



Cumulative Impacts Rule
Hearing and Post-Hearing Response to Comments

Revisor ID No. R-04805
CAH Docket No. 21-9003-39398

September 2026

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Introduction

This document contains the response to the public testimony provided during the public hearing held on September 1, 2026, and the public comments received during the post-hearing public notice regarding the Minnesota Pollution Control Agency's (MPCA's) Notice of Intent to Adopt Rules With a Hearing (Notice) published May 18, 2026. 14 commenters provided verbal testimony during the rule hearing on September 1, 2026. As of 4:00 pm on September 18, 2026, one commenter has submitted comments to the Court of Administrative Hearings' eComments website or via U.S. mail for the post-hearing comment period that ends at 4:30 pm on September 21, 2026.

The MPCA appreciates the thoughtful and thorough comments that were received during the public hearing and post-hearing comment period for this rule. The agency has provided its responses to those comments below, and where possible, has grouped similar comments together to provide a single response. For comments received during the post-hearing comment period that are not listed in this document, the MPCA will respond in a future response document.

List of interested parties

The following is a list of interested parties who submitted verbal testimony or written comments on the proposed rules during the public hearing held on September 1, 2026, or the post-hearing public comment period from September 1, 2026, through September 18, 2026 (with the post-hearing period set to close September 21).

Table 1. List of interested parties

Commenter ID	Date	Commenter Name	Organization Name	Notes
062	September 1, 2026	Justice Jones		Verbal testimony
063	September 1, 2026	Danielle Tietjen		Verbal testimony
064	September 1, 2026	Taisia Cleveland		Verbal testimony
065	September 1, 2026	Michelle Garvey		Verbal testimony
066	September 1, 2026	Roxxanne O'Brien		Verbal testimony
067	September 1, 2026	Hannah Resendiz-Olson		Verbal testimony
068	September 1, 2026	Marita Bujold		Verbal testimony
069	September 1, 2026	Monserrat Perez Barrios		Verbal testimony
070	September 1, 2026	Elena Gregoria Sut Rem		Verbal testimony, interpretation provided by CAH interpreter
071	September 1, 2026	Byron Renato Morales Galan		Verbal testimony, interpretation provided by CAH interpreter
072	September 1, 2026	Audua Pugh		Verbal testimony
073	September 1, 2026	Sasha Lewis-Norelle	Frontline Communities Protection Coalition	Verbal testimony
074	September 1, 2026	Andrés Vargas		Verbal testimony
075	September 1, 2026	Josefina Geronimo		Verbal testimony
076	September 7, 2026	Natasha Villanueva		

General comments

The MPCA received 19 general comments that were not specific to any rule part, which are identified and responded to below.

General support for the proposed rule

1. The MPCA received eight comments that expressed general support for the proposed rule, for specific requirements identified in the proposed rule, and/or the goals of the proposed rule. These comments are identified and responded to below.
2. Some commenters included a summary/overview of their comments alongside their comments expressing general support. In some cases, commenters also included statements expressing support for adopting more stringent rules or improvements to the proposed rules identified elsewhere in their comments. While these summary/overview statements are also identified alongside the commenter's general support, the more detailed comments provided by the commenter are responded to elsewhere in this document.
3. **Garvey-065-01:** Michelle Garvey stated, "My name is Michelle Garvey. I'm a mother in Minneapolis. I'm an urban farmer and I'm an environmental justice scholar and educator and community advocate for the past ten, fifteen years. I created the University of Minnesota's Systems First Environmental Justice course about ten years and have been teaching it ever since and over the years have been doing that in partnership with frontline community leaders, which led me to advocate early on for this cumulative impacts law. So I'm really happy to be a part of it and continue shaping it, along with the whole team that's here today, so thanks to all of you.

I just wanted to make mention of four brief points regarding community benefit agreements. Community benefit agreements, or CBAs, should benefit community impacted and should especially benefit people of color, indigenous, low income and/or people with limited English proficiency."
4. **O'Brien-066-01:** Roxxanne O'Brien stated, "Thanks for giving the community the opportunity to speak today. My name is Roxxanne O'Brien. So I've been doing this work for quite a long time in my community. One of the organizers who had to organize a campaign around a pollution facility in my neighborhood, known as Northern Metals, sorry, I'm a little nervous, and so it's just been a long fight.

So I was actually the first community member to work with Fu Lee on this bill, so we've come a long way and here we are today. Thank God, we're getting closer to implementing this bill. But it has been weakened during the process with MPCA, and so we want to just reiterate our points and what is really important for the MPCA, to help them to create these rules and hopefully for you to hold them accountable to that as well."
5. **Resendiz-Olson-067-03:** Hannah Resendiz-Olson stated, "Health and environmental impacts must be a priority through the rulemaking process to ensure protection from further irreparable harm to our health and safety. On behalf of myself and HPHC I appreciate the opportunity to submit further comments and recommendations in support of the effective implementation of this groundbreaking law and its anticipated contribution to equity and public health. Thank you."
6. **Bujold-068-03:** Marita Bujold stated, "And finally, the MPCA and the State of Minnesota must adequately fund and staff this work. This will take significant effort to include communities in this process complete and review the analysis and implement the final outcomes. Without proper funding and staffing levels the benefits of this work will be delayed for the communities that have already been waiting for government to be responsive to their needs. Normalizing environmental

justice in our state's planning is a practical necessity with enduring impacts. Thank you very much for taking our concerns seriously."

7. **Perez Barrios-069-01:** Monserrat Perez Barrios stated, "My name is Monserrat Perez Barrios. I work for COPAL, Communities Organizing Latino Power and Action. I thank you for the opportunity to provide comment and I also thank the Minnesota Pollution Control Agency for all the work they have done throughout these past three years of rulemaking.

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

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

8. **Rem-070-01:** Elena Gregoria Sut Rem stated, "My name is Elena Gregoria Sut Rem. Well, as a member of the community, I consider that it is very important to have access to an environment as healthy for our families, and I consider that things like the nature, that they're not easy to replace and we cannot buy nature.

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

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

And as we know, nature doesn't have borders and what we do here in one place will impact other countries, other places. So what we do here will impact in the whole humanity. We don't have another world, we don't have another planet where people live. We only have this one and that's why we have to take care of it.

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

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

That's why all the actions done by the industry should be regulated, and it should be a conscious regulation, taking into account the community and the health of the community. Thank you very much for listening to me. That's what I had to say this afternoon."

9. **Frontline Communities Protection Coalition-073-01:** The Frontline Communities Protection Coalition stated, "Well, thank you, Your Honor. My name is Sasha Lewis-Norelle, and I am speaking today on behalf the Frontline Communities Protection Coalition, a group of environmental and community organizations fighting to address systemic injustices in our regulatory system.

We have been involved in cumulative impacts since 2019, including helping to pass this bill into law in 2023. We've closely followed the rulemaking process and appreciate the work of everyone

involved in implementation to this point.

I'll try to keep my comments brief as we've already submitted a lengthy written comment, but I would like to reiterate our three main points. This law is very important to our communities who are fighting for protection from pollution and for healthier communities. We hope that our feedback will be taken into consideration and that these rules will be updated to better protect communities from pollution, while providing more clarity to all parties involved."

10. **Geronimo-075-03:** Josefina Geronimo stated, "This law presents a real opportunity to move towards responsible community centered environmental policy. It requires the State to look at the full picture, not just one pollution source at a time, and also the combined burden from the past that made neighborhoods like mine carry day after day.

Strong rules protect communities that already disproportionate harm, especially low income communities and communities of color. They prevent agencies from repeating the same patterns of neglect or ineptitude that leaves families vulnerable and exposed.

I strongly urge the MPCA to adopt firm community led rules with no loopholes or exceptions. We need protections to put public health ahead of industrial expansion and acknowledge the realities of residents in EJ areas. When agencies uplift community voices, prioritize culturally responsive outreach and commit to long term partnership we move toward environmental decision making that is just, effective and truly accountable. Thank you again for your time and commitment to this work."

MPCA RESPONSE

11. The MPCA appreciates the statements of support for the proposed rule.

Support for comments provided by other commenters

12. The MPCA received two comments expressing support for comments submitted by people/groups other than the commenter. Commenters expressed support for comments submitted by others as identified and responded to below.
13. **Tietjen-063-04:** Danielle Tietjen stated, "I want to make note that this has been worked on by dozens of women and women of color, and I stand here in solidarity with them to speak to this because I've had the time to be able to do that. I'm a local community gardener and beekeeper in North Minneapolis. I consider it my home and love it dearly and this is deeply important to center a community and ensure that they are the center of the process and included in every piece of this process. Thank you."
14. **Perez Barrios-069-06:** Monserrat Perez Barrios stated, "Finally, I ask that you listen closely to the community members present in this room today. They are prepared to share testimonies on behalf of our neighborhood or families and our children about what this law means in their daily lives, their health and their future. Thank you, Your Honor, for your time and consideration today."

MPCA RESPONSE

15. The MPCA notes the commenters' statements of support for comments provided by other individuals and organizations. The MPCA acknowledges and appreciates the efforts of other individuals and organizations who engaged in the rulemaking process and encouraged/enabled others to participate as well.

General pollution impacts

16. The MPCA received eight comments that expressed general concern toward the pollution impacts

within designated environmental justice areas. Commenters expressed the desire to live in healthy communities, free of pollution and the impact of large pollutant industries.

17. **Jones-062-01:** Justice Jones stated, “Hello. My name is Justice Jones. I currently live in Uptown but I was born and raised in North Minneapolis. For me, I imagine living in a community that takes the health of the residents that are there seriously.

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

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

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

The bill that we're talking about today was written with this fight in mind. Around my time in this work I've learned that north side is not the only area with major pollution that has adverse public health impacts. Places like Smith Foundry, Roof Depot and Owens Corning have created the necessity for green zones that many people reference today, that we just saw kind of in the earlier presentation.”

18. **Cleveland-064-01:** Taisia Cleveland stated, “I'm Taisia Cleveland, I'm 24. I previously testified on this with Fu Lee a few years back. So I'm just going to get right into it. The real and measurable impacts on racism should be included in all cumulative impacts analysis and called out explicitly.

You cannot address disproportionate impacts if you do not take into account the impacts from racism. A 2014 University of Minnesota study showed that people of color are exposed to nearly 40 percent more polluted air than white people. And Minnesota is among the top 15 states in this nation with the largest exposure gaps between people of color and whites.

Racism, both as interpersonal discrimination and as a structural form of oppression disproportionately and negatively impacts the health outcomes of people of color. Pollution has greater negative impacts because of the system that disadvantage people of color, and this compounding effect should be represented in cumulative impacts analysis. These disparities must be addressed directly with race and racism included intentionally. Anything else fails to address the disparities that exist and further disadvantages people of color. The MPCA must show direct action in mitigating its role and perpetuating structural racism and radically disparate health outcomes in our state. That's it. Thank you for your time.”

19. **Resendiz-Olson-067-01:** Hannah Resendiz-Olson stated, “Hello. My name is Hannah Resendiz-Olson and I live in an environmental justice area in North Minneapolis. I'm a volunteer with Health Professionals for a Healthy Climate, HPHC, and I also work in local public health. I'm deeply passionate about protecting community health in my neighborhood and others. The cumulative impacts or CI law is of great interest to me, as I have seen the deep harms done to communities without their voices being heard. We feel the harmful impacts of polluting facilities, like the HERC, and continued poor air quality and neglect in our area. There are so many factors that impact our health here, the lack of investment, job opportunities, public green spaces and more all contribute to the stressors and quality of life in our area.

I am deeply concerned about the current lack of methods to address substantial adverse impacts to public health and safety. HPHC's report on climate justice and public health in Minnesota explains

how institutional racism has resulted in people of color being more likely to live in neighborhoods with concentrated poverty and with gaps in education, employment, generational wealth, housing and health care access.”

20. **Morales Galan-071-01:** Byron Renato Morales Galan stated, “Good afternoon. My name is Byron Renato Morales Galan. Well, thank you very much for giving me the opportunity. I have been a very interested in the environment and I have been participating as a panelist when they try to establish the rules in this project that we're addressing this time.

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

The country where I come from has suffered floods and also fires, and the forest fires there are being caused by the pollution, but also the pollution is caused by the global warming.

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

21. **Pugh-072-01:** Audua Pugh stated, “My name is Audua Pugh. I have been living in North Minneapolis for the past 20 years. When I moved to North Minneapolis I did not have any breathing issues. Over the past 20 years I have gained a wheeze, where at night, I'm going to tell you how bad it was. One night I was dreaming that I was -- that I heard a noise, and I kept saying what is that noise, what is that noise, and I was yelling so loud in my dream, and I woke up, it was me, because I was wheezing in my sleep, that's how bad it was. I gained that wheeze because -- I'm not just going to say because of the HERC, I'm going to say because we do live in a cumulative area concentration of pollutants. We do.

But I also believe that because 94 and the HERC is there polluting our air, that's what makes it bad for us in North Minneapolis. Now, 94 can't go anywhere, right, but the HERC can. In 2024 I was, yeah, 2024, May of 2024, I was diagnosed with HER2 positive invasive carcinoma, which means I had breast cancer. It is not in my family. It is not genetic in my family. But I do believe that I got breast cancer because of the population in the area in which I live.

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

The biggest thing about the HERC being placed here in, what was it, 30 years ago when it was created, people didn't want it in their back yard, so they put it over here intentionally. Anywhere you read you know that this is the truth. And so now that we know that this is making us sick and so we know better, so we should do better, then that means that we have to -- and we also know that our air has impacted people's health, in the fact that they're dying, people are dying around us not taking care of -- and our earth is dying actually too, because we are not taking care of our gift, which is this earth. We're not taking care of our air, right, and these are the consequences behind it. So because we know better we need to do better, and because we need to do better removing -- taking the HERC down and finding another way to manage our waste has to be done. It has to be, or we're

going -- we are going to not exist anymore.

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

So we have to do better because we know better. And because we have all this technology and all these things now, there is a better way and all we have to do is come together to agree. And one of the things that we can do to manage our own waste is that we can actually make it mandatory that we recycle, and organics recycle. From a state and local law we can do that, and I'm going to suggest that we do do that, because if we don't, in a little while we may not be here. That's just something to think about. I appreciate your time. You have a good day."

22. **Vargas-074-01:** Andrés Vargas stated, "My name is Andrés Vargas. I am an environmental engineer, and back in 2024 I worked as a soccer coach at (inaudible) Park, primarily with children and families from the surrounding community. During the summer I regularly give children water breaks, especially during high temperatures. Around that time I was able to understand and acknowledge the environmental concerns surrounding the Felix community.

Also, in 2024, after an EPA inspection, a settlement was reached that ultimately resulted in the end of the facility's foundry operations. After an inspection, where they were exceeding particulate matter emissions limit and (inaudible) to the operation of pollution control equipment and require record keeping. Learning that made me pay much closer attention to the environmental conditions surrounding the children I was responsible for.

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

However, as an environmental engineer with a background in waste water treatment and water quality, seeing this concerned me. That is why I encourage to send in their own drinking water.

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

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

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

I ask in this case that -- and also the MPCA to create a strong enforceable cumulative impacts rules that concerns the total environmental burden a community is already carrying. Environmental protection should not begin only after we can prove that harm has already occurred. We should prevent the harm from happening in the first place. Thank you, Your Honor."

23. **Geronimo-075-01:** Josefina Geronimo stated, "Again, thank you for the opportunity to speak about Minnesota's cumulative impacts law. My name is Josefina Geronimo. I live right on the border between North Minneapolis and Northeast Minneapolis. I also live in an environmental justice area.

I'm here today because this law directly affects the daily reality of my neighborhood and the communities I work with. Before moving to Minnesota in May of 2023 I experienced a three week evacuation due to a major fire in California in 2021. That experience showed me the direct impact of institutional ineptitude. How gaps in planning, communication and accountability can lead to real harm and long term disruptions for families.

When agencies fail to act responsibly or proactively communities pay the price. That evacuation shaped how I understand environmental risk and why strong protections matter. When I arrived in Minnesota I saw many of those same patterns reflected here, especially in front line neighborhood. Since moving here I have been actively involved in community spaces with COPAL, that's C-O-P-A-L, the Met Council Ceed, that's C-E-E-D, and the MPCA to understand the cumulative impacts law, share feedback and connect it to what I have lived through in both states.

Living in an environmental justice area has made cumulative impacts extremely tangible. There are days when we cannot open our windows because the smell in the air is overwhelming. Children in our neighborhood are not always able to play outside. People cannot reliably walk, jog or exercise outdoors. Even simple things like star gazing, enjoying fresh air or taking a peaceful evening walk are affected by pollution and industrial activity around us. These daily limitations change how we experience home and community."

24. **Villanueva-076-01:** Natasha Villanueva stated, "My name is Natasha Villanueva, and I am fortunate to be a resident of the Jordan neighborhood on the Northside for two years. I'm writing to advocate for the strongest possible cumulative impacts rule to safeguard me, my family, my neighbors, and to honor the legacy of organizers who spent their lives advocating for our health and environment such as Karen Clark. I attended the hearing with the intention of giving my comment live, however, I ran out of time because I needed to knock doors in my community to share information with my neighbors about the largest polluter in Hennepin County and my motivation for commenting, the Hennepin Energy Recovery Center (HERC). After renting a one-bedroom apartment with rising rents for ten years in Stevens Square-Loring Heights on the southside of HERC, my partner and I were fortunate to receive first time homebuyers' assistance and began our search for a vibrant, diverse place in the city filled with families where we could establish and invest ourselves. Our decision to choose Jordan neighborhood is affirmed each day as we walk our dog in nearby North Commons and Theodore Wirth Parks, vote at the Capri theater, or witness the strong response to the ICE occupation this past winter. My hope for our community's future is reparations, protection, and investment commensurate to its assets as well as historical marginalization. Polluters like HERC stand in the way of this future. Trash from residents, businesses, and suburban Hennepin County is transported by truck to burn in our backyard. The resulting toxic ash is deposited in a Rosemount, MN landfill. Our elected officials in the 1980s did not examine cumulative impacts when they ignored resistance to HERC being built in the first place nor the repeated pleas from residents to close it long after exceeding the proposed span of operation of 20 years. As I knock doors I listen to my neighbors' concern for our air quality, as well as their struggles with respiratory issues that lead to keeping their children indoors when they desire only to play. In fact, our zip code, 55411 has the highest rates of asthma in the state. When examined in conjunction with other polluters such as the surrounding highways that tore apart the fabric of our neighborhoods during redlining and resulting white flight, we cannot in good conscience allow HERC to continue burning. HERC runs on outdated permits without continuous monitoring of all pollutants it emits, and we not only have a right to know what is in our air, but a right to breathe freely."

MPCA RESPONSE

25. The MPCA notes the commenters' statements of concern regarding the impact that pollution has on

the environment and the people of Minnesota. These comments underline one of the primary reasons of this rulemaking: to create a methodology to analyze and understand the potential environmental and health impacts of issuing a permit for a facility located in, or within 1 mile of, an environmental justice area in the Twin Cities seven-county metropolitan area and cities of the first class.

Cumulative Impacts Mapping and Analysis Platform (CI-MAP)

Census data and census tract boundaries

26. The MPCA received one comment regarding the use of census data and census tract boundaries in the Cumulative Impacts Mapping and Analysis Platform (CI-MAP).
27. **Bujold-068-02:** Marita Bujold stated, “When defining environmental justice areas it is appropriate and necessary to use an error margin to conservatively assume a greater number of environmental justice areas and to keep in mind that since pollution moves and is not restricted by census boundaries that should help us understand why we need to make those areas larger.

Unless modeling and monitoring systems can show that the impacts from a facility do not contribute to negative health outcomes for people of color, low income people, or people with limited English proficiency, the MPCA should always assume a greater number of environmental justice areas exist. Not being directly counted in the census should not count against communities when it comes to addressing disproportionate impacts.

MPCA RESPONSE

28. These comments are similar to comments identified in paragraphs 427 to 437, under the “Census data and census tract boundaries” subheading in the MPCA response to notice comments (aq-rule2-25af).
29. Please see the MPCA’s response to comments regarding census data and census tract boundaries in paragraphs 438 to 445 in the MPCA response to notice comments (aq-rule2-25af).

Comments specific to the Proposed Rules

The MPCA received 38 comments regarding specific rule parts which are summarized and responded to below.

PART 7007.6010 DEFINITIONS

Creating a definition of “community”

30. The MPCA received one comment suggesting the addition of a definition for “community” with regard to the requested permit action and input for a community benefit agreement.
31. **Garvey-065-02:** Michelle Garvey stated, “So I want to first especially caution that these community members must be defined as impacted individuals. People who actually live in an EJ area, not as like third-party organizations or local government that might not have, you know, deep connections with all of the residents in an area.”

MPCA RESPONSE

32. These comments are similar to comments identified in paragraphs 584 to 585, under the “Creating a definition of “community”” subheading in the MPCA response to notice comments (aq-rule2-25af).
33. Please see the MPCA’s response to comments regarding creating a definition of community in

paragraphs 586 to 588 in the MPCA response to notice comments (aq-rule2-25af).

PART 7007.6020 APPLICABILITY AND PROCEDURES

Existing facilities and exemptions

34. The MPCA received two comments regarding the applicability of the proposed rules to existing facilities and whether the proposed rules provide a pathway for requiring existing facilities to conduct a cumulative impacts analysis.

35. **Jones-062-05:** Justice Jones stated, “Thank you so much for allowing me to speak again, I really appreciate that. I found the notes that I missed from my prior comments.

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

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

36. **Villanueva-076-02:** Natasha Villanueva stated, “We must subject permit renewal requests such as HERC's to the same high level of scrutiny as that of a new facility, even and especially if that results in its closure. When it comes to cumulative impacts, we need to examine not only how a facility adds to the pollution burden at a single moment in time, but how long it has been polluting.”

MPCA RESPONSE

37. These comments are similar to comments identified in paragraphs 590 to 602, under the “Existing facilities and exemptions” subheading in the MPCA response to notice comments (aq-rule2-25af).

38. Please see the MPCA's response to comments regarding applicability of the proposed rules for existing facilities and exemptions in paragraphs 603 to 612 in the MPCA response to notice comments (aq-rule2-25af).

Use of environmental stressors throughout the rule

39. The MPCA received one comment regarding how environmental stressors factor into various parts of the proposed rule.

40. **Villanueva-076-03:** Natasha Villanueva stated, “We must also measure the vulnerability of impacted neighborhoods. This vulnerability score on the Northside could include factors such as how many grocery stores and clinics are available to address food apartheid and the lack of access to preventative care and pharmacies to mitigate the devastating respiratory, cardiac, and cancer complications associated with air pollution from lead, particulate matter, PFAS etc. emitted from HERC. We could take into account area median income as well as the ratio of schools to the population of children and level of formal education of adults to assess the financial safety net and earning potential of families that have to absorb the detrimental effects of missing school and work when sick from pollution. Thank you for your time and energy spent ensuring a strong cumulative impacts rule that protects our people and environment as fiercely as polluters threaten our very existence.”

MPCA RESPONSE

41. This comment is similar to comments identified in paragraphs 635 to 638, under the “Use of

environmental stressors throughout the rule” subheading in the MPCA response to notice comments (aq-rule2-25af).

42. Please see the MPCA’s response to comments regarding the use of environmental stressors throughout the rule in paragraphs 639 to 642 in the MPCA response to notice comments (aq-rule2-25af).

PART 7007.6050 INITIAL ASSESSMENT

Benchmarks for reissuance permits

43. The MPCA received four comments regarding the benchmarks for reissuance permits.
44. **Jones-062-05:** Justice Jones stated, “In addition, the rules in this law don’t provide protections for community members from existing facilities. We are so, so appreciative that it does have a focus on permit expansion and the issuance of new permits; however, I believe that adjusting the benchmarks for permit expansions and re-issuances should be the same.

The MPCA should set a benchmark that considers total emissions from both stationary sources and proposed expansions, in addition to existing environmental and health stressors in communities. Without this change the word cumulative loses its meaning and the current language only requires new or increased emissions without consideration of the current ones. This fails to address the burdens that this law was designed to confront. So I just wanted to make sure that that was included as well.”

45. **Resendiz-Olson-067-02:** Hannah Resendiz-Olson stated, “There are also sacrifice communities, because pollution is more likely to be situated in these areas, including hazardous waste landfills, petrol chemical plants, industrial facilities, waste incinerators, fossil fuel infrastructure and more. This rings true for me in my experience as a resident of an EJ community. When I think about public health impacts and important actions to prevent the most harmful impacts on EJ communities, permit re-issuance is especially impactful. HPHC believes that permit re-issuances need benchmarks that are based on the pollution impacts of the facility and health and environmental conditions in the community, in addition to consideration of enforcement actions.

Considering enforcement action alone is not sufficient and the rules as written are not clear on how the benchmarks apply. Many EJ communities, including my neighborhood, are already facing a CI burden from decades of exposure to pollution from existing facilities. We strongly recommend creating an additional set of benchmarks for permit re-issuances based on emissions and existing community stressors and how the proposed facility will impact these stressors. This will ensure that these rules can begin addressing the existing CI burden.”

46. **Perez Barrios-069-02:** Monserrat Perez Barrios stated, “Furthermore, the threshold for recording community (inaudible) analysis is far too restrictive. Under the proposed rules a facility only undergoes an analysis or inspections if a specific environmental benchmarks are exceeded or enforcement actions occur. This means communities are forced to observe harms before the regulatory system decides to step in.”
47. **Frontline Communities Protection Coalition-073-02:** The Frontline Communities Protection Coalition stated, “First, on permit re-issuances, we believe that enforcement actions should not be the only benchmark for requiring a cumulative impacts analysis for facilities seeking permit re-issuance. Others have mentioned this before, but this law was passed in large part because environmental justice communities are already facing a significant cumulative impacts burden. In order to address this existing burden we must set benchmarks based on total emissions from a

facility, as well as the existing environmental and public health stressors in the community.”

MPCA RESPONSE

48. These comments are similar to comments identified in paragraphs 671 to 720, under the “Benchmarks for reissuance permits” subheading in the MPCA response to notice comments (aq-rule2-25af).
49. Please see the MPCA’s response to comments regarding benchmarks for reissuance permits in paragraphs 721 to 729 in the MPCA response to notice comments (aq-rule2-25af).

Benchmarks and impacts

50. The MPCA received one comment regarding the connection between benchmarks and environmental/health impacts.
51. **Tietjen-063-01:** Danielle Tietjen stated, “Hi, my name is Danielle Tietjen. I live in North Minneapolis and I’ve lived there for over 25 years and have been part of this process since it started years ago, and testified before. Because this makes me a little nervous I’m just going to read what I have here.

Community members appreciate the opportunity to provide testimony on the cumulative impact rulemaking decision process. We believe that benchmarks or actions should be based on a comparative analysis. If the risk impact or pollution in an area is greater than the average for the entire state or county then action should be taken to reduce that impact globally.”

MPCA RESPONSE

52. This comment is similar to comment identified in paragraph 745, under the “benchmarks and impacts” subheading in the MPCA response to notice comments (aq-rule2-25af).
53. Please see the MPCA’s response to comments regarding benchmarks and impacts in paragraph 746 in the MPCA response to notice comments (aq-rule2-25af).

MPCA review of an initial assessment

54. The MPCA received one comment regarding the review of the information contained within an initial assessment by MPCA and other interested parties.
55. **Tietjen-063-03:** Danielle Tietjen stated, “Notice of permitting work should be provided directly to everyone living within the impacted area of the facility’s pollution. Pollution goes through the air and the impact from facilities can extend several miles away.”

MPCA RESPONSE

56. This comment is similar to comments identified in paragraphs 774 to 775, under the “MPCA review of an initial assessment” subheading in the MPCA response to notice comments (aq-rule2-25af).
57. Please see the MPCA’s response to comments regarding MPCA review of an initial assessment in paragraphs 776 to 778 in the MPCA response to notice comments (aq-rule2-25af).

PART 7007.6080 Public Participation

Importance of public participation in the implementation of the proposed rule

58. The MPCA received one comment regarding the importance of public participation in implementing the proposed rule.
59. **Geronimo-075-02:** Josefina Geronimo stated, “In my work I have also seen how outreach without cultural humility or meaningful partnership can unintentionally perpetuate inequities. When

agencies rely on inaccessible communication, one time consultations or approaches that do not reflect community realities, residents feel extracted from rather than included. I have learned how critical it is to meet people where they are, communicate excessively and build trust through sustained engagement, not performative or short term efforts.”

MPCA RESPONSE

60. This comment is similar to comments identified in paragraphs 864 to 865, under the “Importance of public participation in the implementation of the proposed rule” subheading in the MPCA response to notice comments (aq-rule2-25af).
61. Please see the MPCA’s response to comments regarding the importance of public participation in the implementation of the proposed rule in paragraphs 866 to 867 in the MPCA response to notice comments (aq-rule2-25af).

Public comments and public comment periods

62. The MPCA received two comments regarding the requirements for public comment periods and handling public comments specified in the proposed rule.
63. **O'Brien-066-02:** Roxxanne O’Brien stated, “So my part today, I’ll be talking about meaningful community engagement and offsets. Meaningful engagement requires a tailored engagement approach based on the impacted geography and populations. Environmental justice communities must be given the tools and resources necessary to understand the technical aspects of a project so that they can effectively provide comment and participate.
- Critically meaningful engagement must include an outcome, not just a process. Community members must have the ability to affect a result positively and to benefit impacted communities. So simply feeling heard is not enough. The MPCA should track and show how disproportionately impacted people, particularly people of color, low income people and people with limited English proficiency, um, show how they’re being included and communicated with throughout the permitting process.”
64. **O'Brien-066-03:** Roxxanne O’Brien stated, “The MPCA should also show how community involvement impacted the outcome. Sometimes our government moves really fast without us and forgets the reasons why these bills were passed in the first place were from just regular people in our community who have been dealing with this.”

MPCA RESPONSE

65. This comment is similar to comments identified in paragraphs 919 to 923, under the “Public comments and public comment periods” subheading in the MPCA response to notice comments (aq-rule2-25af).
66. Please see the MPCA’s response to comments regarding public comments and public comment periods in paragraphs 924 to 928 in the MPCA response to notice comments (aq-rule2-25af).

Requiring the facility to contact/work with community organizations

67. The MPCA received one comment regarding outreach and engagement activities with the public.
68. **Perez Barrios-069-04:** Monserrat Perez Barrios stated, “On top of that, allowing a facility seeking a permit to define and lead its own public outreach creates an inherent conflict of interest that breaks community trust.”

MPCA RESPONSE

69. This comment is similar to comments identified in paragraphs 950 to 966, under the “Requiring the facility to contact/work with community organizations” subheading in the MPCA response to notice comments (aq-rule2-25af).
70. Please see the MPCA’s response to comments regarding requiring the facility to contact/work with community organizations in paragraphs 967 to 976 in the MPCA response to notice comments (aq-rule2-25af).

PART 7007.6090 CUMULATIVE IMPACTS ANALYSIS

Cumulative impacts analysis contents in general

71. The MPCA received one comment regarding the contents in general included within the cumulative impacts analysis required under part 7007.6090.
72. **Tietjen-063-02:** Danielle Tietjen stated, “During the permitting process the focus should be on reducing and limiting the impacts of pollution on local communities. If a facility is receiving an air permit of any kind they should be required to reduce the pollution that is most impacting local residents, particularly people of color, low income people and people with limited English proficiency. This should include both criteria pollutants and air toxins.”

MPCA RESPONSE

73. This comment is similar to comments identified in paragraphs 1011 to 1019, under the “Cumulative impacts analysis contents in general” subheading in the MPCA response to notice comments (aq-rule2-25af).
74. Please see the MPCA’s response to comments regarding cumulative impacts analysis contents in general in paragraphs 1020 to 1021 in the MPCA response to notice comments (aq-rule2-25af).

PART 7007.6100 SUBSTANTIAL ADVERSE IMPACTS

Use of qualitative criteria in substantial adverse impact determination

75. The MPCA received two comments regarding the use of qualitative criteria in the substantial adverse impact determination.
76. **Perez Barrios-069-03:** Monserrat Perez Barrios stated, “We also see a major flaw in how substantial adverse impact is determined. Rather than establishing clear predictable criteria, the draft rules rely heavily on commissioner discretion using vague undefined standards if standards thresholds fail when emissions are violated in isolation.

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

77. **Frontline Communities Protection Coalition-073-03:** The Frontline Communities Protection Coalition stated, “Second, on the contents of the cumulative impacts analysis, we have significant concerns with leaving the main determination of substantial adverse impacts as a discretionary decision by the Commissioner. We believe that the analysis should provide an objective determination based on the facility's contribution to existing environmental stressors and whether the community is already facing an adverse cumulative stressor. This will reduce uncertainty around a major decision point for these rules for all parties involved.”

MPCA RESPONSE

78. This comment is similar to comments identified in paragraphs 1160 to 1165, under the “Use of qualitative criteria in substantial adverse impact determination” subheading in the MPCA response to notice comments (aq-rule2-25af).
79. Please see the MPCA’s response to comments regarding the use of qualitative criteria in substantial adverse impact determination in paragraphs 1166 to 1167 in the MPCA response to notice comments (aq-rule2-25af).

Defining substantial adverse impact conditions, criteria, or circumstances

80. The MPCA received 10 comments during the pre-hearing public notice period regarding how the MPCA has established the conditions, criteria, or circumstances defining when issuing a permit would result in a substantial adverse impact. The MPCA realized these comments were unintentionally excluded from the MPCA response to notice comments (aq-rule2-25af) and therefore have included them in this document.

81. **Frontline Communities Protection Coalition (compiled comments)-045-61:** Karen Lunde stated, “The definition of “substantial adverse impact” is too vague and undefined, leaving both facility owners and communities uncertain about how it will be determined until the Commissioner publishes their reasoning. This creates uncertainty and leaves any determination of substantial adverse impact vulnerable to legal challenge.

I recommend that the cumulative impacts analysis evaluate environmental and public health stressors and how a facility will contribute to those stressors. If a facility contributes to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This approach is similar to New Jersey’s and would provide a more objective determination of substantial adverse impact, creating greater clarity for all parties involved.”

82. **Health Professionals for a Healthy Climate (compiled comments)-046-11:** Joshua Houdek stated, “2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey’s approach and will create better clarity for all parties involved.”

83. **Health Professionals for a Healthy Climate (compiled comments)-046-15:** Michael Overend stated, “2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey’s approach and will create better clarity for all parties involved.”

84. **Health Professionals for a Healthy Climate (compiled comments)-046-19:** Sophie Scharner stated, “2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey’s approach and will create better clarity for all parties involved.”

85. **Health Professionals for a Healthy Climate (compiled comments)-046-23:** Dana Janowiak stated,

“2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey's approach and will create better clarity for all parties involved.”

86. **Health Professionals for a Healthy Climate (compiled comments)-046-27:** Michael Maleska stated, “2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey's approach and will create better clarity for all parties involved.”
87. **Health Professionals for a Healthy Climate (compiled comments)-046-31:** Crystal Goggleye stated, “2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey's approach and will create better clarity for all parties involved.”
88. **Health Professionals for a Healthy Climate (compiled comments)-046-35:** Bryce Purdy stated, “2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey's approach and will create better clarity for all parties involved.”
89. **Health Professionals for a Healthy Climate (compiled comments)-046-39:** Emily Onello stated, “2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey's approach and will create better clarity for all parties involved.”
90. **Health Professionals for a Healthy Climate (compiled comments)-046-44:** Jessica Fisher stated, “2. Definition of substantial adverse impact: While numerous criteria for determining substantial adverse impact are laid out, we recommend a more objective determination of substantial adverse impact by examining the analysis of environmental and public health stressors and how a facility will contribute to those stressors. If a facility is contributing to a certain number of adverse environmental stressors, that should be considered a substantial adverse impact. This is similar to New Jersey's approach and will create better clarity for all parties involved.”

MPCA RESPONSE

91. These comments are similar to comments identified in paragraphs 1197 to 1207, under the “Defining substantial adverse impact conditions, criteria, or circumstances” subheading in the MPCA response to notice comments (aq-rule2-25af).

92. Please see the MPCA's response to comments regarding the defining substantial adverse impact conditions, criteria, or circumstances in paragraphs 1208 to 1209 in the MPCA response to notice comments (aq-rule2-25af).

PART 7007.6110 COMMUNITY BENEFIT AGREEMENTS

Community advocating to deny a CBA

93. The MPCA received one comment regarding community feedback on CBAs that requests an option for community members to advocate for a CBA to be rejected or to have the ability to reject a CBA.
94. **Garvey-065-04:** Michelle Garvey stated, "Third, the MPCA should deny a facility any CBA that doesn't meet the community defined criteria outlined in those set public meetings. I think there's like two public meetings that are currently set, rather than further negotiating with an industry privately outside of those community meetings. So I just wanted to clarify and emphasize that a CBA, bottom line, needs to be determined by the community and not by like private negotiations between the MPCA and the industry."

MPCA RESPONSE

95. This comment is similar to comments identified in paragraphs 1261 to 1274, under the "Community advocating to deny a CBA" subheading in the MPCA response to notice comments (aq-rule2-25af).
96. Please see the MPCA's response to comments regarding community advocating to deny a CBA in paragraphs 1275 to 1277 in the MPCA response to notice comments (aq-rule2-25af).

CBA revisions and permit denial

97. The MPCA received three comments regarding community benefit agreements and permit denial that identified requests for a process in the rule that prevents multiple revisions of a CBA and results in a permit denial.
98. **Jones-062-04:** Justice Jones stated, "In addition, the current statutory language outlines the need to deny permits without an established CBA and the process for this denial should be written clearly and needs to be enforceable by the commissioner or the MPCA.

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

Apologies, I'm looking at my notes. That is where I'll end my comment for today, and I look forward to submitting an additional written comment as well. And I want to thank you all for your time."

99. **Perez Barrios-069-05:** Monserrat Perez Barrios stated, "Most importantly, the rules fail to establish clear criteria and viable pathways for permit denial. They're relying instead on mechanisms like community benefit agreements to manage impacts, a process that cannot end in a permanent denial but instead default to negotiated mitigation gives communities the appearance of power without the substance of it. A process that cannot deny the permit is not protection at all for communities.

This is structural (inaudible) are bound together by a central behavior. The lack of comprehensive share legal vocabulary. Other international environmental frameworks define their essential terms before asking anyone to live under them.

During an MPCA panel on community benefit agreements last year, a community member, who will also be sharing some comments today, asked repeatedly for clear submissions across the entire law, including adverse or significant community impacts, community benefits, permit classification,

environmental stress factors, penalties for not compliance, neighborhood advisory councils and CBA rectification. Yet, the focus remained almost exclusively on the finding community benefit agreements itself, the single trend that served the applicant seeking a permit, rather than the community bearing its consequences.

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

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

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

I ask this Court and I ask MPCA to ensure that these rules clearly define every time this all depends on, because we depend on that. Creating a fully enforceable framework that prioritizes public health and the wellbeing of our community is essential.”

100. **Frontline Communities Protection Coalition-073-04:** The Frontline Communities Protection Coalition stated, “And, finally, on community benefit agreements, we do not believe that this section of the rule fulfills the requirements of the law. The statute clearly states that unless the Commissioner enters into a community benefit agreement the Commissioner must deny a permit that would have a substantial adverse impact.

The current rule lacks any criteria for denying a community benefit agreement and only outlines when an agreement must be accepted. It is suggests that there are no circumstances under which a community benefit agreement, and thus a permit, would be denied by the agency. We believe that these three rules are -- or these three issues are central to improving these rules. Without addressing them these rules will fail to address existing burden of pollution and will cause confusion and uncertainty around decision making. Thank you again for your time.”

MPCA RESPONSE

101. These comments are similar to comments identified in paragraphs 1302 to 1323, under the “CBA revisions and permit denial” subheading in the MPCA response to notice comments (aq-rule2-25af).
102. Please see the MPCA’s response to comments regarding community benefit agreements and permit denial in paragraphs 1324 to 1328 in the MPCA response to notice comments (aq-rule2-25af).

Community benefits and the CBA process

103. The MPCA received four comments regarding substantial adverse impacts, community benefits, and the CBA process that requests revisions to various parts of part 7007.6110.
104. **Garvey-065-03:** Michelle Garvey stated, “The second CBA point I wanted to make was that they should also account for local impacts from non permitted activities, such as reducing noise or preventing diesel truck traffic from traveling through communities that are already burdened.”

105. **Garvey-065-05:** Michelle Garvey stated, “And then finally, built into an CBA should be protection for existing residents against gentrification and the resulting displacement that can arise if and when a CBA results in beautification or higher employment rates and property values or enhanced municipal services, et cetera.”

106. **O'Brien-066-04:** Roxxanne O’Brien stated, “So nothing should be created about us without us. And I was -- I found out about some targeting happening in our communities that impacted even my mother and people that I knew in my community over cutting down trees. And so to talk about offsets a little bit, as a policy mechanism it's inherently unjust because the community continues to bear the burden of toxic emissions that are specific to that place and those people. So broader community benefit actions should not be used in place of direct onsite emissions reductions.

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

So we know this is something that polluters like to use but it's not helpful for us. And I will yield my time. I'm done. Thank you.”

107. **Bujold-068-01:** Marita Bujold stated, “My name is Marita Bujold. I have participated in a number of leadership initiatives concerning environmental justice with the community members for environmental justice, as well as to many organizations that are responding to the absence of a just food economy. My own largest contribution is that I wrote legislation called the Headwaters Community Food and Water Bill, which is intended to rectify that. Sorry, I'm getting a call here. I beg your pardon.

So I'd like to comment on a number of things regarding cumulative impacts, beginning with this. So when defining community benefits it's important to omit any consideration that a proposed business or industry will create employment opportunities which will in some way offset the impact of the industry's pollution on the local community. It must be acknowledged as well that there is no mechanism for requiring a company to hire local residents.”

MPCA RESPONSE

108. These comments are similar to comments identified in paragraphs 1406 to 1414, under the “Community benefits and the CBA process” subheading in the MPCA response to notice comments (aq-rule2-25af).

109. Please see the MPCA’s response to comments regarding community benefits and the community benefit agreement process in paragraphs 1415 to 1432 in the MPCA response to notice comments (aq-rule2-25af).

Prioritizing community benefits

110. The MPCA received one comment regarding community benefits that request that benefits proposed by residents of the impacted environmental justice area to be prioritized.

111. **Jones-062-03:** Justice Jones stated, “It should be written into the rules that completion of a CBA requires that benefits proposed by residents should be prioritized.”

MPCA RESPONSE

112. This comment is similar to comments identified in paragraphs 1434 to 1435, under the

“Prioritizing community benefits” subheading in the MPCA response to notice comments (aq-rule2-25af).

113. Please see the MPCA’s response to comments regarding prioritizing community benefits in paragraphs 1436 to 1437 in the MPCA response to notice comments (aq-rule2-25af).

Enforcement of a CBA

114. The MPCA received one comment regarding enforcement that requests a process for addressing noncompliance with a CBA.

115. **Jones-062-02:** Justice Jones stated, “It’s often community members and community based organizations that call out these facilities when they’re not following the law, and it’s often community that notices the harms and brings it to the attention of both the city and MPCA.

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

MPCA RESPONSE

116. This comment is similar to comments identified in paragraphs 1469 to 1473, under the “Enforcement of a CBA” subheading in the MPCA response to notice comments (aq-rule2-25af).
117. Please see the MPCA’s response to comments regarding enforcement of a community benefit agreement in paragraphs 1474 to 1478 in the MPCA response to notice comments (aq-rule2-25af).

PART 7007.6120 PERMIT DECISIONS

Permit decision considerations

118. The MPCA received one comment regarding the information that MPCA should consider as part of making the determination to issue or deny a permit. Commenters provided suggestions of the type of information that should be considered, how that information should be considered, and other recommendations.

119. **Morales Galan-071-02:** The commenter stated, “That’s why the cumulative impact project should be should be prepared in a comprehensive way, in a very complete way, in order to apply the rules and those rules has to be clear. If you could see the rules that have been written, there are no definitions there yet. For example, there’s no definition of the cumulative impact or definition of the stress factors. It doesn’t have a definition either of the ratifying the CBA ratification, we don’t know yet.

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

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

When the agency authorizes something they should be based on those principles, both the

precautionary and the preventive principle. For example, we have a principle we called pro-nature principle, because that principle is something that we should use to base the decisions, the decisions to protect nature and benefit of the nature.

I could say that what we need is about 12 definitions and rules and regulations, and the same numbers of principles to protect the environment. If we ever have a trial to correct things, it will be in the courts, the judges will have a hard time deciding because there are weaknesses in the north. It will be difficult for the attorneys to explain what happened, to be able to understand, which were the causes of the pollution. If we don't have the principles in the law it will be a blank law. It will be necessary to read textbooks or other references to be able to apply the law.

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

MPCA RESPONSE

120. This comment is similar to comments identified in paragraphs 1524 to 1528, under the “Permit decision considerations” subheading in the MPCA response to notice comments (aq-rule2-25af).
121. Please see the MPCA’s response to comments regarding permit decision considerations in paragraphs 1529 to 1534 in the MPCA response to notice comments (aq-rule2-25af).