My authority, however, does not extend to
25 an ability to rewrite the rules or to substitute my

1 judgment for the MPCA's judgment. Rather, I have to
2 ensure that the statutory requirements are met for
3 rulemaking.

4 Next slide, please.

5 All right. Here's a road map for our
6 hearing today. It's pretty straightforward, as you
7 can see if you are participating with a video
8 option.

9 We're starting out, of course, with my
10 remarks. I will introduce the panel, which will be
11 several folks from the MPCA, who will give you kind
12 of a higher level overview of the materials that are
13 going to be relied on in adopting these rules, as
14 well as an explanation of how the rules are expected
15 to work and what their purpose is.

16 All of that is somewhat introductory and
17 that will be fairly short, I think, because the most
18 important thing that we're here today to do is take
19 public questions and comments, and so most of our
20 time today will be spent on that particular task.

21 All right. Next slide, please.

22 So I'm going to just briefly introduce
23 the panel that's here from the MPCA today.

24 We have Maren Bardal, Senior Associate
25 General Counsel; Hassan Bouchareb, engineer; and

1 Katie Izzo, rule coordinator.

2 Each of these staff members are here to
3 provide an overview, listen to your comments and
4 answer any questions you may have about the rule.
5 After my remarks, as I mentioned, we'll hear from
6 each of them in greater detail.

7 All right. Next slide, please.

8 For those of you who are interested in
9 taking a look at the materials that the MPCA is
10 relying on, they are available for the public to
11 view at
12 [https://www.pca.state.mn.us/getengagedcumulative-](https://www.pca.state.mn.us/getengagedcumulative-impacts-rulemaking)
13 [impacts-rulemaking.](https://www.pca.state.mn.us/getengagedcumulative-impacts-rulemaking)

14 I'm pretty sure you can get there by
15 googling as well if you didn't have a chance to
16 write all of that down. But from going to the
17 MPCA's home page, I can attest that it is pretty
18 simple to navigate to their rules page from that and
19 get all of the information underlying the proposed
20 rules at this time.

21 A little bit later in the proceeding the
22 MPCA will submit the exhibits it wants to include
23 into the hearing record. They'll also summarize the
24 exhibits so that everyone listening today has some
25 idea of what those documents are. And, again, of

1 course, you can look into them further if you are
2 interested in taking a deeper look.

3 Next slide, please.

4 So as mentioned, most of our hearing time
5 has been allotted for questions and statements from
6 members of the public today. That's the key reason
7 we're here today.

8 I just want to make everyone aware that
9 there are really two ways to have your opinions
10 about these rules heard by myself and by MPCA and of
11 course that's by making oral comments today. For
12 those of you who are more comfortable, you know,
13 writing your comments, you can do so by filing
14 written comments during the comment period, which
15 ends September 21st, 2026, at 4:30 p.m.

16 I'm going to repeat that deadline at
17 multiple points throughout our proceeding today
18 because I think it's so important; and I'm sure
19 everyone knows someone who would have liked to be
20 here today but wasn't able to make it. But there is
21 another way that you can be heard and that's through
22 the written process. We've got some slides later
23 that go through the specifics of how to file those
24 written comments as well.

25 All right. Next slide, please.

1 eComments is the preferred method for
2 submitting written comments and I believe you can
3 navigate to that from the MPCA's website or by
4 reviewing slides later on in our presentation.

5 Next slide, please.

6 All right. So those of you who are here
7 and wanting to speak, I'll ask that you indicate
8 that you want to speak in the chat, if you are
9 attending in a way that you have access to video.
10 But if you don't have a video capable device and are
11 rather telephoning in, you can signing up by
12 pressing star 3 on your phone to be added to the
13 queue to make a comment. That's star 3. If you
14 accidentally put yourself into the queue and you
15 change your mind, pressing star 3 again will remove
16 you from the queue.

17 Just a quick note. You can start
18 indicating that you'd like to offer comments now in
19 the chat or any time today before we adjourn.

20 If you are under any time constraints you
21 can indicate that in the chat as well and I will do
22 my best to accommodate you, understanding of course
23 everyone's time is valuable, so no guarantees.

24 Generally I do try to take comments first
25 come first serve so go ahead and start signing up

1 now.

2 Please note, however, that any comments
3 that you make in the WebEx chat are not comments
4 that become part of this record. All right. So if
5 you wish to write, you know, a lengthier opinion
6 about the rules, please don't put it in the chat.
7 You need to put that into the written comments so it
8 gets the consideration that it deserves.

9 As I mentioned, I'm going to generally
10 call folks in the order they signed up. When your
11 name is called you'll be unmuted and you can offer
12 your comments or ask questions.

13 When you begin please state and spell
14 your name. It's nice to know where in Minnesota
15 you're from and if you are appearing on behalf of a
16 particular group or an interest it's nice to know
17 that too.

18 I expect to have time for everyone to be
19 heard this afternoon or this evening, but it's
20 always helpful if you organize your remarks and hit
21 the highlights of them. I will be the last person
22 to sign off this proceeding and I'm going to do my
23 best to ensure that everyone who wants to gets a
24 chance to speak today.

25 Next slide, please.

1 So in the interest of allowing as many
2 people as possible to be heard I'm going to ask you
3 to try to limit your initial comments to five
4 minutes, and so please try to respect that so that
5 everyone has an opportunity to speak. What I will
6 do is let you know that if you've got more to say
7 than you can get said in five minutes you can sign
8 up a second time. Once I've heard from first time
9 commenters I'll go back, as time permits, and give
10 everybody a second round if there's more information
11 that people want to share.

12 Next slide, please.

13 All right. So regardless of whether your
14 comments are oral today at our hearing, or if you
15 file a written comment, I review them all regardless
16 of the way that they're submitted. So I will read
17 everything that comes into the record. I will
18 obviously hear what folks have to say this evening,
19 as well as a transcript that I'll be able to refer
20 back to that has taken down word for word everything
21 you say today about these rules.

22 Next slide, please.

23 All right. We've already gone over some
24 of this, I'll just say speaking slowly, clearly and
25 loudly is really helpful. You've taken the time to

1 be here and we want to make sure that we capture
2 what it is that you say.

3 We've got a court reporter here who is
4 taking down word for word what is said and so that's
5 a big job and you can help our court reporter out by
6 speaking slowly, clearly and loudly.

7 And if you have a question for a panelist
8 please wait until, and this goes for panelists as
9 well. Only one person can speak at a time. It's
10 really natural in conversation to anticipate what
11 somebody is going to say or to kind of jump in to
12 help them out. We have to try not to do that
13 because that makes for a messy transcript, it's
14 really hard to capture what's being said when more
15 than one person is talking. So I might jump in and
16 just ask folks to restate what they've said or hold
17 their comment until the presenter is done answering
18 a question, so on and so forth. I don't mean any
19 disrespect by that, I simply have to make sure that
20 we get a really good and accurate record of the
21 information that everybody wants to provide here.

22 All right. Next slide, please.

23 All right. The court reporter's
24 transcript is the official record of the hearing.
25 The transcript will include your comments. I may

1 quote you in the report that I will be writing
2 determining whether or not the MPCA has met its
3 burden to establish these rules, or if there are any
4 legal issues with those rules. But know that you
5 may be quoted in the report.

6 And also just a note, that recording of
7 this hearing is prohibited. We do that to
8 prevent -- to preserve the integrity of this process
9 and to provide public confidence that the official
10 recording is the official record as well.

11 Next slide, please.

12 Okay, just a bit about the written
13 comment period for everyone. I told you you're
14 going to hear this deadline from me multiple times
15 because it is so important. September 21st, 2026.
16 Comments must be received by 4:30 p.m. on that date.
17 So if you are mailing comments to the Court or to
18 the MPCA, know that postmarking it September 21st is
19 not going to get it there in time. It's not going
20 to get your comment into the record. So eComments,
21 again, the preferred way because of course you don't
22 have that delay from the mail service. But if you
23 do choose to use that option, just remember it's got
24 to be received by September 21st, 2026.

25 The law requires me to keep the record

1 open for up to 20 days after the end of today's
2 public hearing. So I am issuing that order now.
3 The comment period is extended for 20 days from the
4 close of our hearing today, September 1st, 2026.
5 That means that there are 20 calendar days in which
6 to submit written comments, and that gets us to
7 September 21st, 2026, at 4:30 p.m.

8 Next slide, please.

9 All right. After the initial comment
10 period there is a five working day rebuttal period
11 for anything that was filed by 4:30 p.m. on that
12 date. So that five day period is meant to respond
13 to comments, okay, not to make new comments. It's
14 helpful for folks to understand that. That deadline
15 is 4:30 p.m. on September 28, 2026.

16 All right. Next slide, please.

17 After September 28th, 2026, I will close
18 the record. Meaning that I have the universe of
19 information that I'm going to be reviewing in making
20 the determinations about this matter.

21 The only thing I look at besides what has
22 been put into the record, and that's comments,
23 regardless of how they're made; the exhibits that
24 the MPCA will offer. Those are really the -- those
25 are the main components of the record.

1 I am not allowed to do any investigating
2 or anything like that except into the law. And so
3 I'll be closing the record, I'll be thinking about
4 what the law requires, what the MPCA has provided
5 and what all the commenters have shared with me
6 regarding these rules as I evaluate them and
7 ultimately make a determination.

8 Specifically I'll be addressing whether
9 the MPCA has documented its authority to enact the
10 rules and does in fact have that authority; whether
11 the MPCA has fulfilled all of the required
12 procedures; and whether the MPCA has demonstrated
13 the need and reasonableness for each portion of the
14 proposed rules.

15 You can expect my report approximately 30
16 days after the final comment deadline, unless the
17 Chief Administrative Law Judge determines an
18 extension is necessary.

19 You would be able to see the report,
20 either on the Court of Administrative Hearings
21 website, and I believe the MPCA will post that on
22 its rule-making page as well.

23 Next slide, please.

24 In case we have any lobbyists here's our
25 reminder for lobbyists. You need to register if you

1 are a lobbyist with the Campaign Finance Board.

2 Next slide, please.

3 All right. Now I'm going to turn things
4 over to our agency panel. First we'll hear from
5 Ms. Bardal.

6 Ms. Bardal, whenever you're ready, and
7 after you've gone through the exhibits then I'll ask
8 if you want to offer those into the record and we
9 will make it official --

10 MS. BARDAL: Thank you, Your Honor.

11 My name is Maren Bardal, M-a-r-e-n
12 B-a-r-d-a-l. I use she/her pronouns. I'm senior
13 associate general counsel with the Minnesota
14 Pollution Control Agency, referred to as MPCA. Our
15 address is 520 Lafayette Road North, Saint Paul,
16 Minnesota 55155, and I am appearing in this rule
17 proceeding on behalf of MPCA.

18 The MPCA is proposing rules governing
19 cumulative impact requirements as directed by
20 Minnesota Session Law 2023, Chapter 60, Article 8,
21 Section 3, HF 2310.

22 First, I would like to introduce the MPCA
23 staff here today who will be making a presentation
24 about the proposed rule.

25 First, we have Hassan Bouchareb. He is

1 an engineering specialist in the Air Policy Unit in
2 MPCA's Environmental Analysis and Outcomes Division.
3 Mr. Bouchareb is a lead planner for this role.

4 Katie Izzo is the MPCA's rule coordinator
5 for this rulemaking. Ms. Izzo manages the
6 administrative procedures aspect of the rule and is
7 the point of contact for process related questions.

8 Before the presentation I would like to
9 submit into the hearing record the hearing exhibits.
10 These exhibits are posted on the agency's website
11 and the purpose of these documents or exhibits are
12 to: Document MPCA's legal authority to adopt the
13 proposed rule; demonstrate that the Agency has
14 fulfilled all relevant legal and procedural
15 requirements for promulgating the rules and
16 demonstrates that each portion of the proposed rule
17 is needed and reasonable.

18 Now I will review the exhibits and relate
19 each exhibit to one of the three purposes I just
20 mentioned. There's an index of the exhibits at the
21 front of the hearing exhibits.

22 First, we have Exhibit D, which contains
23 the text of the proposed rule amendment. Exhibit D
24 contains the statement of need and reasonableness
25 for SONAR, that was published with the rules. The

1 SONAR documents the Agency's statutory authority to
2 adopt the proposed rule. The MPCA has legal
3 authority to promulgate and revise air quality rules
4 under Minnesota Statute 116.07, Subdivision 4, and
5 116.065.

6 The SONAR in Exhibit D also demonstrates
7 that each portion of the proposed rule is needed and
8 reasonable. The SONAR includes both a general
9 description of why the proposed rule is needed and
10 reasonable, and a detailed description of why each
11 rule part is needed and reasonable.

12 Exhibit D also contains the CI mapping
13 and analysis platform technical support document,
14 which includes the environmental stressor data base
15 and explanation of the methodology used to analyze
16 and consider those stressors as part of determining
17 if a substantial adverse impact exists.

18 Several other exhibits demonstrate that
19 the agency has fulfilled all relevant legal and
20 procedural requirements.

21 These include: Exhibit A1, the initial
22 request for comments that initiated the formal
23 rulemaking process.

24 Exhibit A2, the second request for
25 comments that updated the scope of potentially

1 affected chapters.

2 Exhibit C, the Revisor's approval of the
3 proposed rule.

4 Exhibit E, the certificate verifying
5 submission of the SONAR to the legislative reference
6 library.

7 Exhibit F, the notice of hearing as
8 mailed and as posted electronically on MPCA's web
9 page and as published in the State Registrar on May
10 18th, 2026.

11 Exhibit G1, the certificate of mailing
12 the notice of hearing and certificate accuracy of
13 the mailing list.

14 Exhibit G2, the delivery bulletin with
15 recipient count.

16 Exhibit H, the certificate of additional
17 notice.

18 Exhibit K1, a letter to Minnesota
19 Management and Budget and MMB's approval of the
20 Agency's fiscal analysis of the impact of these
21 rules.

22 Exhibit K2, certificates of notice to the
23 legislature and the legislative coordinating
24 commission.

25 Exhibit I includes copies of comments

1 from the proposed rule that were received by the
2 MPCA during the prehearing comment period and the
3 Agency's responses to those comments.

4 And at this time the MPCA would also like
5 to introduce Exhibit L1, which is now added to the
6 hearing record. It is a copy of the slides from the
7 presentation the MPCA will be making today.

8 JUDGE MIDDENDORF: Anything further at
9 this time, Ms. Bardal?

10 MS. BARDAL: Nothing further for the
11 exhibits.

12 JUDGE MIDDENDORF: All right. And does
13 MPCA wish to offer Exhibits A through L into the
14 record?

15 MS. BARDAL: Yes.

16 JUDGE MIDDENDORF: Thank you. Exhibits A
17 through L are received.

18 MS. BARDAL: Now Mr. Bouchareb will make
19 a presentation outlining the proposed rule
20 amendments and summarizing the need for and
21 reasonableness of the proposed rules. The
22 presentation will take approximately 25 minutes.

23 MR. BOUCHAREB: Thank you, Maren.

24 Again, my name is Hassan Bouchareb,
25 that's H-a-s-s-a-n B-o-u-c-h-a-r-e-b, and I am an

1 engineer in our Air Policy Unit at the Minnesota
2 Pollution Control Agency. I will be talking about
3 our proposed Cumulative Impacts Rule today.

4 For today, for this presentation, we will
5 cover the proposed rule itself, generally touching
6 on the statutory authority, the rule applicability,
7 and provide a brief overview of the proposed rule.
8 We will also touch on some of the other statutory
9 obligations associated with the proposed rule,
10 including the public engagement and Tribal
11 consultation aspects and additional detail regarding
12 environmental justice areas and the environmental
13 stressor data base.

14 Today's presentation is going to be more
15 high-level. As Judge Middendorf mentioned earlier,
16 we want to provide more time for comments and
17 questions for those of you joining us today.

18 Thank you again for taking time out of
19 your day to be here.

20 If you would like additional detail or
21 additional information, you can find additional
22 information, recordings of previous webinars and
23 presentations, and other rulemaking documents on the
24 MPCA's cumulative impacts rulemaking web page. You
25 can get there by following the link shown on the

1 screen or the QR code in the top right as well.

2 This is the web page where we post
3 various rule documents and other information, links
4 to recordings of previous public meetings and
5 webinars and also links to where any interested
6 party can submit comments.

7 Notably, we did provide a more detailed
8 presentation, a detailed overview of the proposed
9 rule on June 2nd at an informational public meeting.
10 That meeting recording and translated materials are
11 available on the MPCA's website if you are
12 interested in more detail. There are also
13 high-level summaries of the proposed rule available
14 on the website as well, that the MPCA posted in May
15 2026.

16 To begin, we'll talk through some of the
17 statutory authority and rule applicability aspects.

18 The rule and Minnesota statute section
19 116.065 provided a framework and identified a number
20 of different obligations or directives for the MPCA
21 in proposing the proposed Cumulative Impacts Rule.

22 There are seven different subdivisions in
23 this section. I will briefly cover these throughout
24 the presentation as part of the proposed overview --
25 or as part of the overview of the proposed rule, and

1 covering where the proposed rule generally fits into
2 or helps clarify different aspects of this statutory
3 framework and obligations.

4 Notably, the rule works in tandem with
5 the statute. There are some parts of Minnesota
6 Statute Section 116.065 that direct the agency in
7 how to do this program, and do this program by the
8 proposed rule. There are -- we do want to note that
9 those obligations exist outside of the proposed rule
10 language itself.

11 We've done our best, I think, in trying
12 to make that clear and help clarify where the
13 statute and proposed rule intersect and work
14 together, or we'll talk about those in a little bit
15 more detail in the following slides.

16 Specifically Subdivision 6 of this
17 statute, 116.065, identifies several directives
18 regarding the adoption of these rules, including
19 five overarching directives.

20 The first being publishing the notice of
21 intent to adopt within 36 months of May 25, 2023.
22 As part of rulemaking, engaging in robust public
23 engagement, including public meetings and Tribal
24 consultation; specific directives regarding what the
25 rules adopted must establish or define for the

1 different steps of the rule; and as well as
2 throughout the rulemaking process providing
3 translation services and translated materials upon
4 request; as well as providing public notice in
5 advance of any public meetings held on the rule.

6 We will talk about more specifically here
7 shortly some of the details regarding what the rules
8 adopted must establish or define or do, and we'll
9 talk through how these proposed rules align with
10 those statutory obligations as well.

11 So the first, let's start with
12 applicability. Notably, this is one aspect of the
13 proposed rule which is prescribed by Minnesota
14 Statute Section 116.065. The rules apply in
15 environmental justice areas and a one mile buffer in
16 the Twin Cities seven county metropolitan area, plus
17 cities of the first class, currently Rochester and
18 Duluth outside of the seven county metro.

19 The MPCA has on that website that I
20 mentioned earlier that we have a list of facilities
21 that may be affected by the proposed rules that
22 we've posted throughout the rulemaking process, and
23 this list identifies the who side of the equation,
24 which these rules apply to certain air permit
25 applications, specifically Major Source or Title V,

1 and certain air state permit applications.

2 As I mentioned, these are only for air
3 permit applications and these include permit
4 applications for new facilities, facility expansions
5 and applications for reissuing a permit for an
6 existing facility.

7 Environmental justice areas are also one
8 aspect of the rule that the legislature defined in
9 this statute. These include broadly four different
10 criteria. Notably, these do not -- an area does not
11 have to meet multiple, any one of these criteria are
12 enough to trigger -- enough for a census tract to be
13 determined as an environmental justice area.

14 This includes different demographic
15 criteria, such as race, language proficiency and
16 income, as well as locations of Tribal lands
17 identified and defined as Indian country.

18 Notably, these environmental justice
19 areas exist in many parts and across Minnesota, but
20 the proposed rules, again, only apply to these twin
21 Cities seven county metro.

22 The image you can see on the screen today
23 highlights in dark blue those environmental justice
24 areas proper, plus that one mile distance around
25 those environmental justice areas, as well as

1 identifying the Tribal lands in a purple outline
2 that you can see, notably in Scott County and part
3 of Dakota County.

4 You can also see environmental justice
5 areas in Duluth and Rochester using the same
6 identifiers. Notably, you can see Duluth is roughly
7 two-thirds of the city, while Rochester is about
8 roughly one-half of the city, is potentially subject
9 to these rules.

10 Moving on to the overview of the rule.
11 Those of you who have joined us previous
12 presentation or webinars or gatherings, you'll be
13 well used to this slide as well. This is what we
14 used to help identify some of the larger parts of
15 the rules that the MPCA was tasked with defining or
16 establishing as part of the proposed rule.

17 We'll talk through each of these in a
18 little bit more detail, but to start let's go to the
19 big picture.

20 For the proposed rule, what the MPCA is
21 aiming to do is create a process for evaluating
22 cumulative impacts as part of permitting decisions
23 in these areas that's transparent, manageable, and
24 meets the statutory objectives.

25 The statutes in Minnesota section 116.065

1 also indicates that we need to be able to account
2 for a variety of unique circumstances in applying
3 these rules in certain permit applications, and the
4 focus of the proposed rule is really on
5 understanding the health and environmental impacts
6 of issuing a permit.

7 The proposed rule needs to analyze as
8 well as provide the ability to meaningful may impact
9 their health, their environment, and where they
10 live, work and gather.

11 At a high level, the proposed rule spans
12 a number of rule parts in existing rule chapter
13 7007. Again, these rules are crafted to align with
14 those obligations and directives.

15 The proposed rule itself, the cumulative
16 impact analysis portions of this span Minnesota Rule
17 Chapter 7007.6000 to 7007.6120. There are overviews
18 available in English, Spanish, Hmong and Somali as
19 well on our web page, as well as additional
20 housekeeping edits to existing chapters in 7007.0050
21 to 7007.1850.

22 There are a number of structural and
23 supporting requirements associated with the rule,
24 scope in 7007.6,000. There are definitions, and
25 this is where you start to see where we use

1 identifier -- or trying to aid in identifying where
2 the proposed rule works in tandem with the language
3 of Minnesota Statute Section 116.065.

4 We've established a number of definitions
5 in the proposed rules. These are additional terms
6 or references to definitions in the statute that are
7 needed to support the rule and the proposed rule.
8 There are applicability and procedural requirements
9 in 7007.6020, which aim to help provide clarity
10 regarding the applicability established in the
11 statute.

12 There's a number of general requirements
13 in 7007.6040 regarding things like submittal
14 certifications, information requests, record keeping
15 and additional requirements that broadly apply
16 across the rule. And rounding it out with permit
17 decisions in 7007.6120, again providing clarity with
18 how the proposed rules work with requirements in
19 statute.

20 Next we'll talk about sort of the
21 proposed rule as we've broken it up and are
22 describing it today has roughly three stages.

23 The first stage is sort of what we are
24 referring to as the pre-cumulative impacts analysis.
25 This is the information that the MPCA will use to

1 determine whether or not a cumulative impacts
2 analysis is required for a particular permit
3 application. This includes comparisons to
4 benchmarks, evaluating a variety of information that
5 the applicant provides, as well as potentially
6 evaluating information if submitted through a
7 petition by residents of an environmental justice
8 area near a facility.

9 So this stage includes and spans a number
10 of different parts in the proposed rules. There are
11 Tribal aspects and the Tribal consultation and
12 coordination part of the rule in 7007.6030. This
13 portion of the proposed rule helps fulfill those
14 requirements identified in some of the specific
15 statutory directives in Minnesota statute 116.065.

16 And I won't repeat all of the numberings
17 and letters for all of our sakes together. As
18 mentioned this presentation will be available and
19 the transcript will be available as well.

20 The initial assessment is the information
21 that a permit applicant will provide to the MPCA
22 when they are meeting the applicability requirements
23 of the rule. This information is identified in part
24 7007.6050. And this is notably one of those areas
25 that works in tandem with what the statute requires

1 and directs the MPCA to do; involves evaluating and
2 making certain determinations as well as
3 establishing the information that the MPCA will use
4 in the proposed rule.

5 The petition process is identified in
6 7007.6060, where residents of an environmental
7 justice area can petition the Agency to require a
8 cumulative impacts analysis. That process is
9 identified there. And at the end of this stage is
10 the determination of need in part 7007.6070. This
11 is where the MPCA will review the information
12 available and provided, to make a decision regarding
13 whether or not to require a cumulative impacts
14 analysis for a particular facility and permit
15 application.

16 After this stage, if the MPCA has
17 determined that a cumulative impacts analysis is
18 required, the applicant and the MPCA would move on
19 to this second stage.

20 This focus is -- the focus of this stage
21 is the cumulative impacts analysis itself as well
22 as the review of that information to determine
23 whether or not issuing the permit would result in a
24 substantial adverse impact, which may require a
25 cumulative benefit agreement.

1 This stage, again, has some parts in the
2 proposed rule -- across multiple parts of the rule
3 identify what's happening here. There are a number
4 of public participation requirement in 7007.6080.
5 These requirements provide clarity regarding the
6 meetings and comments, the comment requirements that
7 are established in the statute, as well as
8 fulfilling the different directives to establish
9 methods for handling comments and holding public
10 meetings.

11 The cumulative impacts analysis itself
12 and the contents are identified in 7007.6090, and
13 how the MPCA will review the information available
14 to make a determination of whether there are
15 substantial adverse impacts is identified in
16 7007.6100.

17 At the end of this stage is where the
18 MPCA will again make that decision. If the MPCA has
19 determined that there is a substantial adverse
20 impact, that means that a community benefit
21 agreement is required, or if it cannot be reached
22 that the MPCA must deny that permit.

23 So in this stage there are, again,
24 multiple parts of the proposed rule that cover what
25 happens. There are additional public participation

1 requirements in part 7007.6080 regarding the
2 different active outreach requirements as part of
3 crafting and determining whether to enter into a
4 community benefit agreement, because there's a
5 process for entering into a community benefit
6 agreement is identified in 7007.6110, to help
7 fulfill those different requirements in the statute,
8 as well as a part for modifying a previously entered
9 into community benefit agreement in part 7007.6115,
10 which covers the broad overview of the proposed
11 rule.

12 So we'd like to briefly go back to the
13 public -- some of the other framework and statutory
14 obligations and cover some of the different public
15 engagements and Tribal pieces of the statute.

16 So during rulemaking, during the
17 rulemaking for the proposed rule, the MPCA conducted
18 a variety of extensive outreach and engagement
19 activities. This included a whole host of different
20 public meetings, webinars, workshops, informal
21 events such as tabling, conversations, interviews
22 and focus groups. Attending different community
23 events, where the MPCA was not hosting, but just
24 attending different already pre-existing community
25 events. It included things even, very timely, with

1 a brief conversation at the state fair, the
2 Minnesota State Fair.

3 We also had different outreach and
4 engaging activities including creating and holding a
5 community benefit agreement input panel with a
6 number of different panelists as well as different
7 meetings and discussions with the MPCA's
8 environmental justice advisory group.

9 Beyond just these specific public
10 engagement efforts, the MPCA also discussed and
11 coordinated and consulted with different Tribes
12 around Minnesota, including conversations with them
13 and offers to meet and consult about the proposed
14 rule that's requested.

15 One of the other aspects and statutory
16 obligations includes information and directions,
17 directives, regarding environmental justice areas
18 and environmental stressors. You'll note on the
19 screen here, one aspect of this is that cumulative
20 impacts impacts mapping and analysis platforms, and
21 what these obligations focused on were the MPCA was
22 directed to publish and maintain a list of
23 environmental justice areas in Minnesota.

24 The MPCA was also directed to maintain an
25 updated public data base of identified stressors in

1 different census tracts around the state. The
2 statute defined what environmental stressors
3 included and the statute identifies that stressors
4 are part of determining whether issuing a permit
5 would have a substantial adverse impact on the
6 environment or the health of residents of an
7 environmental justice area.

8 As part of the directives, the statute
9 directed MPCA to establish the content of a
10 cumulative impacts analysis and providing sources of
11 public information that permit applicants can access
12 regarding those environmental stressors that are
13 present in an environmental justice area.

14 So as a very high-level summary in that
15 data base of environmental stressors, we have seven
16 different categories spanning 26 different
17 environmental stressors that the MPCA created and
18 determined throughout the rulemaking process through
19 a lot of different involvement -- of public
20 engagement and involvement activities.

21 I want to call out few things before I
22 provide a few additional details on the stressors.
23 You'll note that there are three different stressors
24 highlighted in green on this slide that we identify
25 use reference values while the other 23 stressors

1 use something called a geographic point of
2 comparison.

3 The point of this information is, and in
4 this particular CI map, or the cumulative impacts
5 mapping and analysis platform, the MPCA is providing
6 information for each census tract in the state and
7 specifically for the environmental -- for the --
8 census tract in the Twin Cities seven county
9 metropolitan area and cities of the first class this
10 variety of information.

11 This includes a comparison to reference
12 values for a county and statewide comparison point,
13 that geographic point of comparison, and the
14 intention here being enabling a method to consider
15 those stressors as part of the various
16 determinations required under the proposed rule and
17 Minnesota statute 116.065.

18 Providing this information, the MPCA is
19 intending to enable a comparative analysis for
20 stressors individually, where reference values don't
21 exist, and enabling the comparative analysis to
22 consider the cumulative effects of multiple
23 stressor. And at that point we've covered the host
24 of information we would like.

25 Again, thank you for your time, everybody

1 here today, and interest in participating in this
2 rulemaking.

3 This concludes the MPCA's presentation.

4 The MPCA has nothing further, Your Honor.

5 JUDGE MIDDENDORF: Thank you,

6 Mr. Bouchareb.

7 So, Ms. Izzo, I take it you do not have
8 anything to present at this time, but are here if
9 folks have questions about the process?

10 MS. IZZO: That's correct, Your Honor.

11 JUDGE MIDDENDORF: All right, thank you.

12 Well, now we are to the point then where
13 we will turn to comments. So if we can go back to
14 the other presentation, slide 21. Thank you.

15 I will remind everybody, if you haven't
16 already signed up you can continue to do that. You
17 can also take a look at the chat. We've got the
18 commenters who have requested to speak in the order
19 that they'll be called upon. If you're not on that
20 list and you want to speak you can indicate that in
21 the chat at any time. If you are on the phone you
22 can indicate you'd like to speak by pressing star 3.

23 So our first commenter, and we're going
24 to go for about a half hour yet and then we'll take
25 a brief break. But our first commenter will be

1 Justice Jones.

2 MS. JONES: Hello. My name is Justice
3 Jones. I currently live in Uptown but I was born
4 and raised in North Minneapolis. For me, I imagine
5 living in a community that takes the health of the
6 residents that are there seriously.

7 Five years ago I started working in
8 environmental justice and learned about the impact
9 of the industrial corridor that was along the
10 Mississippi River on the north side.

11 I come from a family that has experienced
12 cancer, respiratory issues and skin conditions that
13 are both caused and exacerbated by the toxins that
14 come from this corridor.

15 While working in the EJ space I was part
16 of a cohort that was able to remove one of the
17 facilities causing major pollution issues, and the
18 facility repeatedly lied on permit reporting, caught
19 fire next to a gas station. Despite those false
20 reports it took community members more than a decade
21 to correct those harms and those harms are still not
22 fully corrected.

23 The bill that we're talking about today
24 was written with this fight in mind. Around my time
25 in this work I've learned that north side is not the

1 only area with major pollution that has adverse
2 public health impacts. Places like Smith Foundry,
3 Roof Depot and Owens Corning have created the
4 necessity for green zones that many people reference
5 today, that we just saw kind of in the earlier
6 presentation.

7 It's often community members and
8 community based organizations that call out these
9 facilities when they're not following the law, and
10 it's often community that notices the harms and
11 brings it to the attention of both the city and
12 MPCA.

13 This is why I believe that the language
14 around CBAs within the rules needs to be corrected.
15 For example, providing a list of criteria for when a
16 commissioner is approving a CBA should be clear and
17 there should be clear action noting what
18 repercussions will come to a facility that doesn't
19 comply. It should be written into the rules that
20 completion of a CBA requires that benefits proposed
21 by residents should be prioritized.

22 In addition, the current statutory
23 language outlines the need to deny permits without
24 an established CBA and the process for this denial
25 should be written clearly and needs to be

1 enforceable by the commissioner or the MPCA.

2 These facilities, in tandem with
3 wildfires and other events caused by the climate
4 crisis will continue to operate as they please
5 without proper structure and language to stop them
6 from doing so.

7 Apologies, I'm looking at my notes.

8 That is where I'll end my comment for
9 today, and I look forward to submitting an
10 additional written comment as well.

11 And I want to thank you all for your
12 time.

13 JUDGE MIDDENDORF: Thank you so much,
14 Ms. Jones.

15 All right. Our next commenter is
16 Danielle Tietjen.

17 MS. TIETJEN: Hi, my name is Danielle,
18 D-a-n-i-e-l-l-e, Tietjen, T-i-e-t-j-e-n.

19 I live in North Minneapolis and I've
20 lived there for over 25 years and have been part of
21 this process since it started years ago, and
22 testified before.

23 Because this makes me a little nervous
24 I'm just going to read what I have here.

25 Community members appreciate the

1 opportunity to provide testimony on the cumulative
2 impact rulemaking decision process.

3 We believe that benchmarks or actions
4 should be based on a comparative analysis. If the
5 risk impact or pollution in an area is greater than
6 the average for the entire state or county then
7 action should be taken to reduce that impact
8 globally.

9 During the permitting process the focus
10 should be on reducing and limiting the impacts of
11 pollution on local communities. If a facility is
12 receiving an air permit of any kind they should be
13 required to reduce the pollution that is most
14 impacting local residents, particularly people of
15 color, low income people and people with limited
16 English proficiency. This should include both
17 criteria pollutants and air toxins.

18 Notice of permitting work should be
19 provided directly to everyone living within the
20 impacted area of the facility's pollution.
21 Pollution goes through the air and the impact from
22 facilities can extend several miles away.

23 I want to make note that this has been
24 worked on by dozens of women and women of color, and
25 I stand here in solidarity with them to speak to

1 this because I've had the time to be able to do
2 that. I'm a local community gardener and beekeeper
3 in North Minneapolis. I consider it my home and
4 love it dearly and this is deeply important to
5 center a community and ensure that they are the
6 center of the process and included in every piece of
7 this process.

8 Thank you.

9 JUDGE MIDDENDORF: Thank you so much, Ms.
10 Tietjen.

11 Taisia Cleveland.

12 MS. CLEVELAND: I'm Taisia Cleveland, I'm
13 24. I previously testified on this with Fu Lee a
14 few years back.

15 JUDGE MIDDENDORF: Can I get you to spell
16 your name for the record, before you get into the
17 substance --

18 MS. CLEVELAND: Sure.

19 JUDGE MIDDENDORF: Thank you.

20 MS. CLEVELAND: Yeah. I also put it in
21 the chat, but my name is spelled T-a-i-s-i-a
22 C-l-e-v-e-l-a-n-d.

23 JUDGE MIDDENDORF: Thank you so much.

24 MS. CLEVELAND: Spelled traditionally.

25 Yes, thank you.

1 So I'm just going to get right into it.
2 The real and measurable impacts on racism should be
3 included in all cumulative impacts analysis and
4 called out explicitly.

5 You cannot address disproportionate
6 impacts if you do not take into account the impacts
7 from racism.

8 A 2014 University of Minnesota study
9 showed that people of color are exposed to nearly 40
10 percent more polluted air than white people. And
11 Minnesota is among the top 15 states in this nation
12 with the largest exposure gaps between people of
13 color and whites.

14 Racism, both as interpersonal
15 discrimination and as a structural form of
16 oppression disproportionately and negatively impacts
17 the health outcomes of people of color.

18 Pollution has greater negative impacts
19 because of the system that disadvantage people of
20 color, and this compounding effect should be
21 represented in cumulative impacts analysis.

22 These disparities must be addressed
23 directly with race and racism included
24 intentionally. Anything else fails to address the
25 disparities that exist and further disadvantages

1 people of color.

2 The MPCA must show direct action in
3 mitigating its role and perpetuating structural
4 racism and radically disparate health outcomes in
5 our state.

6 That's it. Thank you for your time.

7 JUDGE MIDDENDORF: Thank you,
8 Ms. Cleveland.

9 Next on our list is Michelle Shaw.

10 MS. IZZO: Your Honor, it appears
11 Michelle Shaw has left the WebEx.

12 JUDGE MIDDENDORF: Okay, then let's go to
13 Roxanne O'Brien.

14 MS. O'BRIEN: Can I let Michelle Garvey
15 go before me?

16 JUDGE MIDDENDORF: Sure. Michelle
17 Garvey, are you ready?

18 MS. GARVEY: Yes. Can you hear me now?

19 JUDGE MIDDENDORF: Yes. Go ahead,
20 Michelle.

21 MS. GARVEY: I'm sorry, I'm not used to
22 the WebEx format.

23 Hi, everybody. My name is Michelle
24 Garvey. That's spelled M-i-c-h-e-l-l-e, last name
25 G-a-r-v-e-y.

1 I'm a mother in Minneapolis. I'm an
2 urban farmer and I'm an environmental justice
3 scholar and educator and community advocate for the
4 past ten, fifteen years. I created the University
5 of Minnesota's Systems First Environmental Justice
6 course about ten years and have been teaching it
7 ever since and over the years have been doing that
8 in partnership with frontline community leaders,
9 which led me to advocate early on for this
10 cumulative impacts law. So I'm really happy to be a
11 part of it and continue shaping it, along with the
12 whole team that's here today, so thanks to all of
13 you.

14 I just wanted to make mention of four
15 brief points regarding community benefit agreements.
16 Community benefit agreements, or CBAs, should
17 benefit community impacted and should especially
18 benefit people of color, indigenous, low income
19 and/or people with limited English proficiency.

20 So I want to first especially caution
21 that these community members must be defined as
22 impacted individuals. People who actually live in
23 an EJ area, not as like third-party organizations or
24 local government that might not have, you know, deep
25 connections with all of the residents in an area.

1 The second CBA point I wanted to make was
2 that they should also account for local impacts from
3 non permitted activities, such as reducing noise or
4 preventing diesel truck traffic from traveling
5 through communities that are already burdened.

6 Third, the MPCA should deny a facility
7 any CBA that doesn't meet the community defined
8 criteria outlined in those set public meetings. I
9 think there's like two public meetings that are
10 currently set, rather than further negotiating with
11 an industry privately outside of those community
12 meetings. So I just wanted to clarify and emphasize
13 that a CBA, bottom line, needs to be determined by
14 the community and not by like private negotiations
15 between the MPCA and the industry.

16 And then finally, built into an CBA
17 should be protection for existing residents against
18 gentrification and the resulting displacement that
19 can arise if and when a CBA results in
20 beautification or higher employment rates and
21 property values or enhanced municipal services, et
22 cetera.

23 So thanks for letting me make those few
24 points, and I will pass it off to Roxxanne now.

25 JUDGE MIDDENDORF: Thank you, Ms. Garvey.

1 Roxxanne O'Brien.

2 MS. O'BRIEN: Thanks for giving the
3 community the opportunity to speak today. As a
4 black woman --

5 JUDGE MIDDENDORF: Before we get into it,
6 can you state and spell your name for the court
7 reporter.

8 MS. O'BRIEN: Yes. My name is Roxxanne,
9 R-o-x-x-a-n-n-e, O'Brien, O-B-r-i-e-n.

10 JUDGE MIDDENDORF: Thank you.

11 MS. O'BRIEN: So I've been doing this
12 work for quite a long time in my community. One of
13 the organizers who had to organize a campaign around
14 a pollution facility in my neighborhood, known as
15 Northern Madibles, sorry, I'm a little nervous, and
16 so it's just been a long fight.

17 So I was actually the first community
18 member to work with Fu Lee on this bill, so we've
19 come a long way and here we are today. Thank God,
20 we're getting closer to implementing this bill. But
21 it has been weakened during the process with MPCA,
22 and so we want to just reiterate our points and what
23 is really important for the MPCA, to help them to
24 create these rules and hopefully for you to hold
25 them accountable to that as well.

1 So my part today, I'll be talking about
2 meaningful community engagement and offsets.
3 Meaningful engagement requires a tailored engagement
4 approach based on the impacted geography and
5 populations. Environmental justice communities must
6 be given the tools and resources necessary to
7 understand the technical aspects of a project so
8 that they can effectively provide comment and
9 participate.

10 Critically meaningful engagement must
11 include an outcome, not just a process. Community
12 members must have the ability to affect a result
13 positively and to benefit impacted communities. So
14 simply feeling heard is not enough. The MPCA should
15 track and show how disproportionately impacted
16 people, particularly people of color, low income
17 people and people with limited English proficiency,
18 um, show how they're being included and communicated
19 with throughout the permitting process.

20 The MPCA should also show how community
21 involvement impacted the outcome. Sometimes our
22 government moves really fast without us and forgets
23 the reasons why these bills were passed in the first
24 place were from just regular people in our community
25 who have been dealing with this.

1 So nothing should be created about us
2 without us. And I was -- I found out about some
3 targeting happening in our communities that impacted
4 even my mother and people that I knew in my
5 community over cutting down trees. And so to talk
6 about offsets a little bit, as a policy mechanism
7 it's inherently unjust because the community
8 continues to bear the burden of toxic emissions that
9 are specific to that place and those people.

10 So broader community benefit actions
11 should not be used in place of direct onsite
12 emissions reductions.

13 The environmental justice community has a
14 long history of signing offsets unacceptable as an
15 applied policy mechanism for pollution reduction
16 because they are structured to benefit the polluter
17 and their need for flexibility and low cost. But
18 we've had this done in our communities in the past.
19 They're planting trees that aren't -- they're baby
20 trees. They don't have the capacity to capture
21 carbon. And nobody is taking care of the trees, the
22 trees are dying in our neighborhood.

23 So we know this is something that
24 polluters like to use but it's not helpful for us.

25 And I will yield my time. I'm done.

1 Thank you.

2 JUDGE MIDDENDORF: Thank you,
3 Ms. O'Brien.

4 Our next commenter is Marita Bujold.
5 Marita Bujold?

6 Let's come back to -- thank you,
7 Ms. O'Brien, I see your message.

8 I'm going to take Ms. Corey Gruenes and
9 we will back to Ms. Bujold and/or you, Ms. O'Brien
10 to get those comments in.

11 Ms. Corey Gruenes, and I promised I would
12 mispronounce names and I'm sure I've done that with
13 yours.

14 I see your message Ms. O'Brien, we'll
15 circle back to you after the current comment.

16 MS. GRUENES: Hi, I'm Ava. I'm just
17 sharing a comment from a volunteer, Hannah, and I'll
18 share my screen. Her name is H-a-n-n-a-h and then
19 last name is R-e-s-e-n-d-i-v-o-l-s-o-n and I will
20 share my screen to make sure that she can make her
21 comment. Are you seeing Hannah's face?

22 JUDGE MIDDENDORF: I am. I just want to
23 clarify that the video itself is not coming into the
24 record, but what we're going to do is have the court
25 reporter take down the comment just as if she were

1 present and speaking.

2 MS. GRUENES: Sounds good.

3 JUDGE MIDDENDORF: I'm not hearing any
4 audio.

5 MS. GRUENES: Sorry, I haven't shared on
6 this platform before.

7 JUDGE MIDDENDORF: That's okay, we'll
8 just do our best. I'm not as familiar with this
9 platform as I'd like to be or I would offer you some
10 suggestions, but I am so unfamiliar with this
11 platform as well that I can't even do that.

12 MR. BOUCHAREB: Your Honor, if I may?

13 JUDGE MIDDENDORF: Yeah, go ahead.

14 MR. BOUCHAREB: When you share your
15 screen, there's a button that says "include computer
16 audio" that you'll have to toggle.

17 MS. GRUENES: It says you're using your
18 computer for audio.

19 MR. BOUCHAREB: So stop sharing, and when
20 you share again there should be a button that says
21 "include computer audio."

22 MS. GRUENES: That button does not seem
23 to --

24 MR. BOUCHAREB: So --

25 MS. GRUENES: I'll test it out. Was that

1 working?

2 JUDGE MIDDENDORF: Yes.

3 MS. GRUENES: Sorry about that.

4 (Video played.)

5 MS. RESENDIV-OLSON: Hello. My name is
6 Hannah Resendiv-Olson and I live in an environmental
7 justice area in North Minneapolis.

8 I'm a volunteer with Health Professionals
9 for a Healthy Climate, HPHC, and I also work in
10 local public health.

11 I'm deeply passionate about protecting
12 community health in my neighborhood and others. The
13 cumulative impacts or CI law is of great interest to
14 me, as I have seen the deep harms done to
15 communities without their voices being heard. We
16 feel the harmful impacts of polluting facilities,
17 like the HERC, and continued poor air quality and
18 neglect in our area. There are so many factors that
19 impact our health here, the lack of investment, job
20 opportunities, public green spaces and more all
21 contribute to the stressors and quality of life in
22 our area.

23 I am deeply concerned about the current
24 lack of methods to address substantial adverse
25 impacts to public health and safety. HPHC's report

1 on climate justice and public health in Minnesota
2 explains how institutional racism has resulted in
3 people of color being more likely to live in
4 neighborhoods with concentrated poverty and with
5 gaps in education, employment, generational wealth,
6 housing and health care access.

7 There are also sacrifice communities,
8 because pollution is more likely to be situated in
9 these areas, including hazardous waste landfills,
10 petrol chemical plants, industrial facilities, waste
11 incinerators, fossil fuel infrastructure and more.

12 This rings true for me in my experience
13 as a resident of an EJ community. When I think
14 about public health impacts and important actions to
15 prevent the most harmful impacts on EJ communities,
16 permit re-issuance is especially impactful. HPHC
17 believes that permit re-issuances need benchmarks
18 that are based on the pollution impacts of the
19 facility and health and environmental conditions in
20 the community, in addition to consideration of
21 enforcement actions.

22 Considering enforcement action alone is
23 not sufficient and the rules as written are not
24 clear on how the benchmarks apply. Many EJ
25 communities, including my neighborhood, are already

1 facing a CI burden from decades of exposure to
2 pollution from existing facilities.

3 We strongly recommend creating an
4 additional set of benchmarks for permit re-issuances
5 based on emissions and existing community stressors
6 and how the proposed facility will impact these
7 stressors. This will ensure that these rules can
8 begin addressing the existing CI burden.

9 Health and environmental impacts must be
10 a priority through the rulemaking process to ensure
11 protection from further irreparable harm to our
12 health and safety.

13 On behalf of myself and HPHC I appreciate
14 the opportunity to submit further comments and
15 recommendations in support of the effective
16 implementation of this groundbreaking law and its
17 anticipated contribution to equity and public
18 health.

19 Thank you.

20 JUDGE MIDDENDORF: Thank you, Hannah.

21 Do you have your own comment that you'd
22 like to make?

23 MS. GRUENES: I think that HPHC will make
24 comments during the post comment period in writing,
25 but thank you.

1 JUDGE MIDDENDORF: Thank you so much.

2 Let's see if we can try to go back to
3 Marita Bujold.

4 MS. BUJOLD: Can you hear me now?

5 JUDGE MIDDENDORF: Yes, I can.

6 MS. BUJOLD: My name is Marita Bujold,
7 it's spelled M-a-r-i-t-a B-u-j-o-l-d.

8 I have participated in a number of
9 leadership initiatives concerning environmental
10 justice with the community members for environmental
11 justice, as well as to many organizations that are
12 responding to the absence of a just food economy.
13 My own largest contribution is that I wrote
14 legislation called the Headwaters Community Food and
15 Water Bill, which is intended to rectify that.

16 Sorry, I'm getting a call here. I beg
17 your pardon.

18 So I'd like to comment on a number of
19 things regarding cumulative impacts, beginning with
20 this. So when defining community benefits it's
21 important to omit any consideration that a proposed
22 business or industry will create employment
23 opportunities which will in some way offset the
24 impact of the industry's pollution on the local
25 community.

1 It must be acknowledged as well that
2 there is no mechanism for requiring a company to
3 hire local residents.

4 When defining environmental justice areas
5 it is appropriate and necessary to use an error
6 margin to conservatively assume a greater number of
7 environmental justice areas and to keep in mind that
8 since pollution moves and is not restricted by
9 census boundaries that should help us understand why
10 we need to make those areas larger.

11 Unless modeling and monitoring systems
12 can show that the impacts from a facility do not
13 contribute to negative health outcomes for people of
14 color, low income people, or people with limited
15 English proficiency, the MPCA should always assume a
16 greater number of environmental justice areas exist.

17 Not being directly counted in the census
18 should not count against communities when it comes
19 to addressing disproportionate impacts.

20 And finally, the MPCA and the State of
21 Minnesota must adequately fund and staff this work.
22 This will take significant effort to include
23 communities in this process complete and review the
24 analysis and implement the final outcomes. Without
25 proper funding and staffing levels the benefits of

1 this work will be delayed for the communities that
2 have already been waiting for government to be
3 responsive to their needs.

4 Normalizing environmental justice in our
5 state's planning is a practical necessity with
6 enduring impacts.

7 Thank you very much for taking our
8 concerns seriously.

9 JUDGE MIDDENDORF: Thank you, Ms. Bujold.
10 And thank you for your patience too as we work
11 through those technical issues.

12 MS. BUJOLD: And yours as well with me.

13 JUDGE MIDDENDORF: So, Ms. Jones, I see
14 that you have indicated you'd like to speak again.

15 Why don't we take Ms. Jones' additional
16 comments and then we'll take a break after that
17 comment.

18 MS. JONES: Thank you so much for
19 allowing me to speak again, I really appreciate
20 that. I found the notes that I missed from my prior
21 comments.

22 So in addition to my previous comments, I
23 wanted to note that I am having trouble seeing the
24 adequate reason of providing an exemption to permit
25 re-issuances for two years after the rules go into

1 effect.

2 This law was passed in 2023 and there
3 have been about three years in between, in which --
4 three years of rulemaking, which is what I believe
5 to be more than enough time for existing facilities
6 to prepare for the rule to be implemented. If an
7 exemption period is granted it should be as short as
8 possible, and it should definitely be shorter than
9 what's currently written in.

10 In addition, the rules in this law don't
11 provide protections for community members from
12 existing facilities. We are so, so appreciative
13 that it does have a focus on permit expansion and
14 the issuance of new permits; however, I believe that
15 adjusting the benchmarks for permit expansions and
16 re-issuances should be the same.

17 The MPCA should set a benchmark that
18 considers total emissions from both stationary
19 sources and proposed expansions, in addition to
20 existing environmental and health stressors in
21 communities. Without this change the word
22 cumulative loses its meaning and the current
23 language only requires new or increased emissions
24 without consideration of the current ones. This
25 fails to address the burdens that this law was

1 designed to confront.

2 So I just wanted to make sure that that
3 was included as well.

4 JUDGE MIDDENDORF: Thank you, Ms. Jones.

5 All right. So we're going to go on a
6 break in just a moment here.

7 Just let everybody know you can continue
8 to sign up to speak if you've got comments you'd
9 like to make.

10 If you have questions for the MPCA,
11 they're here to answer those questions if you do
12 have them. So please don't be shy and note that
13 you'd like to be heard or have questions in the chat
14 or by pressing star 3.

15 For now we're going to go into recess.
16 We will come back at 4:45, and so I will see you
17 back then.

18 (A brief recess was taken at this time.)

19 JUDGE MIDDENDORF: We are back on the
20 record and we will resume taking public comments.

21 Next on our list I have Monserrat Perez
22 Barrios.

23 MS. PEREZ BARRIOS: Good afternoon, Your
24 Honor. Can you hear me okay?

25 JUDGE MIDDENDORF: I sure can.

1 MS. PEREZ BARRIOS: Thank you.

2 My name is Monserrat Perez Barrios. It's
3 spelled first name, M-o-n-s-e-r-r-a-t, first last
4 name Perez, P-e-r-e-z, and second last name
5 B-a-r-r-i-o-s.

6 I work for COPAL, Communities Organizing
7 Latino Power and Action.

8 I thank you for the opportunity to
9 provide comment and I also thank the Minnesota
10 Pollution Control Agency for all the work they have
11 done throughout these past three years of
12 rulemaking.

13 I speak today not only for myself but on
14 behalf of many community voices who cannot be in
15 this room with us today. I want to speak plainly
16 about what I see in these rules. It explains why
17 the regulatory framework before you remains deeply
18 incomplete.

19 Throughout this process we have raised
20 concerns that touched the core of how this all will
21 operate. While you're using demographic data to
22 identify environmental justice areas is necessary
23 step, that designation alone is meaningless without
24 strong mandatory protections attached to it.

25 Furthermore, the threshold for recording

1 community (inaudible) analysis is far too
2 restrictive. Under the proposed rules a facility
3 only undergoes an analysis or inspections if a
4 specific environmental benchmarks are exceeded or
5 enforcement actions occur. This means communities
6 are forced to observe harms before the regulatory
7 system decides to step in.

8 We also see a major flaw in how
9 substantial adverse impact is determined. Rather
10 than establishing clear predictable criteria, the
11 draft rules rely heavily on commissioner discretion
12 using vague undefined standards if standards
13 thresholds fail when emissions are violated in
14 isolation.

15 A facility's true impact must be measured
16 against the total overlapping burdens a neighborhood
17 already carries. Just imagine, all of our
18 communities are already near by highways, scrap
19 yards, incinerators, and they already have
20 (inaudible), like childhood asthma and so many
21 others.

22 On top of that, allowing a facility
23 seeking a permit to define and lead its own public
24 outreach creates an inherent conflict of interest
25 that breaks community trust. Most importantly, the

1 rules fail to establish clear criteria and viable
2 pathways for permit denial. They're relying instead
3 on mechanisms like community benefit agreements to
4 manage impacts, a process that cannot end in a
5 permanent denial but instead default to negotiated
6 mitigation gives communities the appearance of power
7 without the substance of it. A process that cannot
8 deny the permit is not protection at all for
9 communities. This is structural (inaudible) are
10 bound together by a central behavior. The lack of
11 comprehensive share legal vocabulary. Other
12 international environmental frameworks define their
13 essential terms before asking anyone to live under
14 them.

15 During an MPCA panel on community benefit
16 agreements last year, a community member, who will
17 also be sharing some comments today, asked
18 repeatedly for clear submissions across the entire
19 law, including adverse or significant community
20 impacts, community benefits, permit classification,
21 environmental stress factors, penalties for not
22 compliance, neighborhood advisory councils and CBA
23 rectification. Yet, the focus remained almost
24 exclusively on the finding community benefit
25 agreements itself, the single trend that served the

1 applicant seeking a permit, rather than the
2 community bearing its consequences.

3 While CBAs are a very important and
4 essential piece of these framework, focusing
5 narrowly on them while leaving the surrounding legal
6 definitions (inaudible) creates an endless provision
7 look that ultimately favors the facility.

8 A law without a shared legal vocabulary
9 does not protect everyone equally. It protects
10 whoever already has the resources to interpret that
11 silence, and our communities do not have those
12 resources. They never had it.

13 Your Honor, public participation is not a
14 mere courtesy. It fulfills international standards
15 such as paragraph H of the primal (inaudible) goal
16 to the North American Agreement on Environmental
17 Cooperation of 1993, which commits signatory states
18 to include society in creating environmental norms.
19 An obligation of this magnitude cannot be satisfied
20 by a constraint process that leaves fundamental
21 legal terms undefined.

22 I ask this Court and I ask MPCA to ensure
23 that these rules clearly define every time this all
24 depends on, because we depend on that. Creating a
25 fully enforceable framework that prioritizes public

1 health and the wellbeing of our community is
2 essential.

3 Finally, I ask that you listen closely to
4 the community members present in this room today.
5 They are prepared to share testimonies on behalf of
6 our neighborhood or families and our children about
7 what this law means in their daily lives, their
8 health and their future.

9 Thank you, Your Honor, for your time and
10 consideration today.

11 MS. IZZO: Your Honor, you're muted.

12 JUDGE MIDDENDORF: I apologize, I have to
13 do that at least once per proceeding. Thank you.

14 Our next speaker is Elena Sut. Ms. Sut
15 has requested interpretation services. Mr. Diaz,
16 are you still present? Mr. Diaz? Can we unmute Mr.
17 Diaz.

18 MR. DIAZ: Sorry about that delay.

19 JUDGE MIDDENDORF: That's okay. Thanks,
20 Mr. Diaz. Mr. Diaz, do you want Ms. Sut to -- are
21 you thinking that you would interpret consecutively?

22 THE INTERPRETER: Yes, if you can -- if
23 you want I can do that.

24 JUDGE MIDDENDORF: I think that would be
25 easiest for our court reporter.

1 Are you ready, Mr. Diaz?

2 THE INTERPRETER: Yes, I'm ready. Would
3 you like me to explain?

4 JUDGE MIDDENDORF: Let's just take this
5 bit by bit.

6 Ms. Sut, can you hear me? Ms. Sut, we
7 can't hear you.

8 All right, I'm going to skip ahead to --
9 oh, sorry, there we go.

10 Ms. Sut, can you hear me? I can't hear
11 you. I can't hear Ms. Sut. Mr. Diaz, are you able
12 to hear her?

13 THE INTERPRETER: No, I can't hear yet.

14 JUDGE MIDDENDORF: It looks like she's
15 muted.

16 MS. WENGER: Your Honor, Elena Sut is off
17 mute in the Web Ex, but maybe she doesn't have a
18 microphone active.

19 JUDGE MIDDENDORF: Ms. Sut, we can't hear
20 you.

21 Ms. Wenger, my screen shows she's muted.

22 MS. SUT REM: Thank you.

23 JUDGE MIDDENDORF: Ms. Sut, so please
24 pause in your comments to allow the interpreter to
25 translate them into English for our court reporter.

1 (WITH TRANSLATION)

2 MS. SUT REM: Of course, I will do that.

3 JUDGE MIDDENDORF: Thank you. Whenever
4 you're ready.

5 MS. SUT REM: My name is Elena Gregoria
6 Sut Rem, E-l-e-n-a G-r-e-g-o-r-i-a S-u-t, last name
7 R-e-m.

8 Well, as a member of the community, I
9 consider that it is very important to have access to
10 an environment as healthy for our families, and I
11 consider that things like the nature, that they're
12 not easy to replace and we cannot buy nature.

13 I know that as a human we have the right
14 to be healthy, and every human being has the right
15 to a healthy environment, to have good health, and
16 we know that money cannot pay for things that cause
17 pain. You cannot pay for the pain that a mother
18 suffers when she sees her child suffer, or maybe see
19 a relative that's suffering because of an illness.

20 When we talk about the cumulative impact,
21 this cumulative impact is what we talk about as just
22 a small actions, or acts, that keep accumulating and
23 they will provoke or cause -- at any time a disaster
24 can be caused.

25 And as we know, nature doesn't have

1 borders and what we do here in one place will impact
2 other countries, other places. So what we do here
3 will impact in the whole humanity. We don't have
4 another world, we don't have another planet where
5 people live. We only have this one and that's why
6 we have to take care of it.

7 That's why I think it's very necessary
8 that in the cumulative impact act or law they take
9 into account the opinions of the community. Because
10 it is the Minnesota community who will be impacted
11 by the industry or the actions that the industry
12 that is affecting the nature, of a teenager, sorry.

13 As a mother, or maybe later as a
14 grandmother, I'd like to see my children and my
15 grandkids running in parks, breathing fresh air and
16 being able to see green rivers and lakes. When I
17 see everything it's -- I see impacts that are being
18 caused worldwide in nature. We saw flaws, we see
19 fires, great fires, and that's what concerns me,
20 because we're not prepared to handle those episodes.

21 That's why all the actions done by the
22 industry should be regulated, and it should be a
23 conscious regulation, taking into account the
24 community and the health of the community.

25 Thank you very much for listening to me.

1 That's what I had to say this afternoon.

2 JUDGE MIDDENDORF: Thank you so much.

3 All right. Our next commenter is Renato
4 Morales, and Renato Morales has also requested
5 Spanish interpretation. Good afternoon, sir.

6 (WITH TRANSLATION)

7 MR. MORALES GALAN: Good afternoon. My
8 name is Byron Renato Morales Galan, B-y-r-o-n
9 R-e-n-a-t-o M-o-r-a-l-e-s, and the other last name
10 is G-a-l-a-n. I live at the 240 University Avenue
11 in Anoka, Minnesota.

12 Well, thank you very much for giving me
13 the opportunity. I have been a very interested in
14 the environment and I have been participating as a
15 panelist when they try to establish the rules in
16 this project that we're addressing this time.

17 And I have been reading the project and I
18 know -- I consider that I have been able to read the
19 complete project. I can tell you that I'm concerned
20 about the pollution, because as sometimes the water
21 that's supposed to be drinkable has an odor. And I
22 have had problems myself in my hands and the doctor
23 said that maybe it's related to the exposure to cold
24 or other things.

25 The country where I come from has

1 suffered floods and also fires, and the forest fires
2 there are being caused by the pollution, but also
3 the pollution is caused by the global warming.

4 And there are statistics that show that
5 the violent crime statistics -- or incidents of
6 violent crimes increases when the temperature rises,
7 when we have dense heat in the summer, along with
8 other factors. We've also seen that suicide
9 incidents has increased because the winters are
10 harsher.

11 That's why the cumulative impact project
12 should be should be prepared in a comprehensive way,
13 in a very complete way, in order to apply the rules
14 and those rules has to be clear. If you could see
15 the rules that have been written, there are no
16 definitions there yet. For example, there's no
17 definition of the cumulative impact or definition of
18 the stress factors. It doesn't have a definition
19 either of the ratifying the CBA ratification, we
20 don't know yet.

21 It also says there that we're working on
22 protecting air and water, but nature includes also
23 the wildlife, both plant life and animal life. It
24 does not have a definition for pollution, because we
25 could have different criteria to define pollution.

1 And also some of those definitions will
2 benefit industry, because it depends who writes
3 those definitions. Also, the rules written out
4 haven't defined what would be the principles for the
5 environment -- or environmental principles. For
6 example, you have the precaution or caution
7 principle, or the preventative principle, and that
8 regulates what would be the process for authorizing
9 done by the agency.

10 When the agency authorizes something they
11 should be based on those principles, both the
12 precautionary and the preventive principle. For
13 example, we have a principle we called pro-nature
14 principle, because that principle is something that
15 we should use to base the decisions, the decisions
16 to protect nature and benefit of the nature.

17 I could say that what we need is about 12
18 definitions and rules and regulations, and the same
19 numbers of principles to protect the environment.
20 If we ever have a trial to correct things, it will
21 be in the courts, the judges will have a hard time
22 deciding because there are weaknesses in the north.
23 It will be difficult for the attorneys to explain
24 what happened, to be able to understand, which were
25 the causes of the pollution.

1 If we don't have the principles in the
2 law it will be a blank law. It will be necessary to
3 read textbooks or other references to be able to
4 apply the law.

5 Well, thank you very much for listening
6 to me and I really thank the opportunity to address
7 the group. I was able to listen to the
8 contributions and I think that it will be necessary
9 to participate, to contribute to the wellness of not
10 only this country but other places of the world.

11 JUDGE MIDDENDORF: Thank you so much.

12 MR. MORALES GALAN: You're welcome.

13 JUDGE MIDDENDORF: All right. Our next
14 commenter is Sasha Lewis-Norelle. I see your
15 comment, Mr. Lewis Norelle, we'll give you a moment.

16 Ms. Perez Barrios, I see your comment as
17 well as Josephina's. Thank you very much. I will
18 look for that and we'll follow up. So thank you.

19 Mr. Lewis Norelle, can you give it a try?

20 All right. I'm still not able to hear
21 Mr. Lewis Norelle. We'll come back to you,
22 Mr. Lewis Norelle.

23 How about Audua Pugh.

24 MS. PUGH: I'm here. Can you hear me?

25 JUDGE MIDDENDORF: I can hear you, yes.

1 Thank you. Whenever you're ready.

2 MS. PUGH: Yep, I'm ready. My name is
3 Audua Pugh, first name Audua, A-u-d-u-a, last name,
4 Pugh, P, as in Paul, u-g-h.

5 I have been living in North Minneapolis
6 for the past 20 years. When I moved to North
7 Minneapolis I did not have any breathing issues.
8 Over the past 20 years I have gained a wheeze, where
9 at night, I'm going to tell you how bad it was. One
10 night I was dreaming that I was -- that I heard a
11 noise, and I kept saying what is that noise, what is
12 that noise, and I was yelling so loud in my dream,
13 and I woke up, it was me, because I was wheezing in
14 my sleep, that's how bad it was. I gained that
15 wheeze because -- I'm not just going to say because
16 of the HERC, I'm going to say because we do live in
17 a cumulative area concentration of pollutants. We
18 do.

19 But I also believe that because 94 and
20 the HERC is there polluting our air, that's what
21 makes it bad for us in North Minneapolis. Now, 94
22 can't go anywhere, right, but the HERC can.

23 In 2024 I was, yeah, 2024, May of 2024, I
24 was diagnosed with HER2 positive invasive carcinoma,
25 which means I had breast cancer. It is not in my

1 family. It is not genetic in my family. But I do
2 believe that I got breast cancer because of the
3 population in the area in which I live.

4 Again, we have a concentration of
5 pollution. But the gap is already closed, yeah. 94
6 can't go anywhere, but the HERC can. We -- our air
7 quality in North Minneapolis every day is between
8 medium and poor air quality, and this is every day
9 of our lives. And I've been living here 20 years,
10 not to mention the people that have been living here
11 all of their lives, and so I believe that this is
12 also because of this concentration of pollution that
13 we have in our area. And it's making us sick and
14 it's killing a lot of us and something has to be
15 done. And, again, since 94 can't go anywhere, the
16 HERC can.

17 The biggest thing about the HERC being
18 placed here in, what was it, 30 years ago when it
19 was created, people didn't want it in their back
20 yard, so they put it over here intentionally.
21 Anywhere you read you know that this is the truth.
22 And so now that we know that this is making us sick
23 and so we know better, so we should do better, then
24 that means that we have to -- and we also know that
25 our air has impacted people's health, in the fact

1 that they're dying, people are dying around us not
2 taking care of -- and our earth is dying actually
3 too, because we are not taking care of our gift,
4 which is this earth. We're not taking care of our
5 air, right, and these are the consequences behind
6 it. So because we know better we need to do better,
7 and because we need to do better removing -- taking
8 the HERC down and finding another way to manage our
9 waste has to be done. It has to be, or we're
10 going -- we are going to not exist anymore.

11 When I think about all these little
12 babies that's being born in 2026, will they grow up
13 to be almost 60 years old like I am? Because we are
14 not taking care of our gift, which is the earth, we
15 are not taking care of it properly. Which is
16 impacting our health, our lives, the people, the
17 plants.

18 So we have to do better because we know
19 better. And because we have all this technology and
20 all these things now, there is a better way and all
21 we have to do is come together to agree. And one of
22 the things that we can do to manage our own waste is
23 that we can actually make it mandatory that we
24 recycle, and organics recycle. From a state and
25 local law we can do that, and I'm going to suggest

1 that we do do that, because if we don't, in a little
2 while we may not be here. That's just something to
3 think about.

4 I appreciate your time. You have a good
5 day.

6 JUDGE MIDDENDORF: Thank you. I
7 appreciate your time and you also have a good day.

8 Okay. Let's go back and give Sasha
9 Lewis-Norelle another try. It looks like he is with
10 Evan?

11 MR. LEWIS-NORELLE: Can you hear me?

12 JUDGE MIDDENDORF: Yes, thank you.

13 MR. LEWIS-NORELLE: So sorry about
14 before, I don't know what was happening with my
15 laptop audio.

16 Well, thank you, Your Honor. My name is
17 Sasha Lewis-Norelle, that's S-a-s-h-a
18 L-e-w-i-s-N-o-r-e-l-l-e, and I am speaking today on
19 behalf the Frontline Communities Protection
20 Coalition, a group of environmental and community
21 organizations fighting to address systemic
22 injustices in our regulatory system.

23 We have been involved in cumulative
24 impacts since 2019, including helping to pass this
25 bill into law in 2023. We've closely followed the

1 rulemaking process and appreciate the work of
2 everyone involved in implementation to this point.

3 I'll try to keep my comments brief as
4 we've already submitted a lengthy written comment,
5 but I would like to reiterate our three main points.

6 This law is very important to our
7 communities who are fighting for protection from
8 pollution and for healthier communities. We hope
9 that our feedback will be taken into consideration
10 and that these rules will be updated to better
11 protect communities from pollution, while providing
12 more clarity to all parties involved.

13 First, on permit re-issuances, we believe
14 that enforcement actions should not be the only
15 benchmark for requiring a cumulative impacts
16 analysis for facilities seeking permit re-issuance.
17 Others have mentioned this before, but this law was
18 passed in large part because environmental justice
19 communities are already facing a significant
20 cumulative impacts burden.

21 In order to address this existing burden
22 we must set benchmarks based on total emissions from
23 a facility, as well as the existing environmental
24 and public health stressors in the community.

25 Second, on the contents of the cumulative

1 impacts analysis, we have significant concerns with
2 leaving the main determination of substantial
3 adverse impacts as a discretionary decision by the
4 Commissioner. We believe that the analysis should
5 provide an objective determination based on the
6 facility's contribution to existing environmental
7 stressors and whether the community is already
8 facing an adverse cumulative stressor. This will
9 reduce uncertainty around a major decision point for
10 these rules for all parties involved.

11 And, finally, on community benefit
12 agreements, we do not believe that this section of
13 the rule fulfills the requirements of the law. The
14 statute clearly states that unless the Commissioner
15 enters into a community benefit agreement the
16 Commissioner must deny a permit that would have a
17 substantial adverse impact.

18 The current rule lacks any criteria for
19 denying a community benefit agreement and only
20 outlines when an agreement must be accepted. It is
21 suggests that there are no circumstances under which
22 a community benefit agreement, and thus a permit,
23 would be denied by the agency.

24 We believe that these three rules are --
25 or these three issues are central to improving these

1 rules. Without addressing them these rules will
2 fail to address existing burden of pollution and
3 will cause confusion and uncertainty around decision
4 making.

5 Thank you again for your time.

6 JUDGE MIDDENDORF: Thank you so much for
7 your comment.

8 Mr. Diaz, I believe our next -- Ms. Perez
9 Barrios or Anders Vargas or Josefina Geronimo in
10 need of interpretation? They do not. Thank you,
11 Mr. Diaz.

12 So our next speaker will be Anders
13 Vargas, please.

14 MR. VARGAS: Good afternoon, Your Honor.
15 Can you hear me?

16 JUDGE MIDDENDORF: I can, thank you.

17 MR. VARGAS: Let me start with the
18 comment, just give me one second, please.

19 My name is Anders Vargas, that is
20 A-n-d-e-r-s, Vargas, V-a-r-g-a-s.

21 I am an environmental engineer, and back
22 in 2024 I worked as a soccer coach at (inaudible)
23 Park, primarily with children and families from the
24 surrounding community. During the summer I
25 regularly give children water breaks, especially

1 during high temperatures. Around that time I was
2 able to understand and acknowledge the environmental
3 concerns surrounding the Felix community.

4 Also, in 2024, after an EPA inspection, a
5 settlement was reached that ultimately resulted in
6 the end of the facility's foundry operations. After
7 an inspection, where they were exceeding particulate
8 matter emissions limit and (inaudible) to the
9 operation of pollution control equipment and require
10 record keeping.

11 Learning that made me pay much closer
12 attention to the environmental conditions
13 surrounding the children I was responsible for.

14 I remember noticing visible particulates
15 in water from a drinking fountain used by the
16 children at the park. I also noticed something
17 similar in tap water at Holy Rosary Church. I want
18 to be very clear about this, I did not collect
19 samples and I cannot say what that material was,
20 whether it represented a health risk or where it
21 came from. I am not claiming that it came from Esme
22 Foundry.

23 However, as an environmental engineer
24 with a background in waste water treatment and water
25 quality, seeing this concerned me. That is why I

1 encourage to send in their own drinking water.

2 There were other environmental pressure
3 as well. Traffic and highways noise sometimes made
4 it difficult for me to communicate with the children
5 during soccer practice.

6 I also monitor air quality and emissions.
7 And when conditions were poor there were times when
8 I moved activities indoors to reduce their exposure.
9 I did not like to take that experience away from
10 them. Those children experienced the highway
11 traffic, air pollution, industry emissions, noise,
12 water concerns, extreme summer heat, and every other
13 environmental stressors in that neighborhood at the
14 same time.

15 That is what I believe our environmental
16 regulations need to recognize. A child playing
17 soccer does not experience pollution (inaudible) at
18 the time. They experience industrial emissions,
19 traffic pollutions, noise, heat and other
20 environmental stressors together, as I mentioned.

21 I ask in this case that -- and also the
22 MPCA to create a strong enforceable cumulative
23 impacts rules that concerns the total environmental
24 burden a community is already carrying.

25 Environmental protection should not begin

1 only after we can prove that harm has already
2 occurred. We should prevent the harm from happening
3 in the first place.

4 Thank you, Your Honor.

5 JUDGE MIDDENDORF: Thank you so much,
6 Mr. Vargas.

7 All right. Josefina Geronimo.

8 MS. GERONIMO: Yes, good afternoon. Are
9 you able to hear me?

10 JUDGE MIDDENDORF: I am, thank you.

11 MS. GERONIMO: Okay, thank you. Again,
12 thank you for the opportunity to speak about
13 Minnesota's cumulative impacts law. My name is
14 Josefina Geronimo. Josefina, J-o-s-e-f-i-n-a,
15 Geronimo, G-e-r-o-n-i-m-o.

16 I live right on the border between North
17 Minneapolis and Northeast Minneapolis. I also live
18 in an environmental justice area.

19 I'm here today because this law directly
20 affects the daily reality of my neighborhood and the
21 communities I work with.

22 Before moving to Minnesota in May of 2023
23 I experienced a three week evacuation due to a major
24 fire in California in 2021. That experience showed
25 me the direct impact of institutional ineptitude.

1 How gaps in planning, communication and
2 accountability can lead to real harm and long term
3 disruptions for families.

4 When agencies fail to act responsibly or
5 proactively communities pay the price. That
6 evacuation shaped how I understand environmental
7 risk and why strong protections matter.

8 When I arrived in Minnesota I saw many of
9 those same patterns reflected here, especially in
10 front line neighborhood.

11 Since moving here I have been actively
12 involved in community spaces with COPAL, that's
13 C-O-P-A-L, the Met Council Ceed, that's C-E-E-D, and
14 the MPCA to understand the cumulative impacts law,
15 share feedback and connect it to what I have lived
16 through in both states.

17 Living in an environmental justice area
18 has made cumulative impacts extremely tangible.
19 There are days when we cannot open our windows
20 because the smell in the air is overwhelming.
21 Children in our neighborhood are not always able to
22 play outside. People cannot reliably walk, jog or
23 exercise outdoors. Even simple things like star
24 gazing, enjoying fresh air or taking a peaceful
25 evening walk are affected by pollution and

1 industrial activity around us. These daily
2 limitations change how we experience home and
3 community.

4 In my work I have also seen how outreach
5 without cultural humility or meaningful partnership
6 can unintentionally perpetuate inequities. When
7 agencies rely on inaccessible communication, one
8 time consultations or approaches that do not reflect
9 community realities, residents feel extracted from
10 rather than included.

11 I have learned how critical it is to meet
12 people where they are, communicate excessively and
13 build trust through sustained engagement, not
14 performative or short term efforts.

15 This law presents a real opportunity to
16 move towards responsible community centered
17 environmental policy. It requires the State to look
18 at the full picture, not just one pollution source
19 at a time, and also the combined burden from the
20 past that made neighborhoods like mine carry day
21 after day.

22 Strong rules protect communities that
23 already disproportionate harm, especially low income
24 communities and communities of color. They prevent
25 agencies from repeating the same patterns of neglect

1 or ineptitude that leaves families vulnerable and
2 exposed.

3 I strongly urge the MPCA to adopt firm
4 community led rules with no loopholes or exceptions.
5 We need protections to put public health ahead of
6 industrial expansion and acknowledge the realities
7 of residents in EJ areas. When agencies uplift
8 community voices, prioritize culturally responsive
9 outreach and commit to long term partnership we move
10 toward environmental decision making that is just,
11 effective and truly accountable.

12 Thank you again for your time and
13 commitment to this work.

14 JUDGE MIDDENDORF: Thank you,
15 Ms. Geronimo.

16 Okay. That is the end of the comment
17 list that I can see. Is there anyone who else who
18 would like to speak? If you do, if you're on the
19 phone, you can press star 3 or indicate in the chat.

20 Okay, I'm not seeing any additional
21 comment requests. However, in looking at the Notice
22 of Hearing we did state that comments would remain
23 open until at least six p.m. and so why don't we go
24 off the record. We'll come back at five minutes to
25 six or 5:55 and we'll take stock again.

1 If anyone who is still on our meeting
2 want to say comment or has additional comments
3 they'd like to offer please indicate in the chat.
4 We do have some time. Thanks, everybody. I'll see
5 you back at 5:55.

6 (A brief recess was taken at this time.)

7 JUDGE MIDDENDORF: Welcome back,
8 everyone. This is my final call for comments. If
9 you would like to make a comment please indicate
10 such in the chat or press star 3 if you are
11 participating by telephone.

12 All right. Why dont' we go to the next
13 slide.

14 Okay. So just a few final remarks and I
15 will say farewell to everyone.

16 First and most importantly, comment
17 deadline reminder. I did see in the chat some folks
18 are, and a few commenters mention that they would
19 file written comments. So remind everybody that
20 deadline is September 21st, 2026, at 4:30 p.m., and
21 using eComments is going to be really the easiest
22 way I think for you to comment in writing. So I
23 highly encourage that. It is docket number
24 21-9003-39398. If you are commenting in writing
25 outside of eComments, it's really, really important

1 that you put that docket number on your written
2 submission so that it gets connected up with the
3 right file. That, again, is docket number
4 21-9003-39398.

5 And any rebuttal comments, that's
6 comments about comments or responses to comments
7 that have already been made, as opposed to new
8 comments, those are going to be due no later than
9 4:30 p.m. on September 28th, 2026. That's September
10 28, 2026, by 4:30 p.m., and you need to do that, you
11 need to meet those deadlines to have your comments
12 considered as part of the record.

13 I review every submission from the
14 public. I review all of the materials that the MPCA
15 submits and I take a look at the law in forming a
16 determination about whether the MPCA has followed
17 the law and the rules are needed and reasonable.

18 My decision will come out approximately
19 30 days from September 28th, so near the end of
20 October.

21 I want to say thank you to everyone who
22 joined our hearing today, whether that is to learn
23 more about the rules or to show support for it or to
24 talk about how it could be improved.

25 One of the things that really struck me

1 as I listened to all of the comments this afternoon
2 was how long some of you have been invested in this
3 process, both from the statute -- advocating for the
4 passage of the statute to participating in the
5 rulemaking process. And your presence here tells
6 me, and that this hearing was as well attended as it
7 has been, tells me this is really important to a lot
8 of people and a lot of communities, and that is
9 something that I will certainly give serious
10 consideration to. And it does help, it helps me to
11 understand how this rule might work or where it
12 could be problematic, when I hear from folks like
13 everybody who has attended today who can share their
14 thoughts on the rule and help me to better
15 understand it. So thank you so much.

16 I understand your time is valuable and we
17 are at the waning days of summer. So with that I
18 will just say thank you and we can go ahead and
19 adjourn.

20 Have a wonderful evening and thank you
21 again for your time.

22 (Proceedings adjourned at 6:01 p.m.)
23
24
25

1 STATE OF MINNESOTA)

2 COUNTY OF HENNEPIN)

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REPORTER'S CERTIFICATE

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I, Jonna Schrupp, do hereby certify
that the above and foregoing transcript,
consisting of the preceding 86 pages is a
correct transcript of my stenographic notes of
the proceedings to the best of my ability.

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Dated September 11, 2026

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/s/ Jonna Schrupp
JONNA SCHRUPP
Stenographic Court Reporter

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