



# Proposed Cumulative Impacts Rule

## Public information meeting

# Agenda

- Welcome and introductions
- Rulemaking process overview
- Proposed rule overview
  - Rule applicability and authorities
  - Major rule steps
- CI-MAP
  - How it ties into the rule
- Rulemaking schedule and next steps



# MPCA rulemaking resources

## Cumulative impacts rulemaking

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



**CI rulemaking webpage**

## Proposed rules webpage

- <https://www.pca.state.mn.us/get-engaged/proposed-rules>
- Identifies current rulemaking projects, including the Public Rulemaking Docket
- [Receive email updates about rules of interest](#)



## Rulemaking process overview

# Opportunities for public participation

- **Request for comments – public comment period**
- **Informational and public meetings**
- Draft rules and Statement of Need and Reasonableness
- **Notice of Intent to Adopt proposed rules – public comment period**
- **Public hearing**
  - **Comment at hearing and post-hearing comment period**
  - **Five-working-day rebuttal period**
- Agency response to comments
- Court of Administrative Hearings
  - Judicial review and approval/disapproval of rules
- Governor's office review of rules and Order Adopting Rules
- Publish Notice of Adoption



# How to receive rule notices

## **MPCA sends emails to notify the public at critical points in the rule process**

At minimum, notices are sent when:

- rule changes are first being considered (Request for Comments)
- rules are proposed for public comment (Intent to Adopt Proposed Rules)
- new rules become effective (Final Adoption of Rules)

To receive notices, sign up for GovDelivery email at:

<https://www.pca.state.mn.us/>

# Public meetings and comment periods

May 18, 2026-  
July 17, 2026

## **Proposed rule (pre-hearing) public comment period**

June 2, 2026  
6-7 p.m.

## **Public information meeting**

Provide overview  
of proposed rules,  
comments not  
accepted directly  
at this meeting

Sept. 1, 2026  
3-6 p.m. (at least)

## **Public hearing**

Provide an  
opportunity to  
submit oral  
comments to  
Judge Kimberly  
Middendorf

Sept. 1, 2026-  
Sept. 21, 2026

## **Post-hearing comment period**

Provide an  
opportunity to  
submit oral  
comments to  
Judge Kimberly  
Middendorf

Sept. 22, 2026-  
Sept. 28, 2026

## **Five-working-day rebuttal period**

- MPCA and any interested person may respond to any information previously submitted
- no one may submit new evidence during this period

# Submitting written comments

Submit written comments on the proposed rules by **July 17, 2026**:

- Court of Administrative Hearings Rulemaking e-Comments
  - <https://minnesotaoah.granicusideas.com/>
- Other methods identified in the Notice of Intent to Adopt
  - U.S. Mail, in-person delivery, or fax.
- **Comments are due by 4:30 p.m.**

Link to the e-Comment website is also available on the rulemaking webpage:

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



**E-Comments**



**CI rulemaking webpage**



## Rule applicability and authorities

# Cumulative impacts

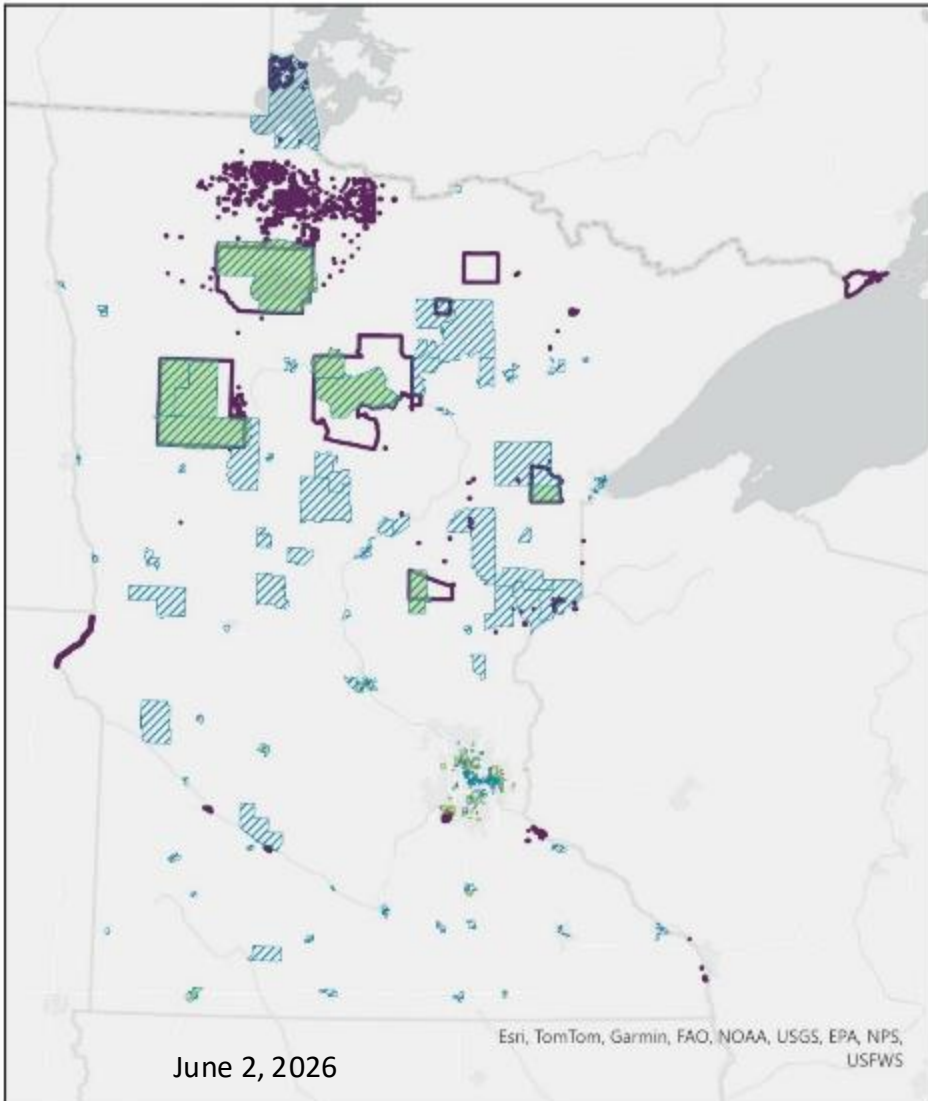
Revisor ID: R-04805

- This rule all got started due to the advocacy efforts of a wide variety of people.
- General rule purpose:
  - address Minnesotans' disproportionate exposure to pollutants (i.e., a focus on impacts in environmental justice [EJ] areas)
  - applies to certain air permit applications in EJ areas
  - Minnesota Legislature provided an outline with some specifics
  - MPCA tasked with defining/establishing a lot of the different parts of this rule
- 36 months to publish a Notice of Intent to Adopt – May 25, 2026
  - published on May 18, 2026

# Applicability

- Applies in environmental justice areas with a one-mile buffer
  - Twin Cities seven-county metro; or
  - city of the first class (Rochester and Duluth)
- Applies to Major (Title V) and State permit applications
  - only for air permit applications
  - includes new facilities, facility expansions, and reissuing a permit for an existing facility
- [Facilities that may be affected by Minnesota's new cumulative impacts law \(aq-rule2-25f\)](#)

# Environmental justice maps

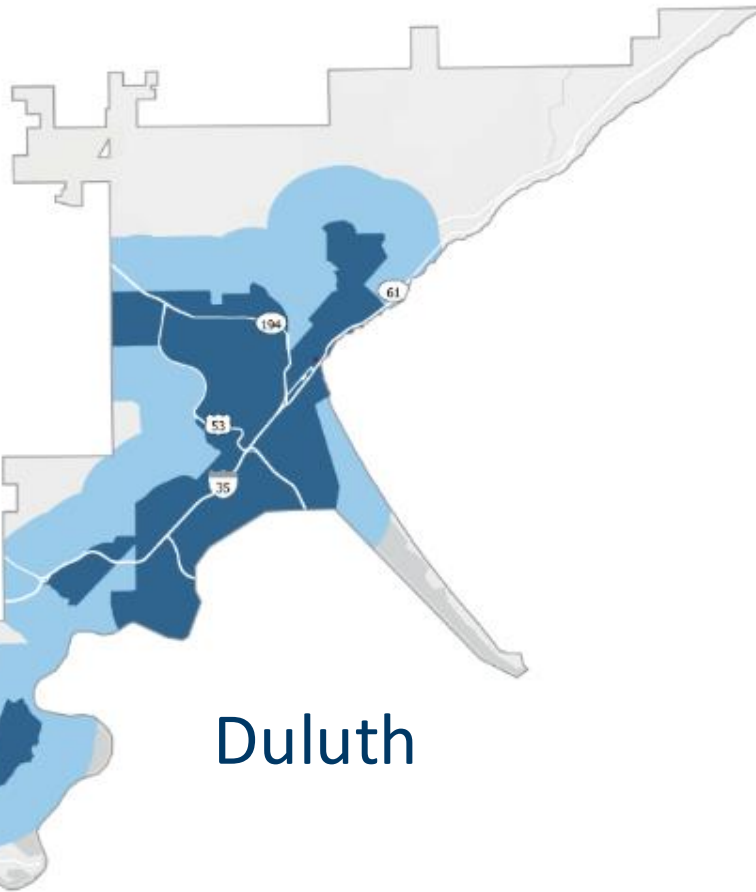


Minnesota Legislature defined “environmental justice areas” in Minnesota statutes

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

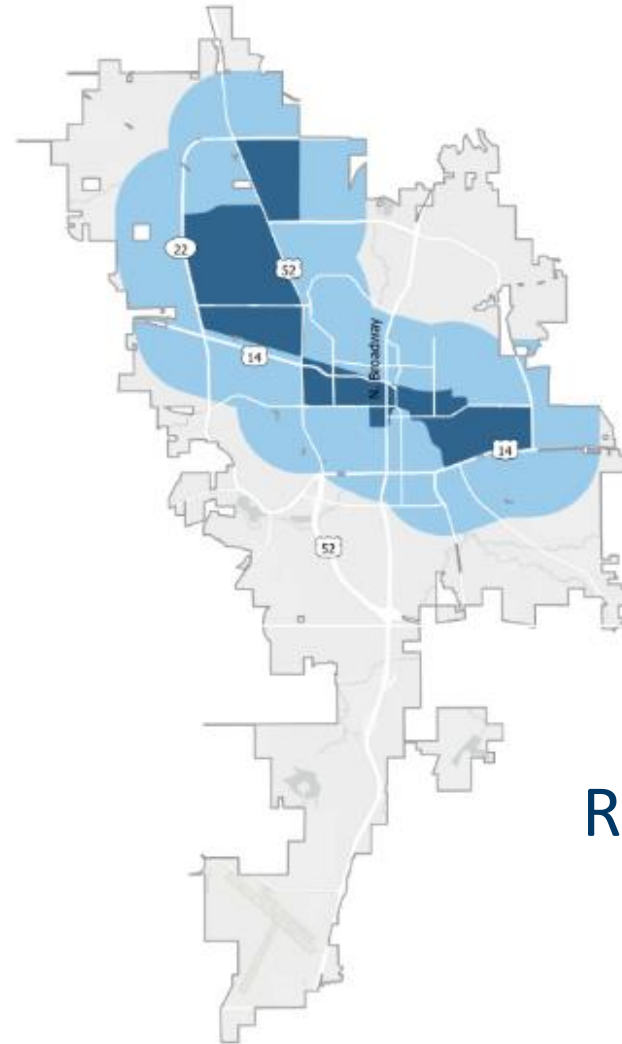


# Environmental justice areas in Duluth and Rochester



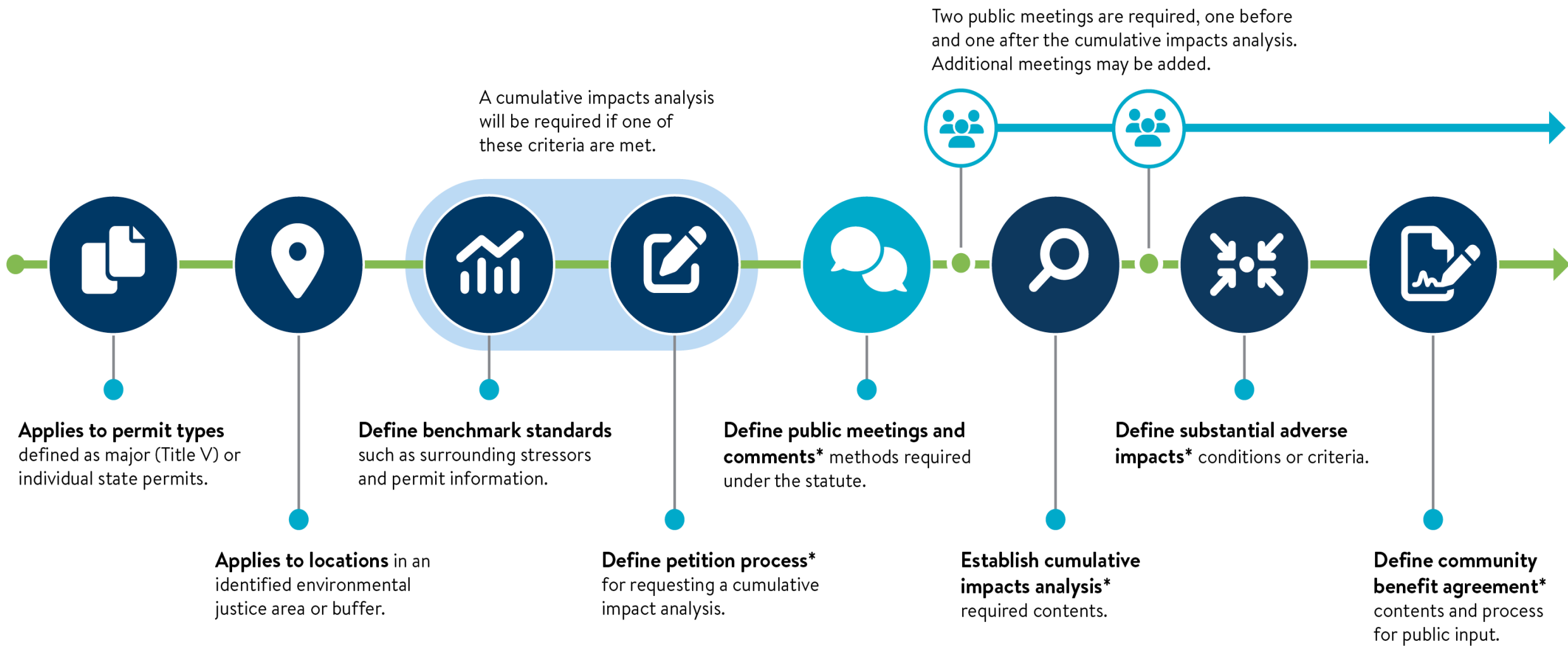
Duluth

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



Rochester

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



\* To be defined in rule

# Proposed Cumulative Impacts Rule overview

# Big picture

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

# Rule summary

- Cumulative impacts rules span **Minn. R. 7007.6000 to 7007.6120**
  - [Cumulative Impacts proposed rule overview - English \(aq-rule2-25au\)](#)
  - [Cumulative Impacts proposed rule overview - Spanish \(aq-rule2-25av\)](#)
- Structural/supporting requirements
  - scope in **Minn. R. 7007.6000**
  - definitions in **Minn. R. 7007.6010**
  - applicability and procedures in **Minn. R. 7007.6020**
  - general requirements in **Minn. R. 7007.6040**
  - permit decisions in **Minn. R. 7007.6120**
- Housekeeping edits to **Minn. R. 7007.0050 to 7007.1850**

# Rule summary, continued

**7007.6030:** Tribal consultation & coordination

**7007.6050-7007.6070:** Determining when a cumulative impacts analysis (CI analysis) is needed

- Initial Assessment, Petition Process, and Determination of Need

**7007.6080:** Public participation

**7007.6090:** CI analysis contents

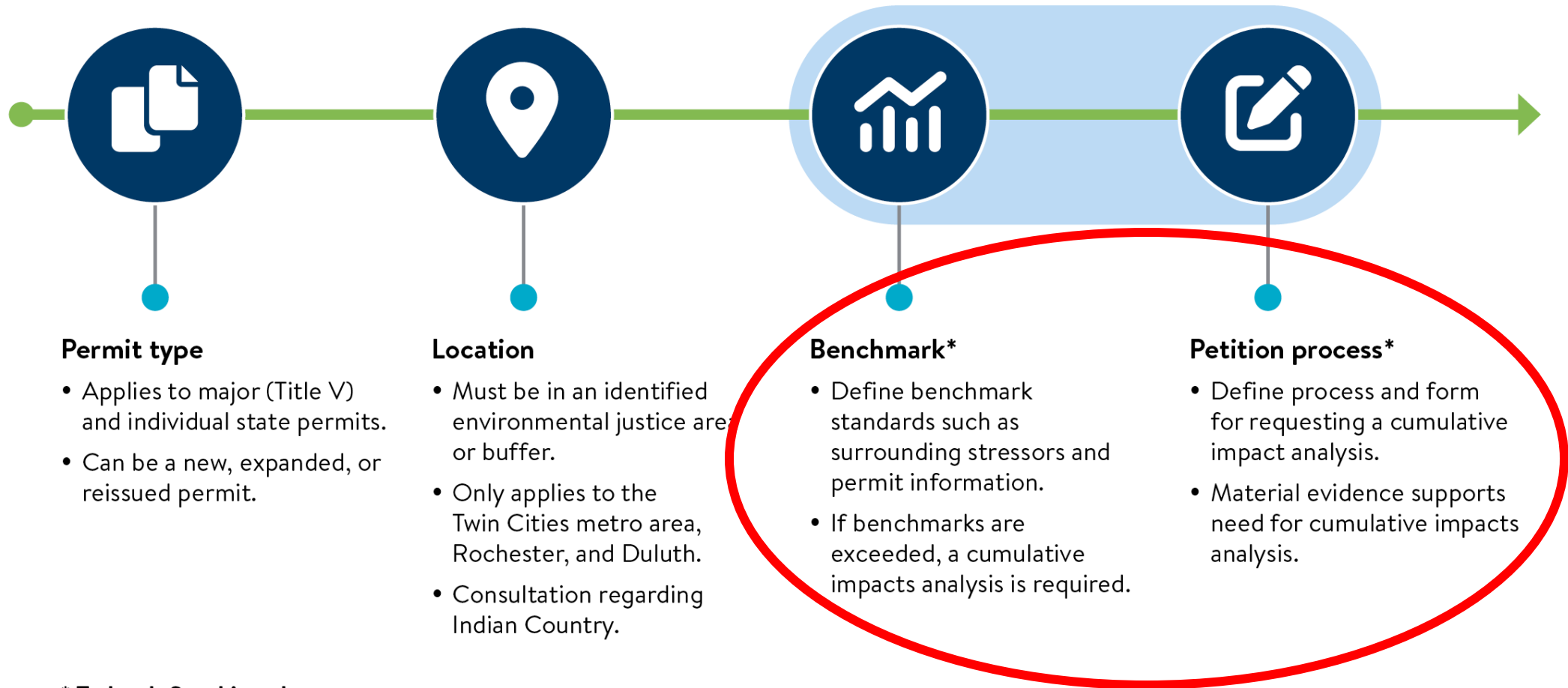
**7007.6100:** Substantial adverse impacts

**7007.6110:** Community benefit agreements (CBAs)

**7007.6115:** Modifying CBAs



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



# Initial assessment, petitions, and determination of need

# Initial assessment

Initial assessment submitted with application when meeting the applicability requirements, with some notes:

- New construction/reissuance applications only need to meet permit type and geographic applicability.
- Facility expansion applications need to cause an increase in potential emissions or cause the facility to be subject to the requirement to obtain a permit.



# Initial assessment, continued

Includes owners and operators' determination of whether the permit is likely to impact environment/health.

Includes information relevant for MPCA to determine if a CI analysis is needed.

- Impacts to health/environment of impacted EJ area.
- Evaluation against benchmarks for requiring a CI analysis.

MPCA provides notice of receiving initial assessment on agency website.

# Petition process

Similar to the Environmental Quality Board (EQB) petition process in environmental review.

- No definitions for “material evidence” rather criteria for deciding when to grant the petition.
- Rules establish what a petition must include and how MPCA will review
- Petitions can be submitted at any time up until the end of the public notice for the draft air permit.

MPCA provides notice of receiving a petition on agency website.



# Petition process, continued

## Petition contents

- Identifying information for the permit of interest and the petitioners
- Names, mailing addresses, and signatures of individuals
- Description of potential impacts
- Material evidence to support the petition and potential impacts

## MPCA review

- Completeness review to verify that all the necessary information is included
- Material evidence needs to demonstrate issuing the permit may have the potential to substantially impact the environment/health.

# CI analysis determination of need

All facilities meeting the applicability requirements will need to evaluate if they need to do a CI analysis.

- Not all will need to do an analysis.
- Initial assessment evaluation looks at benchmarks and impacts to environment/health.
- Petition evaluation looks at material evidence and impacts to environment/health.



# CI analysis determination of need, continued

## MPCA required to determine whether:

- A permit may substantially impact environment/health.
- A CI analysis is required.

Need to evaluate both benchmarks and impacts to health/environment.

MPCA must prepare and post decision document on agency website.



# Mandatory vs. discretionary CI analysis

## Mandatory CI analysis:

- Facility is above benchmarks established in rule.
- MPCA determines issuing the permit may substantially impact the environment/health.

## Discretionary CI analysis:

- MPCA determines a CI analysis is necessary and supported by material evidence.
- A petition is supported by material evidence that demonstrates issuing the permit may have the potential to substantially impact the environment/health.



# Mandatory CI analysis

## Benchmarks for a CI analysis:

- Always needed for new construction.
- Needed for facility expansion when above specified emission rates.
- Needed for reissuance when an enforcement action was issued by MPCA, EPA, or county within 3 years preceding date of permit application.



## Impacts to health/environment mimics EQB's decision criteria in environmental review, which evaluates:

- Potential impacts.
- Cumulative potential impacts considering significance and facility contributions.
- Measures to eliminate, minimize, or mitigate impacts (by facility, by MPCA, by other regulatory bodies).
- Extent that impacts can be anticipated/controlled.

# Discretionary CI analysis

## **Allows MPCA to account for things we may not know today:**

- Cannot create an exhaustive list of specific reasons in rule.
- Facility can be below benchmarks for mandatory CI analysis.

## **Triggered either by MPCA or through receiving and acting on a petition:**

- MPCA reviews material evidence provided by petitioners, facility, or otherwise known to the commissioner to decide whether to require a CI analysis.
- Uses same criteria to evaluate potential for health/environmental impacts described previously for petitions.
- An option for facility to voluntarily request to conduct an analysis.



**Tribal consultation and considerations**

# Tribal consultation and considerations

## **Process for Tribal Governments to elect to apply these rules to facilities located in Indian Country:**

- Minnesota has a consultation process already identified in Minn. Stat. § 10.65.
- Rules will directly reference this statute as the process to follow.

## **For facilities not located in Indian Country:**

- Rules specify requirements for MPCA to coordinate with Tribes.
- Includes requirements for providing access to MPCA and the facility throughout rule.
- Tribes are also invited to provide information that a CI analysis must include/evaluate.

# Tribal considerations

- Methods to collect information since interests, concerns, and perspectives will be dependent on the location(s) and Tribe(s).
- Invitations to Tribes to participate in public meetings and site visits, share early drafts, and meet during public comment periods.

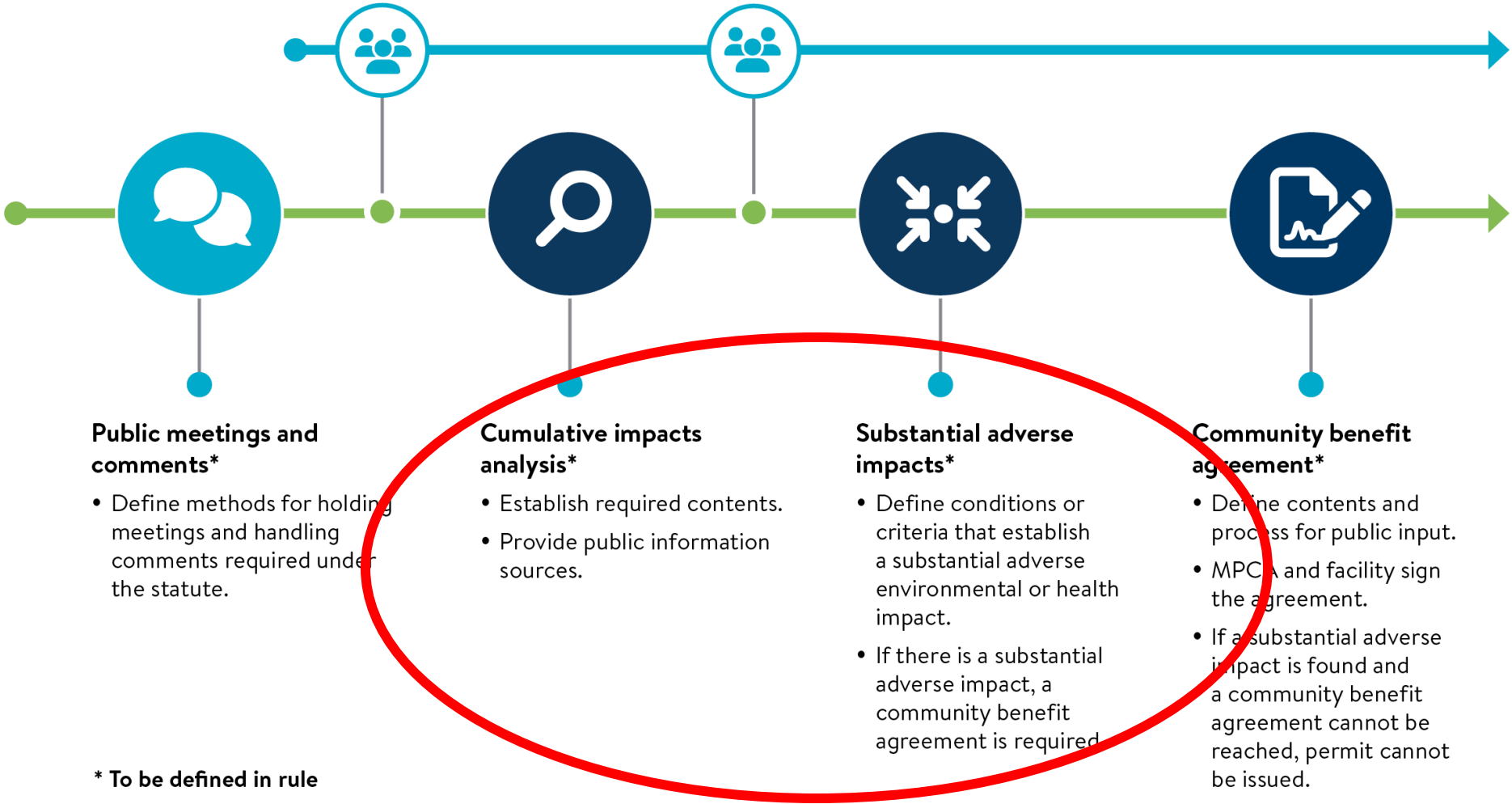


# Tribal supplement to CI Analysis

## Specific information to evaluate in a CI Analysis:

- Natural/cultural resources (plants and wildlife, changes to water, other uses).
- Traditional practices (wildlife populations and habitat for hunting, fishing, gathering).
- Areas of significance (access, traditional/historic areas, sacred locations, habitats for important resources).

Two public meetings are required, one before and one after the cumulative impacts analysis. Additional meetings may be added.



# CI analysis and substantial adverse impacts

# CI analysis, public participation

## **If a CI analysis is needed, it isn't submitted immediately, first:**

- A plan outlining how owners and operators plan on meeting the public participation requirements.
- Plan is due 30 days after MPCA posts the CI analysis determination of need decision document

## **Public meetings before and after conducting a CI analysis:**

- 1<sup>st</sup> CI public meeting summarizes the need for a CI analysis and provides opportunity for the public to comment on what goes into a CI analysis.
- 2<sup>nd</sup> CI public meeting summarizes the results of a CI analysis and provides opportunity for the public to comment on whether issuing the permit would have a substantial adverse impact.

# CI analysis, public meeting details

- Meeting is hosted by facility and MPCA attends.
- Requirements for location, start time, recordings, and language access.
- Specifies information that must be provided at each meeting:
  - presentation content
  - fact sheets
- Comment periods for each meeting.
- MPCA posts meeting materials on agency website.



# CI analysis

## CI analysis is the same regardless of application type:

- Must be submitted at least 45 days prior to 2<sup>nd</sup> CI public meeting.
- Includes additional information, modeling and risk analyses, Tribal supplement (if provided), other information/analyses needed as determined by the commissioner.
- Includes owners and operators' determination of whether issuing the permit would have a substantial adverse impact on the environment/health.

## Information specified is relevant for MPCA to make a substantial adverse impact determination based on:

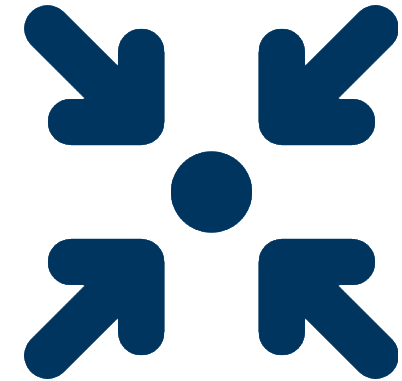
- Impacts identified to health/environment of impacted EJ area.
- Evaluation against criteria for substantial adverse impacts determination.

# Substantial adverse impacts determination

Rules define the criteria that establish an environmental or health impact as a substantial adverse impact.

## **MPCA must consider:**

- the CI analysis
- public comments and facility responses
- environmental stressors present
- socioeconomic impact of the facility



# Substantial adverse impacts determination, continued

MPCA will need to evaluate if substantial adverse impacts are expected for all facilities that need a CI analysis.

## **Substantial adverse impact evaluation includes:**

- Evaluating results from modeling and risks analyses.
- Evaluating impacts expected using similar criteria to the decision criteria used in the CI analysis determination of need stage.

MPCA must prepare and post decision document on agency website.



# Modeling and risk analysis criteria

## **Air quality modeling and risk analyses are required as part of a CI analysis:**

- Air quality modeling is required for pollutants over certain emission thresholds.
- Risk analysis would use existing protocols to determine scope of analysis.

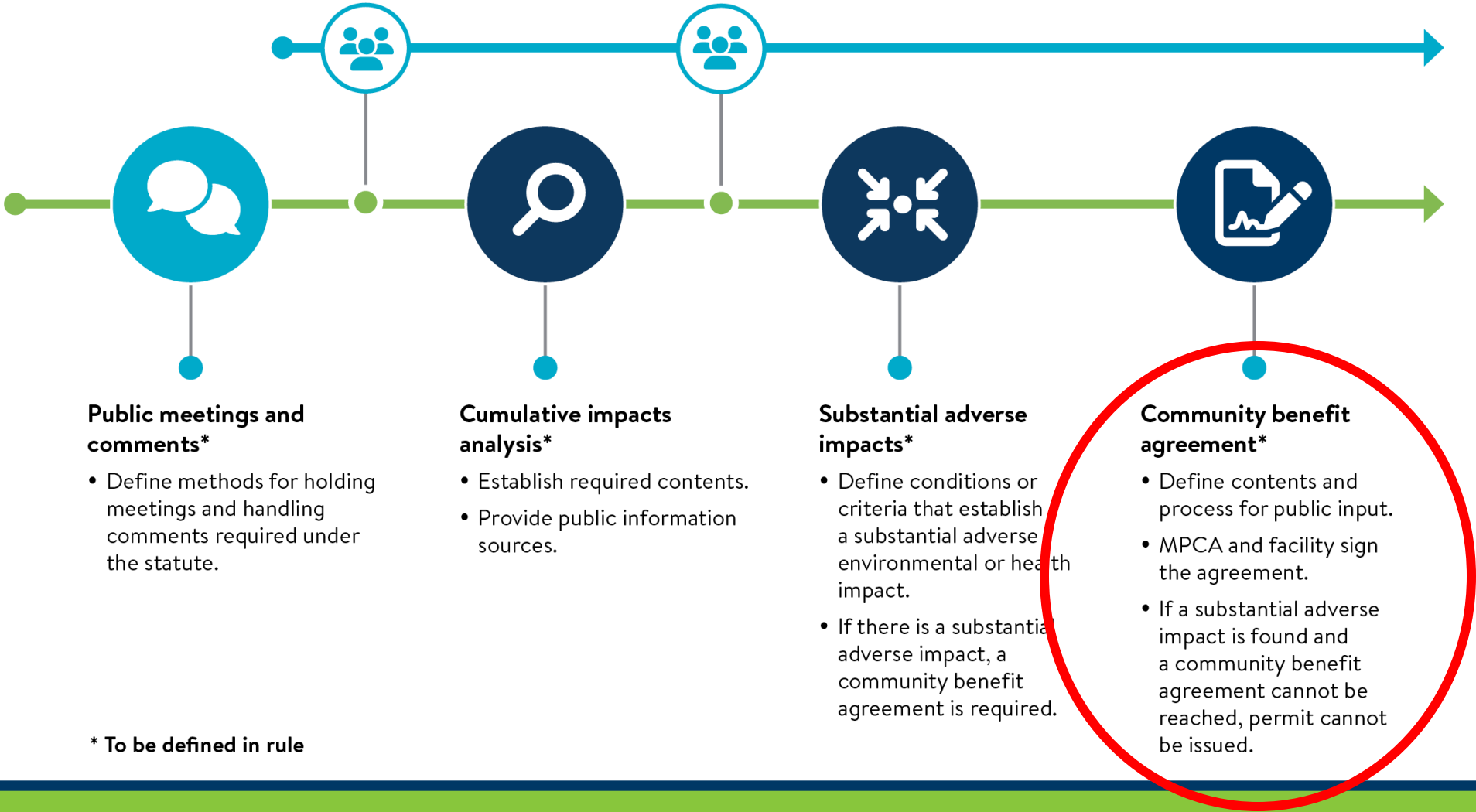
## **Substantial adverse impact criteria:**

- Results of air quality modeling indicate emissions from the source contributes 50% or more of the standard.
- Results of risk analysis indicate emissions from the source result in a maximum impact greater than acceptable risk levels (Cancer risk of 1 in 100,000, hazard quotient of 1.0, hazard index of 1.0).

# Environmental/health impact criteria

- Need a methodology to evaluate a wide range of possible environmental/health impacts.
- Evaluation criteria parallels decision criteria used earlier, with some notes:
  - Same four criteria specified for decisions on a petition and need for a CI analysis.
  - Additional consideration of environmental stressors present in the impacted EJ area.
- Maintains existing evaluation methodology, while focusing the decision:
  - Petition decision -- “may have the potential for substantial impacts.”
  - CI analysis decision -- “has the potential for substantial impacts.”
  - Substantial adverse impact decision -- “has substantial impacts.”

Two public meetings are required, one before and one after the cumulative impacts analysis. Additional meetings may be added.



# Community benefit agreements

# Community benefit agreement, public participation

## If a CBA is needed, it isn't submitted immediately, first:

- A plan outlining how owners and operators plan on meeting the public participation requirements.
- Plan is due 30 days after MPCA posts the substantial adverse impact decision document.

## Public meetings before and after drafting a CBA:

- 1<sup>st</sup> CBA public meeting summarizes the need for a CBA and provides opportunity for the public to comment on what goes into a draft CBA.
- 2<sup>nd</sup> CBA public meeting presents a draft CBA and provides opportunity for the public to comment on the draft CBA before submitting the proposed CBA to MPCA.

# Community benefit agreement, public meeting details

- Meeting is hosted by facility and MPCA attends.
- Requirements for location, start time, recordings, and language access.
- Specifies information that must be provided at each meeting:
  - presentation content
  - fact sheets
- Comment periods for each meeting.
- MPCA posts meeting materials on agency website.



# Community benefit agreement

## General structure of the CBA identified in rules:

- Descriptive information, community benefits, timelines, reporting, other information.
- Includes processes to modify a CBA later as well.

## Process overview:

- Draft CBA is prepared after 1<sup>st</sup> CBA meeting.
- Proposed CBA is prepared after 2<sup>nd</sup> CBA meeting and submitted to MPCA.
- MPCA posts proposed CBA on agency webpage and begins process of reviewing CBA to make a preliminary determination in advance of draft permit public notice.
- MPCA signs CBA no earlier than the conclusion of the draft permit public notice and no later than the day the permit is issued.

# Community benefit agreement determination

Decision process also specified in rule.

## **MPCA will consider all the information available:**

- Requested permit action
- CI analysis
- substantial adverse impact identified
- proposed CBA
- public comments and facility responses



# Community benefit agreement determination, continued

MPCA will determine whether the owners and operators completed the requirements specified:

- Proposed CBA, and content of CBA, was prepared in compliance with the rules.
- Proposed CBA, and responses to comments by facility, address issues raised in public comment period.
- Proposed CBA gives priority to considerations that directly impact residents of the impacted EJ area.

# Permit issuance

## **If a CI analysis is required for a source:**

- MPCA may issue the permit no earlier than 30 days following the last public meeting held.
- MPCA is required to consider the CI analysis and comments/testimony submitted in determining whether to issue or deny a permit.
- MPCA is required to determine whether there would be an substantial adverse impact associated with issuing the permit, and if so, deny the permit unless MPCA and the facility enter into a CBA.

## **If a CBA is needed:**

- CBAs must be signed on or before the day a permit is issued.
- MPCA may grant a permit that imposes conditions on construction/operation.

## Select a stressor

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

## Map options

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

Overview Search results Buffer tool

50 mi

## Stressor overview

### Cumulative impacts

The total number of adverse stressors

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

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

Data dates: This data was collected between 2017 and 2025. Each environmental specific data source information.

More information on background, for stressors can be found in the [CI-MAP technical document \(opens PDF\)](#).

# Cumulative impacts mapping and analysis platform (draft 2026)

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

[Fur hagaha Soomaaliga ee boggan.](#)

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

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

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

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

For questions please contact: [cumulativeimpacts.pca@state.mn.us](mailto:cumulativeimpacts.pca@state.mn.us)

Close Launch tour

Esri, USGS | MPCA, US Census Bureau

Luverne

Albert Lea

Rochester

St. Paul

Duluth

Grand Marais

Powered by Esri

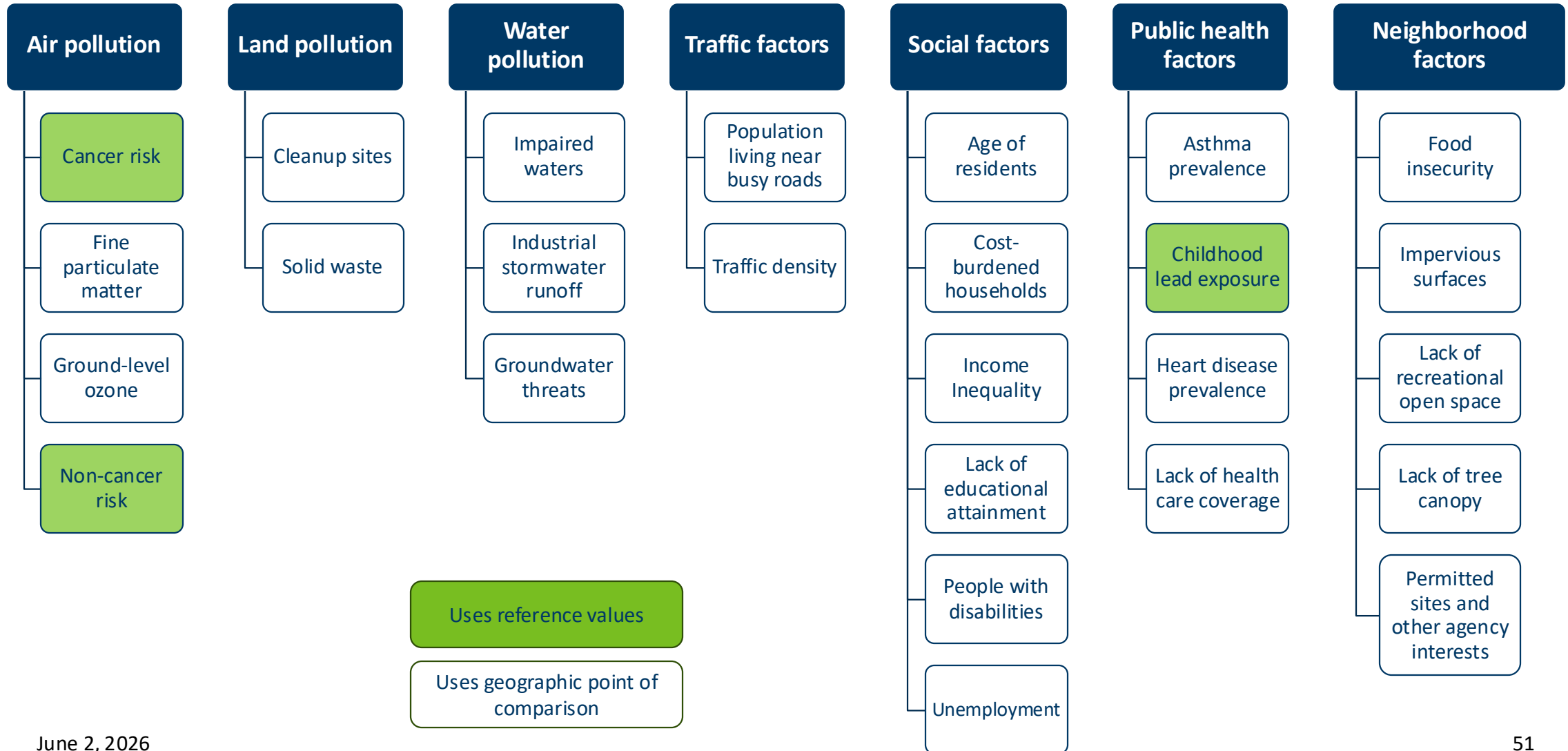
Contact us:  
Environmental emergencies (24 hours): 800-422-0798  
[Submit a question](#)

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# Statutory language regarding environmental stressors

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

# Environmental stressors



# How CI-MAP is used as part of the rules

## **MPCA considers stressors as part of determining:**

- If a CI analysis is needed.
- If issuing a permit would have a substantial adverse impact on environment/health.

## **Applicants are required to:**

- Include information from CI-MAP with their initial assessment.
- Consider stressors and how they may increase the magnitude of adverse effects.

# CI-MAP information

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

# CI-MAP development and update schedule

- CI-MAP available on MPCA's website:

- <https://pca-gis02.pca.state.mn.us/ci-map/>

- Initial development:

- Release 1 went live on December 16, 2025.
- Release 2 went live on May 18, 2026, alongside Notice of Intent to Adopt.
- Release 3 planned for 2027 alongside final rule adoption.

- Future updates and maintenance:

- EJ area demographic data updates at least every 5 years.
- Environmental stressor data, as needed.



CI-MAP



**Rulemaking schedule & next steps**

# Tentative rule schedule

Summer/Fall 2026

## Public hearing and comment periods

- MPCA reviews comments, prepares response to comments, and considers any rule changes.

Fall 2026

## Administrative Law Judge review and report on the proposed rule

- Approves/disapproves the rule or portions of the rule.

Spring 2027

## Publish Notice of Adoption (once approved)

- MPCA makes any required/suggested edits to address items in the Judge's report.

# Submitting written comments

Submit written comments on the proposed rules by **July 17, 2026**:

- Court of Administrative Hearings Rulemaking e-Comments
  - <https://minnesotaoah.granicusideas.com/>
- Other methods identified in the Notice of Intent to Adopt
  - U.S. Mail, in-person delivery, or fax.
- **Comments are due by 4:30 p.m.**

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



**E-Comments**



**CI rulemaking webpage**

# Additional resources

## Information about this rulemaking

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



CI rulemaking  
webpage

## Questions on technical aspects or content of the rule

- Hassan Bouchareb | 651-757-2653 | [Hassan.Bouchareb@state.mn.us](mailto:Hassan.Bouchareb@state.mn.us)
- Answers will be limited to information that is already in the SONAR.
- If your question isn't addressed in the SONAR, please submit them as comments.

## Questions on rulemaking process or how to submit comments

- Katie Izzo | 651-757-2595 | [Katie.Izzo@state.mn.us](mailto:Katie.Izzo@state.mn.us)

# What questions do you have?

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