



Leaving an Effective Public Comment

Cumulative Impacts Engagement Team

April 21, 2026

Agenda

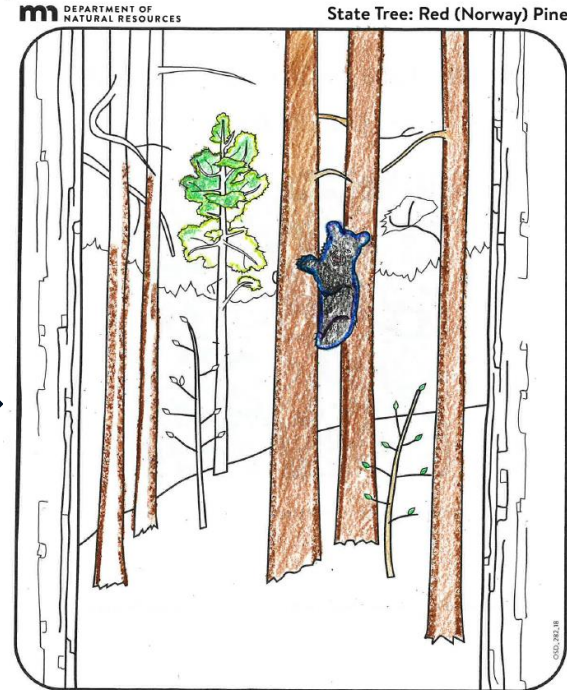
Time	Topic
5:00	Welcome and Introduction
5:15	Cumulative Impacts Rulemaking and Timeline
5:30	Constructing an Effective Public Comment
6:00	Submitting an Effective Public Comment
6:30	Q&A with Cumulative Impacts Tech Team Member

A rule vs. a law



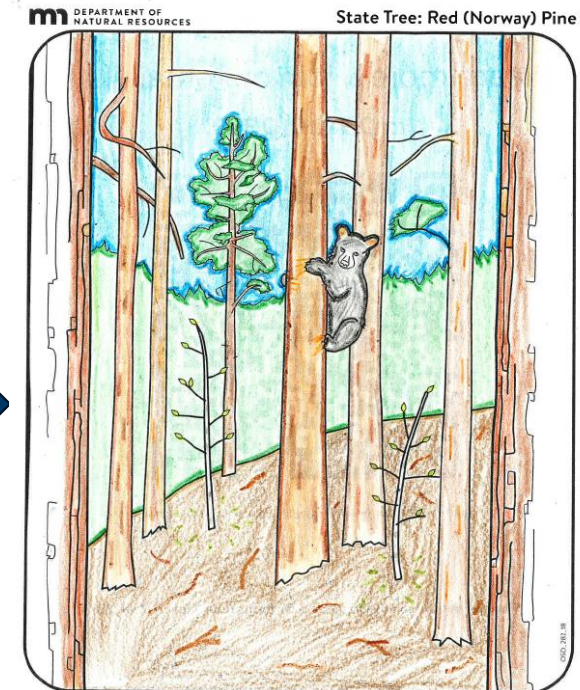
A law is a big idea

Elected representatives pass a law that a state agency must enforce



Rules explain the details

The state agency writes a rule that explains how the law will work



The rule gets approved

Once approved by a judge, the rule takes effect to enforce the law

The ***cumulative impacts law*** was passed in Minnesota in **2023** because of the consistent advocacy efforts of a wide variety of people.

General purpose of the cumulative impacts rule:

- Address Minnesotans' disproportionate exposure to pollution
- Create pathways for additional analysis to inform major air permitting decisions
- Provide residents direct opportunities to engage with the additional analysis and the company applying for a major air permit
- Craft a framework that mandates community benefit agreements for significant impacts

**Notice of Intent
to Adopt:**

May 18, 2026

Applicability of cumulative impacts rule

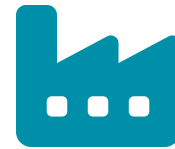


Where

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

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

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



Who

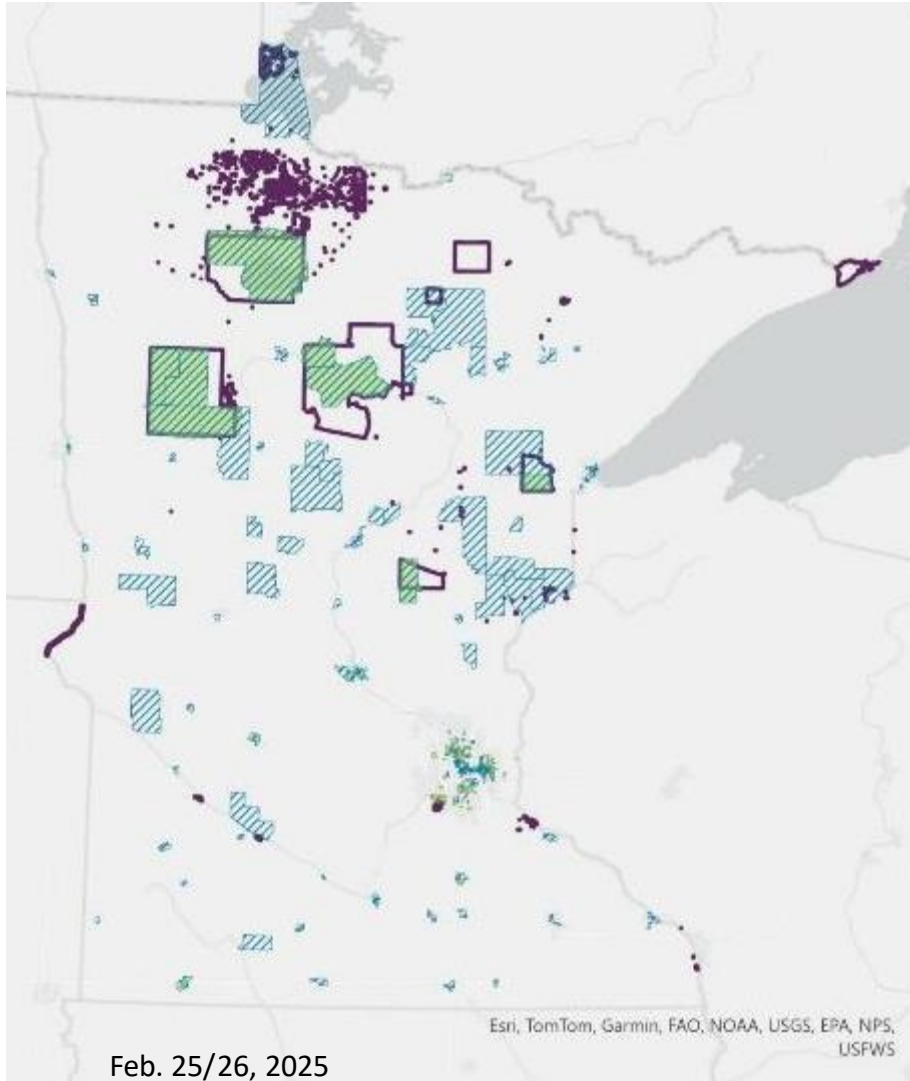
Applies to Major (Title V) and state permit applications

Only for air permit applications

Includes:

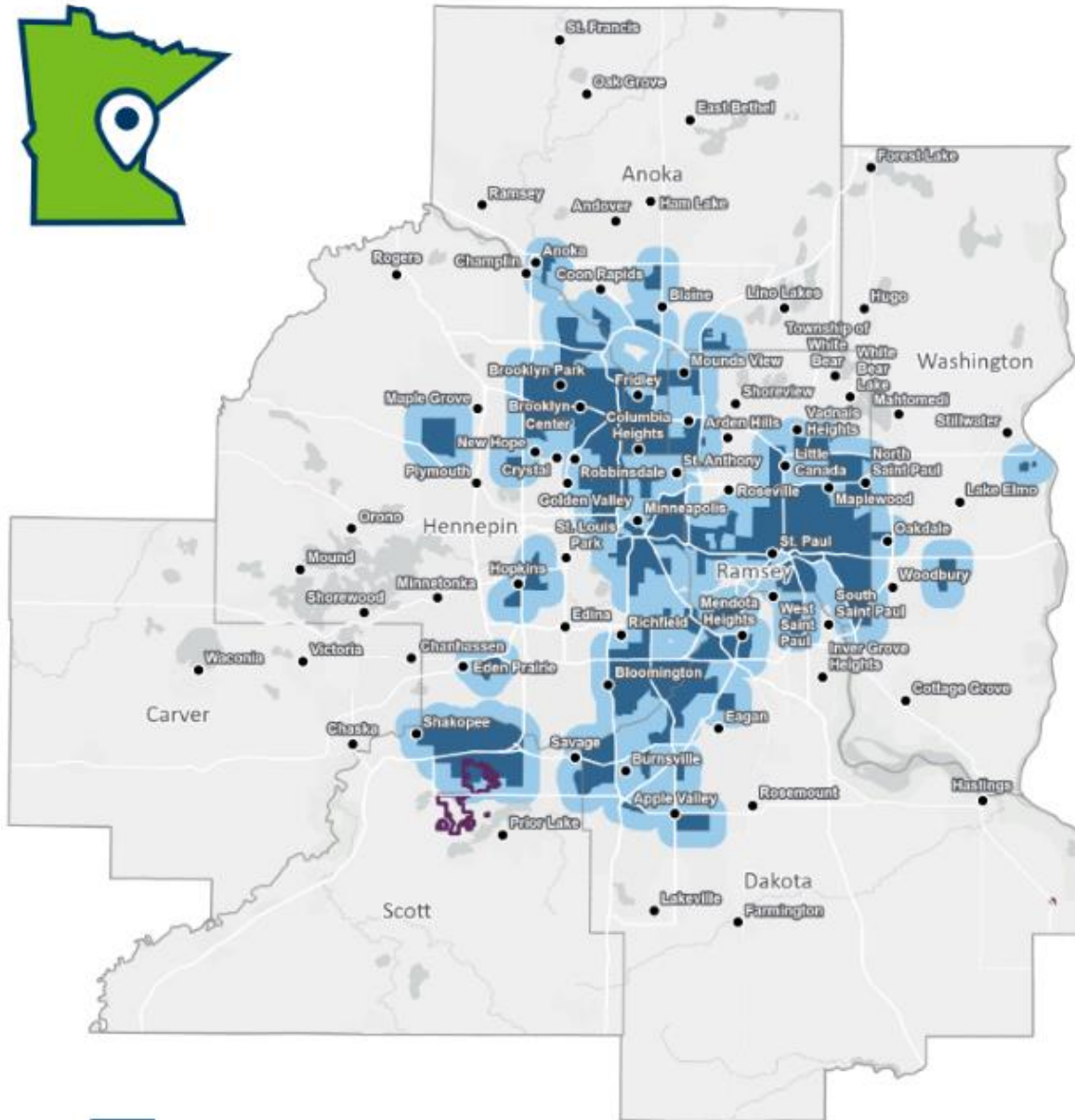
- new facilities
- facility expansions
- reissuing a permit for an existing facility

Environmental Justice Areas and Maps



The Minnesota Legislature defined environmental justice areas in Minnesota law:

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



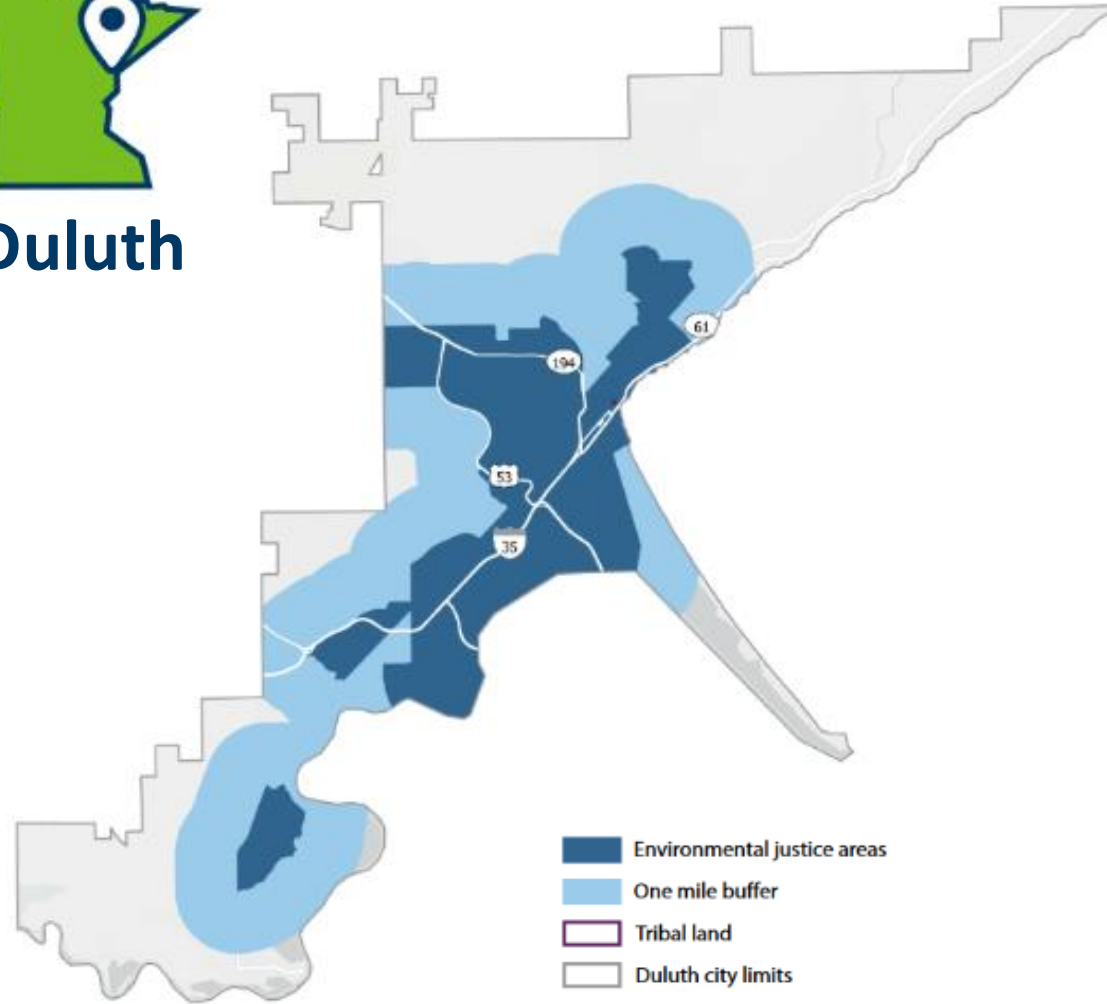
- Environmental justice areas
- One mile buffer
- Tribal Land

Environmental justice areas in the Twin Cities seven-county metro

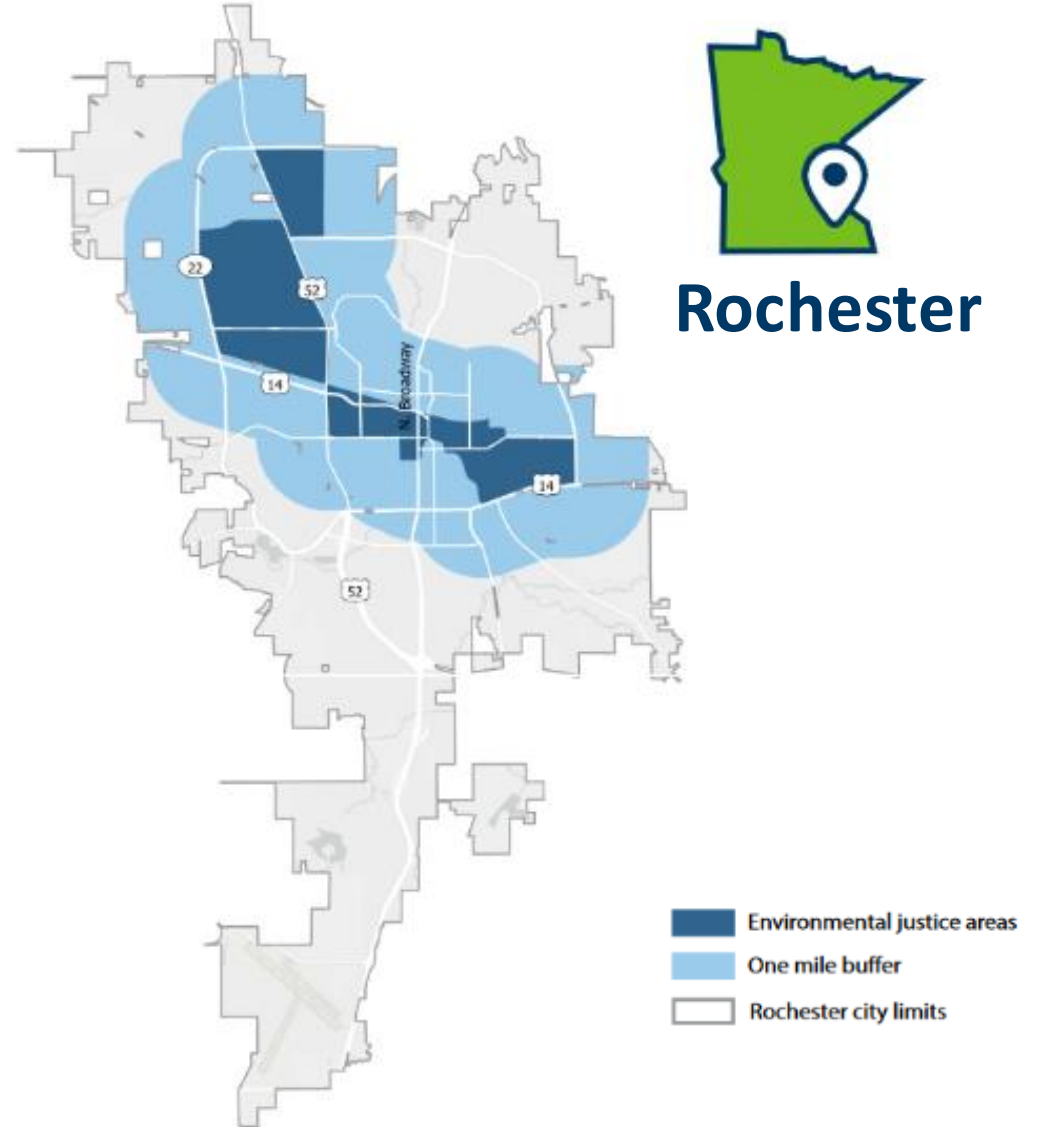
Environmental justice areas in Duluth and Rochester



Duluth



Rochester



Rulemaking timeline



Notice of Intent to Adopt (rule language released): May 18th, 2026

The Minnesota Pollution Control Agency will be sharing your notes from today with our rulemaking teams for their review and consideration.

Public comments during rule development phase

Rule development



Applies to:

- Public comment period once the rule is published
- Public hearing
- Post hearing comment period



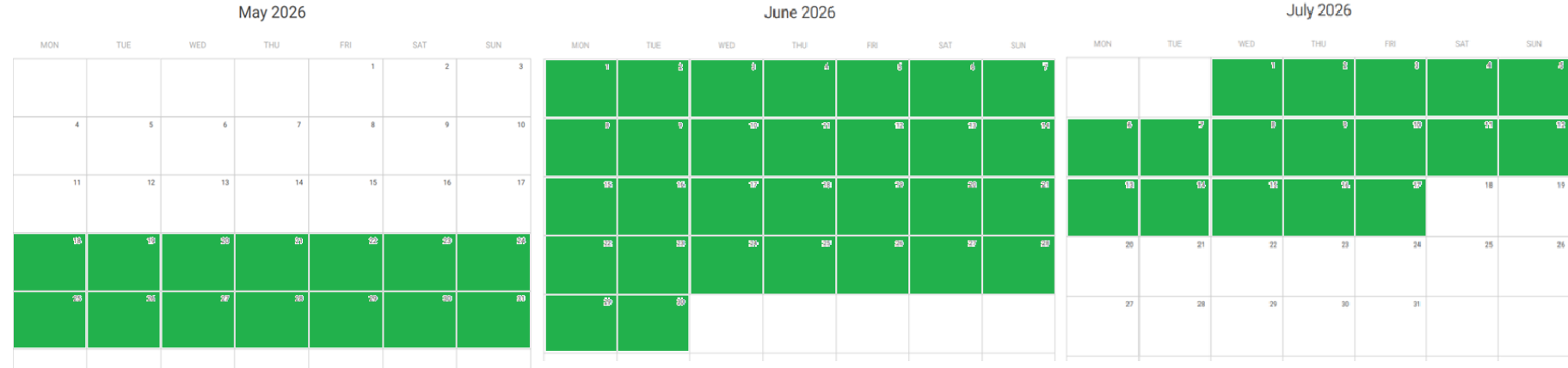
Important for:

- Understanding the MPCA's legal authority to adopt the rules they're proposing
- Addressing the MPCA's determinations for the need and reasonableness proposed for the rule
- Additional details needed in order to understand the rule

Tentative public comment timeline for cumulative impacts

May 18-July 17, 2026

Public comment period opens (60 days)

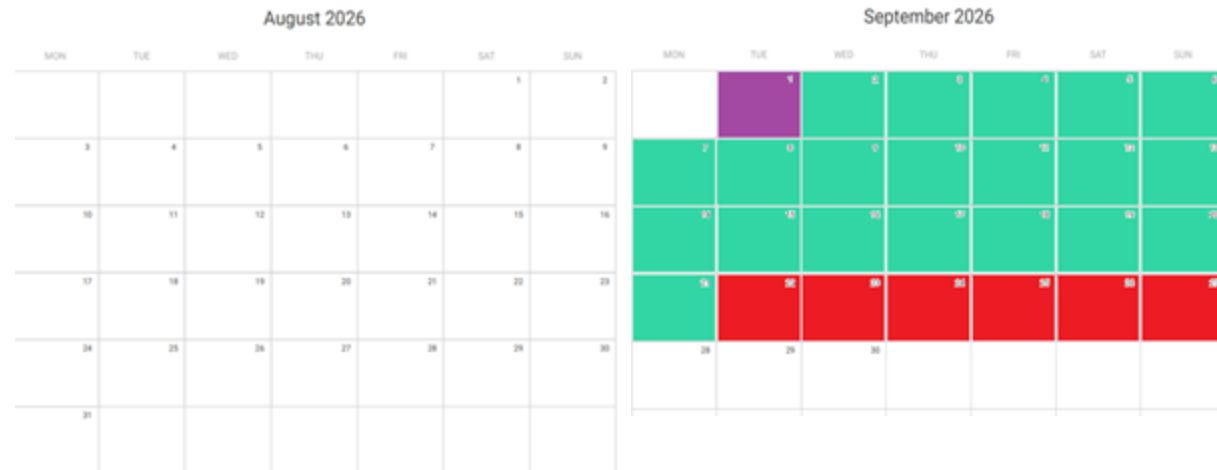


September 1, 2026

Public hearing

September 2-21, 2026

Post hearing public comment period (20 days)



September 22-28, 2026

Public comment rebuttal period (5 business days)

Break



Public comment structure

1. Introduction
2. Background
3. Present an argument
4. Recommendations for the judge
5. Conclusion



Public comment structure: Introduction

- Explain who you are
- Explain why you are interested in the rule
- Highlight any experience you have with the subject that may distinguish your comment



Public comment structure: Examples

Examples

- You are currently living in an impacted area
- You are well-versed in the area's history or have lived in the area for a significant portion of your life
- You or your family have medical conditions that are affected by the rule
- You have employment, professional expertise or an academic background in the industry



Public comment structure: Background

Clearly identify in your writing which relevant section(s) of the rule, statute, or Statement of Need and Reasonableness (SONAR) you are commenting on.



Present an argument: Collecting your thoughts

Lay out your argument and evidence

Include clear citations to any helpful research

What you can do

- Create a draft of your arguments before sitting down to submit your comment
- Reach out to support groups
- Contact your library or the MPCA library for help sourcing scientific articles
- Research similar developments in other places and compare their outcomes



Present an argument: Putting everything together

Examples

- The MPCA **[does/does]** not have the legal authority to do the following because...
- The rule language as it stands undermines (does not meet its) the intended purpose because...
- How the proposed rule impacts you and what you care about?
 - The rule language, **[specific rule language]**, is inadequate because the agency did not anticipate the following impacts correctly
 - The rule language, **[specific rule language]**, must be changed due to the unintended consequences of this approach that an agency may not have considered. These unintended consequences include...
 - The actions the MPCA pursues are unreasonable because...
- The current language in the **[specific part of the rule]** is unreasonable because **[state why it is unreasonable]**.

Public comment structure: Recommendations for the judge

Recommendations for the judge

Describe in detail your suggestions to the judge and identify specific changes you would advise. For example, provide a different way of addressing the problem that an agency may not have considered.



'Paint a picture'

Example template 1

The current language in the **[specific part of the rule]** is unreasonable because **[state why it is unreasonable]**. The SONAR did not identify **[state the difference between the SONAR and your reasoning]**. Modifying the **[the specific rule language or topic]** to include **[state the recommendation]** will **[state the impact]**. This is reasonable because **[deepen your argument]**.

Example template 1

The current language in the **[statute banning the inclusion of paprika and cayenne pepper]** is unreasonable because **[it denies the variety of flavors in dishes]**. The SONAR did not identify **[that hotdishes can be adopted by many cultures that bring new spices without jeopardizing its internal characteristics]**. Modifying the **[the rule language and deleting the pepper restrictions]** will **[expand the access to the dish and create new flavors]**. This is reasonable because **[people will be able to draw from their favorite spices used in other dishes to make their favorite meals while still meeting the definition of a hot dish]**.

Example template 2

The rule must include **[action to be taken]**. With these changes, the Agency will be (better) able to meet the statutory requirements in **[statute language]** due to the benefits/impacts/actions **[the effect of the adopted changes]** with minimal impact to **[any entity or practice that may be negatively affected]**. Without these changes, the rule will fail to **[state what is missing]**.

Example template 2

The rule must include **[require more green beans in a standard hotdish]**. With these changes, the Agency will be (better) able to meet the statutory requirements in **[Statute 1234 requiring hotdishes to be healthier]** due to the **[increased fiber and vitamins associated with green beans as shown in the Green Giants comprehensive study]** with minimal impact to **[the overall taste... especially in tater-tot casseroles]**. Without these changes, the rule will fail to **[promote a healthier diet in our beloved states]**.

Example template 3

The regulation fails to fulfill the statutory requirements listed in **[MN Statute]**. To fulfill the legislative requirement, the **[agency or party]** must **[practice or policy to be included]**. With these changes, the statute will be met since **[reasoning]**.

Example template 3

The regulation fails to fulfill the statutory requirements listed in **[MN 12345]**. To fulfill the legislative requirement, the **[Minnesota HotDish Authority]** must **[mandate no less than three layers of ingredients]**. With these changes, the statute will be met since **[three layers of hot dish is needed to meet the definition of a hot dish and create a delicious hot dish as both the definition and requirement for deliciousness are mandated in the statute]**.

Public comment structure: Conclusion

Recap your main argument and lists your recommendations again

Example: In order to preserve and increase the taste and healthiness of hot dishes for communities in Minnesota, and to be consistent with other states approaches for regulating these dishes, **[the alliance of the top chefs]** supports a regulation that requires green beans, an open layer count, and the ability to use any spice desired. If done, the public will have a better diet with increased fiber, and a wider range of ingredients to use—potentially increasing the tastiness of the food.

[The Top Chefs] appreciates the opportunity to comment on this important stage of the Hot Dish rulemaking.



Submit a public comment

Share a written comment

"To the Attention of Judge Kimberly Middendorf, Regarding CAH docket number 21-9003-39398"

Mail or drop off in-person

600 N. Robert St.
P.O. Box 64620
St. Paul MN 55164-0620

Fax: 651-539-0310

Submit online

Court of Administrative Hearing's eComments:
<https://minnesotaoah.granicusideas.com>



How to use eComments:
<https://mn.gov/oah/forms-and-filing/ecomments/>

Share a verbal comment

Public hearing

September 1st, 2026 (tentative)

Questions?

Please wait for a mic to be passed to you before asking your question.

Thank you again!

Cumulative Impacts Analysis Engagement Team

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