

Summary of Cumulative Impacts Analysis and Substantial Adverse Impact Working Session Meetings

May 13, 2025, at the Webber Community Center

May 20, 2025 (virtual meeting)

This document includes a summary of the feedback heard from attendees at the Cumulative Impacts Analysis and Substantial Adverse Impact Working Session on May 13, 2025, as well as on May 20, 2025, during a virtual version of the meeting. Both meetings were on the same topics, and this document does not constitute decision/s by MPCA for the final Cumulative Impacts rule.

Participation

On May 13, 2025, the Minnesota Pollution Control Agency (MPCA) hosted a working session for the Cumulative Impacts Rulemaking at the Webber Community Center in Minneapolis. Approximately 15 community members attended this event and shared their feedback and ideas with MPCA staff. An additional virtual session covering the same topics was provided on May 20, 2025, with approximately 16 attendees. Both sessions included a range of perspectives including staff from environmental advocacy groups, representatives for regulated facilities, community members from Minnesota, and individuals from other states.

MPCA also received four separate comments on the cumulative impact analysis and determining substantial adverse impacts through the Smart Comment webpage between May 13 and June 13, 2025.

Contents of the Cumulative Impact Analysis

Participants responded to questions after the presentation on the contents of a cumulative impact analysis

What do you think about the overview of the quantitative analysis concept so far?

How can the facility work with the community to bring the data found in the data tool to life?

What would your expectations be for the facility to transparently use lived experiences from community members in this analysis?

Several topics and themes emerged after the presentation and giving participants these prompt questions. The main items were:

Technical expertise and process

Participants brought up several related concerns to the expertise and process around completing the analysis. This included:

- Who is doing the analysis: wanted to know if the facilities themselves would do the analysis, or if they will enlist outside consultants to complete it.
- This will be an additional cost to businesses, and it could hurt industry. Some stakeholders expressed that many companies that are doing work in Minnesota already say it's too hard to operate, so they're beginning to leave the state.
- Qualitative data - challenging for companies to produce and quantitative data is what facilities are used to
- Concerns from facilities doing this analysis that it will add onto long timelines for permits, and this might not incentivize facilities to update or improve operations if they need to go through a full cumulative impacts analysis

Impacts from facility versus existing conditions or surrounding environment

Facility impacts versus existing environmental conditions - The scope of the analysis is a big question in this work, and the analysis should clearly define what the facility impacts versus what issues exist but are not directly connected to the facility. There will likely be considerations or impacts that the facility cannot directly control.

- Examples like extreme weather events, wind & where pollution travels, existing socioeconomic factors, zoning codes, next-door facilities with associated pollution

Questions arose on how will reporting by facilities be changed or improved to detect impacts better than we currently do. More active testing and reporting will be necessary. Will there be tighter oversight by the MPCA?

Some stakeholders also expressed concerns with the data screening tool and our proposal requiring facilities to do a full cumulative impact analysis due to enough non-air pollution issues being flagged as adverse stressors.

Changes over time and facility business practices – Stakeholders brought up the need to track the trends in these environmental stressors over time, and to see how facilities operate under this program. Several related concerns were raised that:

- Facilities might move to different parts of the state where this law is not applicable
- Companies or facilities might under-invest in areas that this cumulative impacts screening tool flags as 'stressed' or potentially facing substantial adverse impacts.

- This program might still allow for pollution or just move pollution to other geographic areas. Some stakeholders want more stringent permitting requirements and more frequent inspections for these facilities.

More localized trends and data

The data screening tool is a baseline for information & is consistent across the state. However, there is interest to know more localized issues while each facility might have unique impacts based on their operating conditions and immediate environment. The full analysis required to be completed by facilities should provide more flexibility for this while still using the data screening tool as a starting point. Several related themes came up including:

- Stakeholders asked about mobile air monitors and water quality monitoring & if they could be used in the analysis.
- Buffers – questions on how big the buffer is and if it is just around the facility limits. Additionally, stakeholders were curious about how to address when multiple census tracts are within the buffer.
- Real/actual pollution or potential to emit? Stakeholders expressed interest in how this will be evaluated in the cumulative impact analysis.
- Lived experience and community engagement can help ‘ground-truth’ the screening tool and identify where more localized issues may be occurring relevant to specific facilities and nearby communities.

Data communication and accessibility

The handouts and presentation materials provided good background; however, it was expressed that this work will need to be communicated in a manner that reaches more people. Several suggestions for future outreach efforts include:

- More plain language and using visual diagrams or maps. The cumulative impacts analysis will likely require written analysis and a lot of quantitative data, so sharing these results with simpler summaries, visual diagrams or maps will be important.
- Having training or instruction materials prepared for non-English speakers is important too even if the initial data screening tool is only in English.

Substantial Adverse Impacts

Participants responded to questions after the presentation on how a determination of substantial adverse impact will be made through the Cumulative Impacts analysis.

What do you like about this approach to substantial adverse impacts? What concerns do you have?

The PCA is considering using lived experiences and other forms of qualitative data as part of the analysis. How would you like the MPCA and facility to consider lived experiences and stories as part of this analysis?

- *How should the MPCA review lived experiences/qualitative analyses when deciding if a facility has substantial adverse impacts?*
- *How should the consideration of quantitative and qualitative data be balanced in the analysis and determination of impacts?*

Several topics and themes emerged after the presentation and giving participants these prompt questions. The main items were:

Methodology to determining substantial adverse impacts

Overall standard: There was disagreement over the approach to determine substantial adverse impacts from pollution. Industry stakeholders expressed that the proposal has a low bar or standard to reach. For example, if you compare air quality in an EJ area vs. the state average, of course it will be over the median.

- Community members felt this approach of looking at the state average is a reasonable approach to calculating substantial adverse impacts

Several participants also brought up how we are accounting for when stressors are correlated with each other, and if we need to consider weighing the stressors. Some states have done a scoring system with an overall index or score with weights on the stressors. Participants discussed this approach from other states like California and identified significant complexity and challenges. Stakeholders generally understood the reasoning to keep each stressor separate with an overall count of adverse stressors like New Jersey's cumulative impacts analysis.

Minimizing ambiguity and subjectivity: Stakeholders expressed concerns with stressors or issues that do not have quantitative numbers, and industry representatives in particular want to ensure that this cumulative impact analysis has ties to the direct facilities themselves.

- Examples brought up where a facility isn't a park, but green space is the city's responsibility. So, is the facility responsible for park space in a community? The proposed process would look at

each facility and see if they are taking away green space or vegetation, or if there is the capacity to add more green space or vegetation.

Stakeholders also expressed interest in testing this process to reduce inefficiencies, improve clarity and ensure that the cumulative impact analysis works with existing permitting and regulatory processes.

Sensitive information and protecting people's identities: Community members stress the need to protect people's identities when considering lived experience.

Industry & Community both ask for a confidential line for people to share concerns and lived experiences without fear of retaliation. There is a great mistrust with historical and existing forms of sharing sensitive information with the MPCA.

Lived experience

Community members strongly support including lived experience in the cumulative impact analysis. It provides a way to keep listening to community concerns, and quantitative data does not always capture pollution issues happening in the community. Especially more localized pollution or types of pollution that are harder to measure like noise, odor, and dust.

- For example: one resident knew the facility they lived by every day created an intense odor every Wednesday. They grew up knowing animals and kids could not be outside on Wednesdays. They also knew windows had to be closed on Wednesdays.

Stakeholders from the community would like to see facilities collecting qualitative data and documenting this in the process. There is less excitement or support to translate these experiences into a numerical number or data point in an analysis. The agency will need to have a process that incorporates lived experiences while not oversimplifying the information or forcing it to be a number. Comparing and adding information from lived experience to quantitative information can help connect facility pollutants to particular environmental and human health impacts.

Meeting community where they are at: Some stakeholders would also like to see more community members at these working sessions, and they would like to see the MPCA meet community where they are at. Having a team of people dedicated to this and consistently being in community would help to better include lived experiences in the cumulative impact analysis.