Summary of Community Benefits Agreement working session

August 14, 2024, at Lincoln Park Middle School

This document includes a summary of the feedback heard from attendees at the Cumulative Impacts working session on August 14, 2024, and does not constitute decision/s by MPCA for the final Cumulative Impacts rule.

Participation

On August 14, 2024, the Minnesota Pollution Control Agency (MPCA) hosted a working session for the Cumulative Impacts Rulemaking at Lincoln Park Middle School in Duluth. Twenty-three community members attended this event and shared their feedback and ideas with MPCA staff. Participants represented communities in both Duluth and the seven-county metro, industry, and community and environmental advocacy groups.

After the working session, the MPCA also received five comments on Community Benefits Agreements (CBAs) through the Smart Comment webpage between August 14, 2024 and September 19, 2024.

Some participants expressed a strong interest in wanting a (CBA) conversation to be held in the Twin Cities. Some participants indicated that this working session had better facilitation, and the handouts were more useful in guiding conversation at the small group discussions.

Community engagement

Overall, participants expressed a need for different forms, languages, and media platforms to be used to reach community members. Lack of technical knowledge is a concern when it comes to CBA meetings, negotiations, and approval so participants expressed the need for resources to communities for support in this area.

Notifications

Participants suggested notifications and communication through:

- **Local community organizations** – they have the ability to reach community members.
- **Trusted messenger** – Community groups/orgs may need financial resources to do outreach.
- **Door knocking/informative flyer** – reaches a broad audience.
- **E-mail, local news, radio, & social media** – are all good ways to communicate.
- **Local elected officials, MPCA, facility, & places of worship** – should be doing outreach, people trust different people.

Meetings

Participants willingness to attend meetings varied.

- **Monthly meetings** – weekly is overwhelming, and preferably complete CBA process in 4-8 meetings.
- **Resources may encourage attendance** – Financial support, translators, food, transportation, childcare, knowledge support (*i.e*. legal counsel, technical/language).
- **Hybrid/recorded or e-mail chain** – to increase participation.
- **Piggyback with other events** – create community event or attend existing community event.
- **Advisory group/committee** – Would help to establish point of contact, negotiation, and ratification of CBA. Community discussed electing representatives, or who is left after 3-4 meetings.
- **Tiered meetings** – Maybe start with meetings for broader communities and then scope down to advisory committee for deep/fine details.

CBA drafting and approval

Participants suggest that:

- **Community** – wants opportunity to propose first draft, do not trust facility to do it, and have concerns about MPCA "representing" community.
- **Local officials, public health, and government reps** – should be included.
- **Youth groups, local business, & local chamber of commerce** – should be included.
- **Community vote or petition** – for final CBA approval.

Other concerns or issues to keep in mind:

- **The information can be technical** – How are we making the information understandable?
- **Accessibility** - Community members may not have transportation, childcare, etc., to allow them to attend meetings.
- **Community representation** – How do we ensure there is appropriate representation?
- **Inherent tension** – Community is uncomfortable with CBA being an agreement between the MPCA and the facility. Relationship building needs to be done and early in the process.

Benefit considerations

Participants had more questions about CBAs than suggestions of what should be considered for inclusion in the rule. Facilities were focused on how much money and/or many benefits a CBA would have to provide. Participants did not state anything that should not be considered, but said having too many options is overwhelming, but at the same time don't want to be restricted to a list. One suggestion was to provide the community with a list of top benefits for that community based off data and community input, so the decision is not fully on the community. As CBAs begin to be developed, an easily accessible clearing house of what has been used in the state was also encouraged.

Benefits

Participants provided some suggestions for inclusion:

- **Varying emission limits** – When AQI is above certain level/number, facility has to curtail/limit emissions.
- **Facility traffic restrictions** – Facility restricts truck traffic while local kids are going to and from school.
- **Clearing house of benefits** – Provide a list of possible benefits to choose from.
- **Payout/Create community fund** – Give community money to do as they wish with it.
- **Reduction of emissions & additional monitoring** – People would rather the problem go away than receive benefits. The facility providing online real time monitoring data above what may be required by permit may also help alleviate this.

- **Additional recordkeeping** – Show where facility started, mitigation measures installed and planned, and improvements along the way.
- **Community education & inspections**– Facility would teach/walk thru how to read/translate facility's air permit reports to plain language and allow community members to inspect/tour facility.
- **Water and/or soil test kit/services** – Residents want to know firsthand if their water and soil is safe for food production.
- **Air benefits** – should be the focus.
- **Public health services** – Clinics, health clubs, childcare, *etc.*
- **Cost of living/subsidies** – For food, and/or provide or assist with cost of electricity, power generation, and/or clean energy.
- **Pollution prevention and/or controls** – For homes next to or directly near facility.

Other concerns/ideas:

- Successful CBAs will both provide direct benefits *and* engage the community in conversations with the facility. Rules will need to set standards for engagement around CBA development.
- **Off ramping** – If facility can demonstrate improvement over time (*i.e*. no longer causing substantial adverse impacts), there should be the option to closeout/conclude CBA.
- **Created benefit ownership** – Once benefit is created (park, trails, sports complex, *etc*.) who owns it, maintains it, and pays the taxes?
- **Company benefits and gentrification** – Make sure community members are receiving the benefit, not the company and/or property owners who may not live in area.

CBA elements

Participants covered a wide range of items to be included in a CBA. The most apparent concern was ensuring that a CBA is enforceable, and there are penalties for not complying with a CBA, as well as a dispute resolution process and a clear way to measure community satisfaction with execution of the CBA.

In addition to benefits listed on the handout, participants also suggested:

- **Statement of potential impacts** – Magnitude, and reductions that have been made.
- **Socioeconomic benefits of the project** – to the community (*e.g*. jobs).
- **Clear results and benefits** – of the agreement.
- **Lifespan and is there an off-ramp** – for the agreement.
- **Triggers for a new Cumulative Impacts Analysis** – How would a change in EJ maps affect an existing CBA?
- **Project maintenance** – Who is responsible for the completed benefit?
- **Transparency & accessibility** – Community wants to be informed of the progress.
- **Timeline & goals** – for duration and execution of the CBA, maybe align with permit term.
- **On-going/regular check-ins** – by the MPCA and the facility, with the community.
- **Characterization of the neighborhood** – Are benefits linear or an exchange?
- **Evidence/records of engagement, collaboration (with whom), and the process** – that the facility did/followed for the CBA.
- **Enforceability/accountability** – is a must.
- **Mechanism for the benefit** – Is the facility executing the benefit or giving the community funds to do it.
- **Consequences/process** – if CBA is not met.

Other concerns/ideas:

- **Ratification –** Community wants the option to ratify the agreement if facility is not providing benefit or meeting what was thought to be the intention.