

# Minnesota Pollution Control Agency

## Community Input Panel - Kickoff Meeting Agenda

### Friday, July 11th from 9:00 AM - 12:00 PM

#### Participants:

##### *CREATION IN COMMON (CIC)*

- Carlo Cuesta, *Principal & Co-Facilitator*
- Barbara Hahn, *Project Lead & Co-Facilitator*
- Kyle Moore, *Project Coordinator & Reporter*

##### *CLIENT ORGANIZATION (MPCA)*

- Alexa Golemo, *Minnesota Pollution Control Agency*
- Breanna Ellison, *Minnesota Pollution Control Agency*
- Hassan Bouchareb, *Minnesota Pollution Control Agency*

##### *COMMUNITY INPUT PANEL (The Panel)*

- Sachiko Graber (*Twin Cities*)
- Byron Renato Morales Galán (*7-Country Metro*)
- Naomi Yaeger (*Duluth*)
- Brian Rosas (*Twin Cities*)
- Said Ali Ussain (*Rochester*)
- Roxanne O'Brien (*Twin Cities*)
- Sasha Lewis-Norelle (*COPAL*)
- Kathryn Milun (*UMN Duluth*)
- Bill Droessler (*Environmental Initiative*)
- Jenni Lansing (*City of Minneapolis*)
- Kayla Betzold (*City of Rochester*)
- Olivia Dawson-Olson (*Xcel Energy*)
- Benj TerLouw (*ME Global*)
- Jennifer Koenen (*Barr Engineering*)
- Andrew Morley (*MN Chamber of Commerce*)
- Kevin Pranis (*LIUNA*)
- Kyle O'Neill (*International Brother of Electrical Workers Leaders cal292*)

## Purpose:

This meeting aims to introduce the Community Input Panel members to one another and to the purpose, roles, expectations, and meeting norms of the feedback panel. Additionally, the session will orient members to Community Benefit Agreements (CBAs), review the panel meeting schedule and logistics, and provide an overview of background and resource materials accessible throughout the process.

## Meeting Objectives:

By the end of this meeting Community Input Panel members will:

- Be introduced to Panel members, consultants and MPCA staff.
- Understand the role and expectations of panel members and the meeting norms that will be utilized.
- Be oriented to the purpose of the Panel and Community Benefit Agreements.
- Be familiarized with the Briefing Document and any resource materials accessible to panel members throughout the process.
- Generate questions to be discussed during the three Community Benefits Agreement feedback meetings.

## Agenda:

- Introductions & Sharing - CIC 60 min
  - Introductions - all
  - Perspective sharing - Panel members
  - Review of Panel Purpose - MPCA
- Review Participant Roles, Expectations and Meeting Norms - CIC 10 min
- Q&A for Background Materials and Resources - CIC + MPCA 20 min
- Overview of Draft Community Benefit Agreement concept 60 min
  - Review Process Graphic - MPCA
  - Review Draft Concept Document - MPCA
  - Brainstorm Questions to Be Used as Topics for Future Meetings - The Panel
- Next Steps 30 min
  - Review Timeline and Agenda for Future Meetings - CIC

## Meeting Expectations:

Expectations for meetings and interactions include the following:

- We are at a conceptual stage on various rules and technical topics.
- This is an opportunity to listen and to be heard.

- Speak one at a time and do not interrupt other speakers.
- Speak truth with kindness and respect the feelings of others.
- Respect the truth in everyone's perspectives. Do not judge others or criticize their opinions. Disagree with the topic, not the person.
- Assume positive intent, while also striving for positive impact.

Note: To assist panel members in getting introduced to each other, the Introductions portion of the meeting will be recorded and shared with any member who is unable to attend the initial meeting.

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# Minnesota Pollution Control Agency

## Community Benefits Agreement: Community Input Panel

TO: Community Input Panel Members

FROM: Carlo Cuesta, *Creation in Common, LLC*  
Barbara Hahn, *Creation in Common, LLC*  
Kyle Moore, *Creation in Common, LLC*

RE: Community Benefits Agreement: Community Input Panel Briefing Document

DATE: July 11, 2025

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## Minnesota Pollution Control Agency: Community Input Panel Briefing Document and Resources

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## 1. Executive Summary

- a. Minnesota's environmental regulations impact every community and industry. The Legislature has given the MPCA the authority to develop rules to protect state environmental resources. In some cases, the Legislature directs state agencies to develop rules to fully implement laws that have been assigned to them. Rules provide clarity and uniformity to fill in details that were not necessary to put directly into statutes.

During the 2023 Legislative Session, the Legislature asked the MPCA to develop regulations to implement the cumulative impacts law. These regulations will define criteria and processes for numerous portions of the new law, including a cumulative impacts analysis, community benefit agreement, and a substantial adverse impact.

The Community Impact Panel (CIP) has been created to serve as an advisory body to the MPCA. Its purpose is to review the draft concept of Community Benefits Agreements (CBAs) developed by MPCA technical staff. The panel's input on these concepts will be considered by technical staff and MPCA leadership, alongside feedback from the wider community and various stakeholder groups.

This document serves to provide context and resources to panel members, on the components and timeline of the rulemaking process, and in particular on the role of community benefit agreements in responding to cumulative impacts in environmental justice areas.

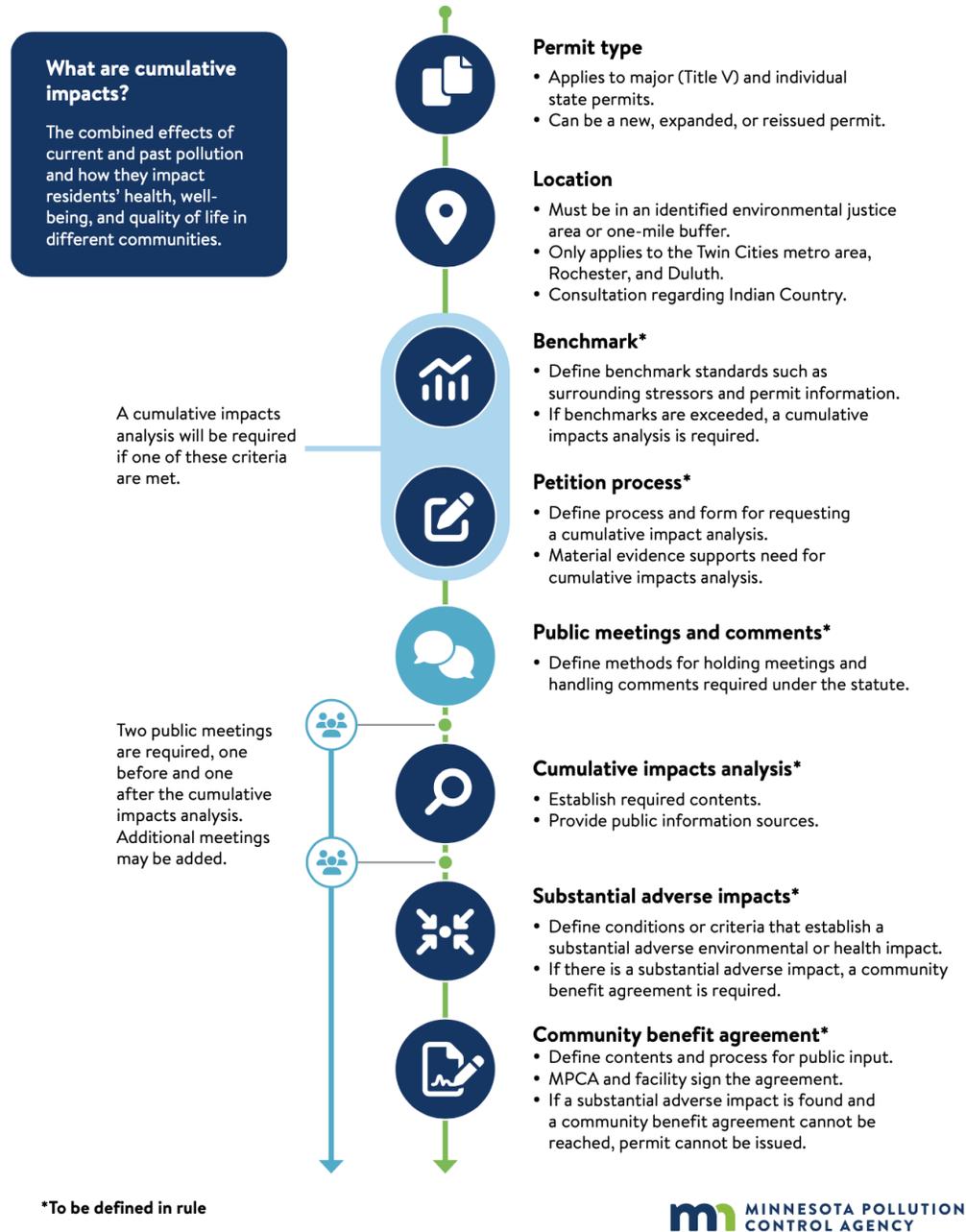
Panel members interested in receiving more background information, in addition to this document, in preparation for panel meetings may schedule a 1:1 “Cumulative Impacts 101” with MPCA staff. Panelists may contact Alexa Golemo at [alexa.golemo@state.mn.us](mailto:alexa.golemo@state.mn.us) to schedule.

## 2. Rulemaking

- a. *Section Summary* - This section provides an overview of the cumulative impacts process, outlining when a cumulative impacts analysis is required and the necessary steps involved. It also outlines the process for conducting cumulative impact analyses, particularly concerning environmental justice areas, assessing substantial adverse impacts, and establishing community benefit agreements.

- b. *Cumulative Impacts: Creating the Process* - This document provides a high level overview of what is included in the statute and what the MPCA is charged with creating as part of this rulemaking.

## Cumulative impacts: Creating the process



### 3. Community Benefit Agreements

- a. *Section Summary* - This section offers a definition of Community Benefit Agreements (CBAs) and provides a summary of the two 2024 community working sessions on CBAs, as part of the Cumulative Impacts Rule.
  - i. A Community Benefit Agreement (CBA), developed with active community input and participation, is a legal and enforceable contract between the MPCA and the permit applicant. A CBA will only be required if a facility's cumulative impacts analysis identifies a substantial adverse impact resulting..
  - ii. Key Learnings from 2024 CBA Working Sessions

#### b. August 14, 2024 CBA Working Session

The following summarizes feedback from an August 14, 2024, working session on CBAs for the Cumulative Impacts Rulemaking hosted by the Minnesota Pollution Control Agency (MPCA) at Lincoln Park Middle School in Duluth.

Key takeaways include:

- **Participation:** 23 community members, industry representatives, and advocacy groups attended, with some expressing interest in a Twin Cities CBA conversation and appreciation for the session's facilitation.
- **Community Engagement & Notifications:** Participants emphasized the need for diverse communication methods (various languages, media, local organizations, trusted messengers, door-knocking, email, social media, elected officials, places of worship) and resources to help communities understand technical information.
- **Meetings:** Suggestions for meetings included monthly frequency, financial and knowledge support, hybrid options, piggybacking with other events, and tiered meetings with an advisory group.
- **CBA Drafting & Approval:** Communities propose the first draft includes local officials, public health, government reps, youth groups, local businesses, and chambers of commerce. Final approval could be via community vote or petition. Concerns included making technical information understandable, accessibility, ensuring proper community representation, and addressing the inherent tension of CBAs being between MPCA and facilities.

- **Benefit Considerations & Suggestions:** Participants had more questions than suggestions for what to include, but emphasized the need for a clearinghouse of past CBA benefits. Specific benefit suggestions included varying emission limits, facility traffic restrictions during school hours, payout/community funds, reduction of emissions, additional monitoring, recordkeeping, community education and inspections, water/soil test kits, air benefits, public health services, cost of living/subsidies, and pollution prevention/controls.
- **Other Concerns/Ideas:** Successful CBAs should provide direct benefits and engage the community, with rules setting engagement standards. There should be an "off-ramp" if facilities demonstrate improvement. Questions were raised about ownership and maintenance of created benefits and preventing gentrification.
- **CBA Elements:** Participants stressed the need for enforceability, penalties for non-compliance, a dispute resolution process, and clear ways to measure community satisfaction. Other suggested elements included statements of potential impacts, socioeconomic benefits, clear results, lifespan and off-ramps, triggers for new cumulative impact analyses, project maintenance responsibility, transparency, timelines, regular check-ins, neighborhood characterization, evidence of engagement, and mechanisms for benefit execution. Community ratification was also desired if the facility isn't meeting the agreement's intention.

### c. **October 23, 2024 CBA Working Session**

The following summarizes feedback received during a community working session on CBAs for the Cumulative Impacts Rulemaking, held on October 23, 2024, at John Marshall High School in Rochester, MN. Approximately 20 people attended, representing Rochester communities, industry, and advocacy groups.

Key takeaways include:

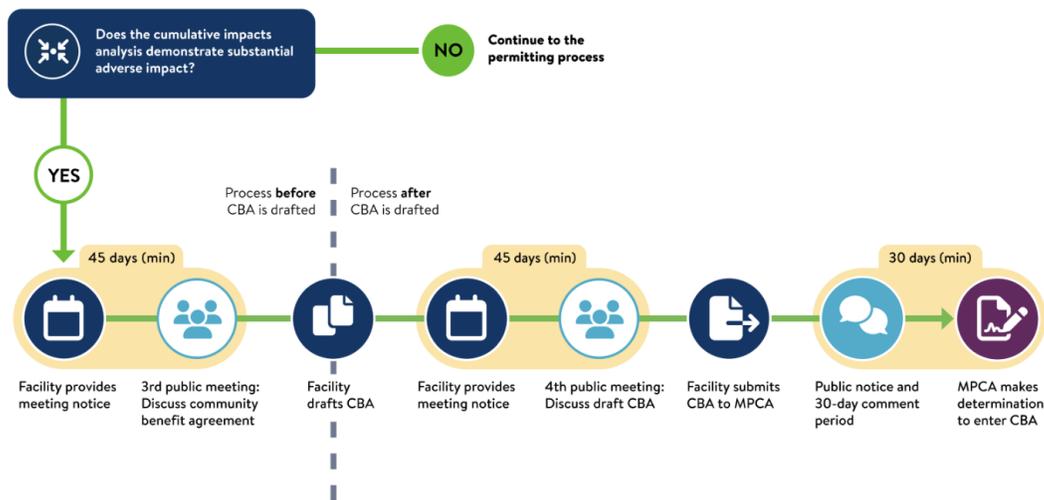
- **Participation and Transparency:** Attendees emphasized the importance of transparency, open meetings, and utilizing various communication channels to disseminate information about the rulemaking effort.
- **Community's Role and Representation:** Participants stressed transparency from both the agency and industry regarding facility impacts. While generally not opposed to a neighborhood advisory council (NAC), concerns were raised about who would serve on it and the time needed to create one. Support was shown for ward representatives, youth, and impacted residents, with mixed opinions on using existing community groups. Participants desired both NACs and public comment periods for input on CBAs. Industry representatives suggested using existing local processes and public comment periods.

- **Engagement Methods:** Suggested engagement methods included open meetings, outreach through neighborhood leaders, signage in public places, advance meeting announcements, door-knocking, mailers, and tabling at community events.
- **Significant Community Participation:** This was defined as having elected officials on advisory groups and opportunities for public comment at various local government meetings.
- **Benefit Categories and Prioritization:** Participants generally supported the proposed benefit categories and prioritization, providing examples of tangible benefits over monetary compensation. Industry representatives expressed concerns about the feasibility of benefits beyond direct impacts.
- **Outreach and Public Meeting Requirements:** Emphasized the need for multiple avenues for information dissemination and input. Requests for public meeting notices included information on who and why the community is affected, maps, and an emphasis on the need for community input.
- **Public Meetings:** Robust engagement was described as having a certain number of participants (e.g., 20+), information sharing between local government and nonprofits, and an engaged audience including local leaders. Different methods for meetings (in-person and virtual) and documentation (notes, minutes, transcripts, video) were highlighted, along with the required presence of MPCA and accessible language.
- **Public Meeting Comments:** Information collection and sharing should include email (concise, plain language) and electronic options for video comments.

## 4. Cumulative Impact Draft Rule Process and Current CBA Concept Document

- iii. *Cumulative Impacts Draft Rule Process Diagram* - This draft document outlines a process for developing community benefit agreements (CBAs) if a cumulative impacts analysis demonstrates substantial adverse impact. If the analysis does not show substantial adverse impact, the process continues directly to permitting.

### Post-cumulative impacts analysis and community benefit agreement process - working draft



- iv. *CBA Concept Draft* – This document outlines a draft concept for Community Benefit Agreements (CBAs) as part of the Cumulative Impacts Rule. The CIP will provide feedback and input on this concept:

## DRAFT COMMUNITY BENEFIT AGREEMENTS CONCEPT

*This document outlines the draft community benefit agreement concept for the Cumulative Impacts Rule, as of June 2025, and is meant to serve as a resource for the CBA Community Input Panel as they offer input to the MPCA on this concept. The concept described in this document are preliminary and may or may not occur. These concepts are not final. The MPCA will request comments during a formal public comment period when the rules are proposed.*

### **Minnesota Statute 116.065**

MN Statute 116.065 provides direction to the MPCA on the required contents of the Cumulative Impacts law. The entirety of the statute can be found [here](#). The sections that specifically refer to community benefit agreements are included below:

*Subd. 5. **Environmental justice area; permit decisions.** (a) In determining whether to issue or deny a permit under this section, the commissioner must consider the cumulative impacts analysis conducted, the testimony presented, and comments submitted in public meetings held under subdivision 4. The permit may be issued no earlier than 30 days following the last public meeting held under subdivision 4.*

*(b) Unless the commissioner enters into a community benefit agreement with the facility owner or operator, the commissioner must deny a permit subject to this section for a facility in an environmental justice area if the cumulative impacts analysis determines that issuing the permit, in combination with the environmental stressors present in the environmental justice area and considering the socioeconomic impact of the facility to the residents of the environmental justice area, would have a substantial adverse impact on the environment or health of the environmental justice area and its residents.*

*(c) If the facility owner or operator enters into a community benefit agreement with the commissioner, the agency may grant a permit that imposes conditions on the construction and operation of the facility to protect public health and the environment.*

*(d) A community benefit agreement must be signed on or before the date a new or reissued permit is issued in an environmental justice area.*

### **Subd. 6. Rulemaking.**

*(c) Rules adopted under this section must:*

*(4) establish the content of a community benefit agreement and procedures for entering into community benefit agreements, which must include:*

*(i) active outreach to residents of the impacted environmental justice area designed to achieve significant community participation;*

*(ii) considerations other than or in addition to economic considerations, but with priority given to considerations that directly impact the residents of the environmental justice area; and*

*(iii) at least one public meeting held within the impacted environmental justice area;*

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**Acronyms:**

CBA: Community benefit agreement

MPCA: Minnesota Pollution Control Agency

**Definitions in statute:**

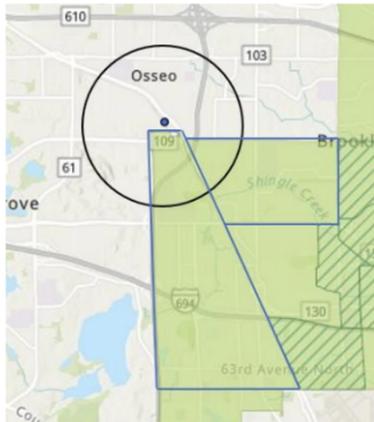
**Environmental justice area:** one or more census tracts in Minnesota, in which, 40 percent or more of the population is nonwhite, 35 percent or more of the households have an income at or below 200 percent of the federal poverty level, or 40 percent or more of the population over the age of five has limited English proficiency; or located within Indian Country.

**Cumulative impacts:** the impacts of aggregated levels of past and current air, water, and land pollution in a defined geographic area to which current residents are exposed.

**Draft definitions for Cumulative Impacts Rule:**

**Impacted environmental justice area:** Any environmental justice area that intersect with a 1-mile radius around the facility.

*Example: 1-mile radius circle from facility with impacted environmental justice area outlined in blue.*



**Substantial adverse impact:** A considerable health or environmental effect within an environmental justice area cause by the accumulation of impacts from the disproportionate exposure to stressors.

**Most commonly spoken languages OR a language, or language/s representative of:** Top 3 Non-English languages shown on MPCA’s [Understanding environmental justice in Minnesota](#) (collected through [American Community Survey](#)).

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Please note:

**Bold words** indicate definitions, either included in the statute or that will need to be defined by the MPCA in rule. *Italicized words* indicate statute requirements.

**Applicability**

A Community Benefit Agreement (CBA) must be prepared by permit applicants that are 1) required to conduct a cumulative impact analysis and 2) whose cumulative impact analysis shows **substantial adverse impact** on the environment or health of the environmental justice area and its residents.

**Public outreach and engagement**

*Permit applicants must do outreach and engagement* to provide residents with opportunities to comment during the preparation of a community benefit agreement (CBA). *The permit applicant must do outreach in the **impacted environmental justice area**.* Prior to drafting a CBA, the permit applicant must complete the following:

1. Notify the residents of the **impacted environmental justice area** that a CBA is required.
  - a. The required public meeting held after a cumulative impact analysis must include this update.
2. Create an e-mail account for sharing information on the CBA.
3. Develop or use a public website for the proposed project in the **most commonly spoken languages** of the **impacted environmental justice area**. The website must be available throughout the life of the CBA, and include a description of the proposed project, the potential impacts to local residents, and the option to subscribe to an e-mail list for information.
4. *Post and maintain physical signage* at the existing or proposed facility and public spaces *in the **impacted environmental justice area**.* Signage must:
  - a. be posted in **prominent public spaces** and be at least 8.5" x 11";
  - b. be in the **most commonly spoken languages** of the **impacted environmental justice area**;
  - c. request comments from community members;
  - d. include the e-mail account, website, and applicants' contact information;
  - e. include the details for the upcoming meetings and;
  - f. be posted at least 30 days before the 1<sup>st</sup> CBA meeting.
5. Distribute printed informational material by mail or by door knocking to all addresses located in the **impacted environmental justice area**. Printed informational material must:
  - a. be at least 4" x 6";
  - b. be in the **most commonly spoken languages** of the **impacted environmental justice area**;
  - c. request comments from community members;
  - d. include the e-mail account, website, and applicants' contact information;
  - e. include the details for the upcoming meetings and;
  - f. be distributed at least 30 days before the 1<sup>st</sup> CBA meeting.
6. Host a minimum of two public meetings specific to CBAs. (More details under **Public meetings.**)

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- a. Residents of the **impacted environmental justice area** must be provided the opportunity to submit written and oral comments. All comments must be available on the project website and submitted to the MPCA within 30 days of the meeting.
- b. The facility must continue to accept, share, and consider comments after the meeting and throughout the CBA drafting process.

Permit applicants can choose to complete the following:

1. Additional outreach may be completed at any point before or during the drafting of a CBA. The permit applicant can:
  - a. Develop and foster existing community relations and foster community engagement.
  - b. Conduct additional methods of active outreach.
  - c. Utilize information gathered from additional and existing outreach in the preparation of a CBA, if there are records with the following:
    - a description of the outreach method/s conducted;
    - dates, times, and locations where outreach was done;
    - a summary of the goals and outcomes of each engagement activity; and
    - comments received electronically, hard copy, and verbally from residents once a CBA is required. Comments must be made available on the project website within 30 days of the 2<sup>nd</sup> CBA meeting.

If the permit applicant believes the required public outreach and engagement on pgs. 3-4 is not feasible, they must submit documentation and an alternative plan meant to achieve public outreach and engagement, in a format provided by the MPCA.

1. The documentation and alternative plan must contain:
  - a. proof demonstrating financial, personnel, or any other burden restricting the permit applicant from completing the required engagement;
  - b. a description of activities the permit applicants will conduct to achieve active outreach that is equal to the required engagement;
  - c. a list of community events the permit applicants will attend in the **impacted environmental justice area** to engage with residents; and
  - d. a list of public events or locations in the **impacted environmental justice area** where the permit applicant will table to engage with residents.
2. The MPCA will review documentation and the alternative plan within 30 days and notify the permit applicant if they are approved. If approval is not granted, the permit applicants must complete the required engagement (pgs. 3-4).

#### **Public meetings**

1. The permit applicant/s must comply with the following:

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- a. The 1<sup>st</sup> CBA meeting must be held at least 30 days after the required cumulative impact analysis meeting and prior to drafting the CBA. Public comments and the responses to these comments, must be submitted to the MPCA at least 45 days before the 2<sup>nd</sup> CBA meeting, and shared to the project website at least 30 days before the 2<sup>nd</sup> CBA meeting.
  - b. The 2<sup>nd</sup> CBA meeting must be held after drafting the CBA, but before it is submitted to the MPCA (more details under [CBA initial review and submittal](#)).
  - c. These public meeting/s must:
    - Be held X days into the public comment period;
    - Be held in an accessible public space located within the **impacted environmental justice area**;
    - Be available virtually;
    - Start between 5:00 PM And 7:30 PM;
    - Provide translation services and translated materials available upon request; and
    - Be recorded or transcribed.
  - d. At any public meeting, the permit applicant must accept written and oral comments, from any interested persons.
    - The permit applicant must provide at least 30 days for public comments.
    - *After any public meeting, the permit applicant must provide an electronic copy of all written comments and a transcript of all oral comments to the MPCA within 30 days of that meeting.*
  - e. Meetings must be recorded or transcribed. The recording or transcription must be made available on the project website within 10 days of the meeting;
2. Permit applicants must do the following for the two required CBA meetings:
    - a. In addition to *providing notice through a newspaper in general circulation and physical signage in the environmental justice area*, the permit applicant must provide notice through the CBA e-mail and mailing list, on social media, and on the CBA project website *at least 30 days before the meeting*.
    - b. The notice must include:
      - The name and address of the facility, permit applicant and agency;
      - *The activity or activities involved in the permit action*;
      - The contact information of a person or website where interested persons can access additional information, including the permit application, supporting materials, any materials available and relevant to the decision of need for a cumulative impact analysis, and the cumulative impact analysis, if conducted;
      - A description of the details for submitting and collecting comments;
      - *The date, time and location of the public meeting/s.*

### CBA elements

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The MPCA may request for the permit applicant to submit additional information, or add additional elements to make sure the CBA can be enforced.

A CBA must include the following:

1. A description of the proposed project that will have a **substantial adverse impact** on the environment or health of the environmental justice area and its residents.
2. The potential impacts, positive and negative, the proposed project will have on the environment or health of the substantially impacted residents.
3. Community benefits that residents of the **impacted environmental justice area** have demonstrated support for based on the comments received.
4. A review of potentially positive and negative effects generated (direct, indirect, or cumulative) for each benefit considered for inclusion in the CBA.
5. Expected timelines for the start and completion of the proposed project.
6. Expected timelines for start and completion of the community benefits, and the expected duration of each benefit.
  - a. If any benefit results in a permanent physical structure or object, it must include details for the legal ownership upon completion and responsibility for future costs.
7. Reporting requirements that residents of the **impacted environmental justice area** have demonstrated support for based on the comments received.
8. Specific details describing how each community benefit will be deemed complete.
  - a. Criteria for determining completion of each benefit must have demonstrated support based on comments provided by residents of the **impacted environmental justice area**.

#### **Community benefits**

*A CBA must include benefits other than or in addition to economic benefits. Benefits that address adverse impacts identified by the cumulative impact analysis, or in a community petition that results in a cumulative impact analysis, are preferred.* Benefits must meet at least one of the following criteria:

1. any feasible benefit implemented not at the facility, but within the **substantially impacted environmental justice area**, to reduce facility contributions to environmental and public health stressors identified in the cumulative impact analysis;
2. any feasible benefit implemented not at the facility, but within the **substantially impacted environmental justice area**, to reduce any environmental and public health stressor identified in the cumulative impact analysis; or
3. any feasible benefit implemented not at the facility, but within the **substantially impacted environmental justice area**, to provide a reduction of baseline environmental and public health stressors or other action that improves environmental or public health conditions in the **substantially impacted environmental justice area**.

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### **CBA reporting requirements**

Reports listed in this part must be submitted to the MPCA and anyone on an e-mail or mailing list developed by the permit applicant and posted on the project website. At a minimum, the permit applicant must:

1. Submit notification of the start and completion of each community benefit within 30 days of the date.
2. Submit notification of the completion of each community benefit within 30 days of the end date.

### **CBA initial review and submittal**

Residents of the **impacted environmental justice area** must have the opportunity to review and comment on the draft CBA before it is submitted for a final review by the MPCA.

1. The permit applicant must:
  - a. host a 2<sup>nd</sup> CBA public meeting;
  - b. post the draft CBA on the project website in the **most commonly spoken language/s** in the **substantially impacted environmental justice area**, at least 30 days before the public meeting;
  - c. provide a copy of the draft CBA to:
    - residents on an e-mail or mailing list at least 30 days before the public meeting; and
    - *the MPCA at least 45 days before the public meeting;*
  - d. submit the proposed CBA to the MPCA for final review;
  - e. post the proposed CBA, comments from the public meeting, and facility responses on the project website within 24 hrs. of completing (4); and
  - f. provide paper copies of the CBA and public comments to community members, upon request.
2. The MPCA will electronically post the CBA submitted by the permit applicant on the agency's website. A person may request to receive notification of CBAs received by the MPCA.
3. The MPCA will review the proposed CBA within 5 days for completeness and notify the permit applicant of incompleteness.
4. The permit applicant must share all drafts of the CBA on the project website and distribute to residents if resubmittal is required by the MPCA.

### **Public notice and comment**

The permit applicant and the MPCA must follow these procedures before the MPCA can enter into a CBA with the permit applicant.

1. The permit applicant must give notice of the 30-day public comment period:
  - a. within 24 hours after the public comment period opens;
  - b. in the most commonly spoken language/s of the **impacted environmental justice area**;
  - c. by posting the notice on the project website for the entire comment period;
  - d. to residents on an e-mail or mailing list developed; and
  - e. by other means necessary to ensure adequate notice to the residents of the **impacted environmental justice area**.

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2. The MPCA must give notice:
  - a. by posting the notice for the entire comment period on the agency website;
  - b. to persons on a MPCA mailing list; and
  - c. by other means necessary to ensure adequate notice to the affected public.
3. The notice must include, at a minimum:
  - a. the permit applicant's contact information;
  - b. the contact information of a person or website where interested persons can access additional information, including copies of the proposed CBA, all relevant supporting materials, and all other materials available that are relevant to the CBA decision;
  - c. a description of the proposed project and the benefits in the CBA;
  - d. directions for how and when to participate in the public comment period;
  - e. a brief description of the procedures for reaching a final decision on the CBA; and
  - f. *the time and place of any meeting.*
4. The MPCA must provide at least 30 days for public comments (details on pg. 8)
5. The permit applicant must:
  - a. make all comments available on the project website, within X days of the end of the comment period;
  - b. respond in writing to all comments and develop a record of the public participation process, including any public meetings and other engagement events, that contains:
    - a record of the commenters;
    - issues raised by the commenters;
    - a record of written comments received; and
    - the permit applicant's written responses to the comments.; and
  - c. make all responses available on the project website.
6. The MPCA can require a 2nd public comment period if significant changes are made to the CBA after the public comment period ends.

**Public comments (during MPCA public comment period)**

During the formal public comment period hosted by the MPCA, anyone, including the permit applicant, may submit written comments on the CBA. Comments must include the following:

1. the person's interest in the CBA;
2. the action the person wishes the permit applicant to take, including any specific changes to the CBA the person is requesting; and
3. the reasons for the requested changes with enough detail for the MPCA to investigate the merits of the person's request/s.

**CBA Decision**

1. The MPCA will review the public comments and the permit applicants' responses and determine whether the CBA meets the residents' benefit requests and addresses the issues raised during public comment. If

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the MPCA determines the CBA does not provide the benefits requested or does not address issues raised by the residents of the **impacted environmental justice area**, the MPCA must not enter into the CBA with the permit applicant/s. This will be at the MPCA's discretion.

2. The CBA will be deemed adequate if:
  - a. it addresses **substantial adverse impacts** identified by the cumulative impact analysis, or identified by a community petition that resulted in a cumulative impact analysis;
  - b. the agreed upon benefits are feasible and result in reducing environmental and public health stressors, or improves environmental or public health conditions, identified through comments received during public outreach and engagement for community comments on the CBA;
  - c. the permit applicant provides responses to comments received during public comment and through the required public outreach and engagement required, and
  - d. was prepared in compliance with the public engagement requirements.
3. If the MPCA cannot make a determination within 30 days of the end of the public comment period, the MPCA may provide notice on the status.

#### **Substantial Adverse Impact mitigation**

1. If the cumulative impact analysis shows that the proposed project will have a **substantial adverse impact** on the environment or health of the environmental justice area, the permit applicants must assess whether there are:
  - a. any measures that could prevent the facility from contributing to environmental and public health stressors in the **substantially impacted environmental justice area**;
  - b. any measures that could be implemented at the facility to minimize facility contributions to environmental and public health stressors in the **substantially impacted environmental justice area**.
2. If one or both are feasible, the permit applicant/s must incorporate the measures into the proposed project.
  - a. The permit applicants can choose to reevaluate its cumulative impact analysis to include these measures.
  - b. If these measures result in the proposed project not having a substantial adverse impact on the environment or health of the environmental justice area, the permit applicants are not required to prepare a CBA.
3. If these measures are not feasible, the permit applicants must submit information explaining why the measures are not feasible. The permit applicant/s must also prepare a CBA.

#### **Closing a CBA**

The permit applicants may request a review of a CBA for closure. The MPCA may close a CBA if the permit applicants can:

1. demonstrate all benefits and requirements contained in the CBA have been completed, and
2. demonstrate support from the residents of the **impacted environmental justice area** to close the CBA.

*Disclaimer: This document is a working document. This document may change over time as a result of new information, further deliberation, or other factors not yet known to the Agency.*

**The MPCA has identified two concepts related to CBAs that we do not intend to incorporate into the rule:**

1. Ratification of CBAs by community before MPCA signs a CBA with a facility.
2. Creation of Community Advisory Boards by the MPCA

The MPCA is not moving forward with these two specific concepts primarily because we believe they would likely be disapproved by an administrative law judge as an impermissible delegation of the MPCA's powers under Minn. R. 1400.2100.

As a CBA is required in order to issue a permit when a cumulative impacts analysis has determined there is a substantial adverse impact, ratification of CBAs by community would grant external parties permitting authority which they do not have and MPCA legally cannot delegate (see Minn. R. 1400.2100(F)). Additionally, the CBA as a two-party agreement between the facility and MPCA per Minn. Stat. 116.065, subd. 5 will be subject to the agency's enforcement authorities. The MPCA would not be able to similarly enforce a legal agreement between a community and a facility.

Having the MPCA create a community advisory board for each CBA also raises similar concerns as ratifications of CBAs. The MPCA wouldn't be able to give a community advisory board the ability to ratify a CBA for the reasons above. In addition, the MPCA has also heard mixed opinions from communities on whether a community advisory board should be involved in the CBA process. Concerns we've heard during our engagement process include questions about who would serve on these boards, how they would be selected, the amount of time needed to create one, and would it be representative of an entire community regardless of where the community is in Minnesota.

**Technical staff are also not currently considering including the following in the CBA rule concept:**

1. A formal dispute resolution process for CBAs. If there is a dispute between the facility and the community that cannot be resolved, it can be brought to the MPCA as a formal complaint. The MPCA already has an established complaint process that would be used at this point.
2. Specific measurements of community satisfaction included in the CBA document. There will be reporting requirements in each CBA and if community is not satisfied with the information in those reports or believes the permit applicant is not in compliance, they can work to resolve that dispute directly with the facility OR submit a formal complaint to the MPCA.

*Disclaimer: This document is a working document. This document may change over time as a result of new information, further deliberation, or other factors not yet known to the Agency.*

## 5. Community Input Panel

- b. *Section Summary* - This section describes the origin, composition, purpose, role and expectations of the Community Input Panel (CIP).
- i. The CIP was created in June 2025 and is made up of 17 members from five different stakeholder groups including: Environmental Justice area residents (6), Community Organizations (3), Local Governments (2), Industry (4), and Labor/Unions (2), to serve as an advisory body to the MPCA. It is not a deciding body. The panel will review the draft concept from MPCA technical staff for community benefits agreements (CBAs) and provide their input on these concepts for consideration by technical staff and MPCA leadership, along with feedback from the broader community and stakeholder groups.
  - ii. The panel will meet five times between June and October, 2025 to provide feedback on topics related to Community Benefit Agreements. Panel members are expected to:
    - Attend all 5 scheduled meetings.
    - Review all background documents and materials.
    - Review and provide feedback on the Draft CBA Concept Document, with proposed community benefits and categories written by the MPCA.
    - Provide open, honest, constructive feedback to MPCA.
  - iii. Key operational guidelines for the panel include:
    - All documents shared with the panel will also be made public.
    - Meetings will not be recorded, but summaries will be produced and shared publicly.
    - Reaching a consensus on the rule concept is not the panel's objective. While areas of consensus or shared perspectives among panel members will be noted, it is equally crucial for the MPCA to understand points of disagreement or conflict.
  - iv. Panel member expectations for meetings and interactions include acknowledgement of the following:
    - We are at a conceptual stage on various rules and technical topics.
    - This is an opportunity to listen and to be heard.
    - Speak one at a time and do not interrupt other speakers.
    - Speak truth with kindness and respect the feelings of others.
    - Respect the truth in everyone's perspectives. Do not judge others or criticize their opinions. Disagree with the topic, not the person.
    - Assume positive intent, while also striving for positive impact.

## Community Input Panel Members

Stakeholder group	
<b>EJ area residents</b>	<b>Sachiko Graber</b> (Twin Cities)
	<b>Byron Renato Morales Galán</b> (7-Country Metro)
	<b>Naomi Yaeger</b> (Duluth)
	<b>Brian Rosas</b> (Twin Cities)
	<b>Said Ali Ussain</b> (Rochester)
	<b>Roxanne O'Brien</b> (Twin Cities)
<b>Environmental/cultural/advocacy organizations</b>	<b>Sasha Lewis-Norelle</b> (COPAL)
	<b>Kathryn Milun</b> (UMN Duluth)
	<b>William Droessler</b> (Environmental Initiative)
<b>Local governments</b>	<b>Jenni Lansing</b> (City of Minneapolis)
	<b>Kayla Betzold</b> (City of Rochester)
<b>Industry</b>	<b>Olivia Dawson-Olson</b> (Xcel Energy)
	<b>Benj TerLouw</b> (ME Global)
	<b>Jennifer Koenen</b> (Barr Engineering)
	<b>Andrew Morley</b> (MN Chamber of Commerce)
<b>Labor/unions</b>	<b>Kevin Pranis</b> (LIUNA)
	<b>Kyle O'Neill</b> (International Brotherhood of Electrical Workers Leaders cal292)

## **Additional Resources**

*Section Summary* - These resources offer supplementary information and context. They are provided for reference and review is optional.

## **Background Documents**

1. *Cumulative Impacts Fact Sheet Packet* – The MPCA produced these fact sheets on the Cumulative Impacts Rulemaking in 2023. They are not the most up to date of the resources provided but they do provide a clear foundation for the different concepts that make up this rule and the rulemaking timeline. This document would be most helpful to panelists who have not previously participated in the rulemaking:

## Cumulative impacts: A tool to address pollution in a community



For many neighborhoods and communities in Minnesota, decades-old permitting and zoning decisions by local, state, and federal governments have allowed heavily polluting industrial and manufacturing facilities to exist near homes, schools, and parks. These decisions have left too many Minnesotans disproportionately exposed to harmful pollutants.

To address this problem, the Minnesota Legislature in 2023 asked the MPCA to address the cumulative impacts of air pollution in the permitting process for some new and existing facilities. The new law only applies to facilities in or within one mile of environmental justice areas in the Twin Cities seven-county metro area and the cities of Rochester and Duluth.

### **Cumulative impacts analysis is a comprehensive look at pollution.**

During the permitting process for a facility, the MPCA will be responsible for determining whether a cumulative impact analysis is required.

A cumulative impacts analysis is intended to be a comprehensive look at past and current pollution burdens that affect a community or neighborhood. While the cumulative impacts law is new to many in Minnesota, facilities located in parts of South Minneapolis have been required to conduct similar analyses since 2008, and other states have also recently required them.

If the cumulative impact analysis determines that the facility would have a substantial adverse impact on the environment or the health of residents in an environmental justice area, then the facility must enter into a community benefit agreement before it can obtain a permit.



### **Environmental justice areas identify those most vulnerable to pollution.**

For the first time, the Legislature defined an environmental justice area in Minnesota law. An environmental justice area is one or more census tracts — small, permanent subdivisions of a county or city — meeting any of the following criteria:

- 40% or more of the population is nonwhite.
- 35% or more of the households have an income at or below 200% of the federal poverty level (\$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, generally meaning within the boundaries of a federally recognized tribal nation. (18 U.S. Code § 1151)

## Community benefit agreements are created with the community for the community.

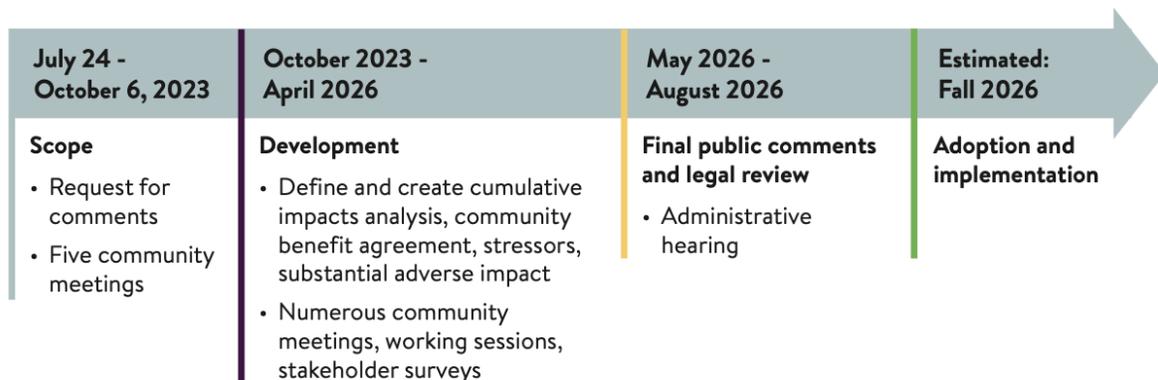
A community benefit agreement - developed with active community input and participation - is a legal and enforceable contract between the MPCA and the company. The MPCA will be working with Minnesotans to develop a community benefit agreement process that actively engages and encourages affected residents to participate in developing an agreement unique to each neighborhood and community.

Historically used in redevelopment projects, in those typical community benefit agreements, the company agrees to specific defined benefits for the residents of the affected neighborhood.

Every community benefit agreement is unique to that neighborhood and its needs.

## Work on cumulative impacts starts now.

Between now and April 2026, the MPCA needs your help to develop the process and criteria to implement the new cumulative impacts law. This work will happen over several phases: scope, development, final review, and implementation.



## Your voice can help create the cumulative impacts criteria and process.

Numerous items need to be developed before April 2026. The MPCA wants your input on how to:

- Create benchmarks to determine when a cumulative impacts analysis is required.
- Establish the required content of a cumulative impacts analysis.
- Provide public data sources for environmental stressors in environmental justice areas
- Define conditions, criteria, or circumstances that establish an environmental or health impact as a substantial adverse impact.
- Establish the content and process for entering into a community benefit agreement.
- Develop a public petition process for requiring a cumulative impact analysis.

### For more information, visit:

[www.pca.state.mn.us/get-engaged/cumulative-impacts](http://www.pca.state.mn.us/get-engaged/cumulative-impacts)



# Cumulative impacts analysis: A comprehensive look at pollution



A cumulative impacts analysis is intended to be a comprehensive look at past and current pollution burdens that affect a community or neighborhood.

While the cumulative impacts law is new to many in Minnesota, facilities located in parts of South Minneapolis have been required to conduct similar analyses since 2008. New Jersey, New York, and Massachusetts have also recently required cumulative impacts analysis for some facilities and projects.

## Additional environmental analysis to inform permitting decisions

During the permitting process for a facility, the MPCA will be responsible for determining whether a cumulative impacts analysis is required for a facility to obtain a permit, and if so, whether the facility may substantially impact the environment or health of nearby residents.

There are several ways a cumulative impacts analysis may be required, and each of them requires relevant and important evidence to support the need for analysis.

First, if the facility exceeds any benchmark, or criteria, for requiring a cumulative impacts analysis, additional environmental analysis is required. Those benchmarks have not been defined or determined.

Second, the MPCA commissioner can require a cumulative impacts analysis if the facility may substantially impact the environment or health of residents. The definition of a substantial impact will also need to be developed during this process.

Lastly, the commissioner could also require an analysis if at least 100 residents in the affected environmental justice area petition and supply relevant information. This too has not been defined and requires your active participation to develop it.

If a cumulative impacts analysis is required, the company must complete the additional environmental analysis before the air permit is approved or denied.



### Better engagement with communities

Minnesotans must have a voice in the cumulative impacts process. If a cumulative impacts analysis is required during the permitting process, the company must conduct at least two public meetings in that environmental justice area.

The first public meeting must be held before the company conducts the cumulative impacts analysis, and the second meeting must be held after the analysis is complete. The company must inform the public at least 30 days before each meeting.

## **We need your voice to create the cumulative impacts analysis process.**

Between now and April 2026, the MPCA needs your help to develop the process and criteria to implement the new cumulative impacts law. We need your help answering some important questions.

-  What criteria or benchmarks should be used when the MPCA decides whether to require a cumulative impacts analysis. Should some be more important than others? What public sources of information should the MPCA consider?
-  What defines a substantial adverse health and environmental impact?  
How is it measured or assessed?
-  In addition to housing, poverty, access to health care and food insecurity, what other social and environmental factors should be considered as environmental stressors? Are some stressors more important than others? What types of information should be considered for a stressor?
-  Should the commissioner be able to ask for additional analysis if the cumulative impacts analysis is deemed incomplete?

# Community benefit agreements: Created with the community for the community



A community benefit agreement - developed with active community input and participation - is a legal and enforceable contract between the MPCA and the company. Every community benefit agreement is unique and considers the needs of each neighborhood and community.

Community benefit agreements have been historically used in economic development projects, including the development of the Central Corridor light rail project in St. Paul, the redevelopment plan in the Harrison neighborhood in Minneapolis, and the development of the Target Corporation campus in Brooklyn Park.

## A tool to address the cumulative impacts of pollution in a community

A community benefit agreement may be required if the facility imposes a substantial adverse impact on the environment or health of residents in an environment justice area in the Twin Cities seven-county metro area and the cities of Rochester and Duluth.

If required, a company cannot receive a permit to construct and/or operate its facility until it signs a community benefit agreement with the MPCA commissioner. The MPCA then enforces each community benefit agreement.

## Help us build a community benefit agreement that's right for Minnesotans.

Between now and April 2026, the MPCA is working with Minnesotans to develop a community benefit agreement process that actively engages and encourages affected residents to participate in developing an agreement unique to each neighborhood and community.



We need your help answering some important questions.

- 1. Do you know of examples of successful community benefit agreements and processes that the MPCA should consider?
- 2. What should be the process for developing a community benefit agreement?
- 3. Which types of organizations should be actively engaged during the development of a community benefit agreement?
- 4. What should be included in an agreement? Should the agreement only address environmental improvements, or should it also include items like housing, community services, and job creation?
- 5. How long should the agreement last? Can the agreement be amended and how?
- 6. What should happen if a facility violates an agreement? What are the consequences?

# Implementing the cumulative impacts law



During the 2023 Legislative Session, the Legislature asked the MPCA to develop regulations to implement the cumulative impacts law. These regulations will define criteria and processes for numerous portions of the new law, including a cumulative impacts analysis, community benefit agreement, and a substantial adverse impact.

Developing the required regulations to implement the new cumulative impacts law will require significant participation from Minnesotans and other stakeholder groups. The MPCA has approximately 30 months to complete its process, which will be divided into several phases.



## Scope phase (July 24-October 6, 2023)

The scope phase is the first opportunity for Minnesotans to provide comments and feedback on what the regulations or rule should include, how specific terms should be defined, or other aspects of MPCA's implementation of the new law.

During this phase, the MPCA initiates a request for comments period that gives anyone the opportunity to submit comments through the Office of Administrative Hearings online portal. Commenting will remain open until October 6, 2023.

## Development phase (October 2023-April 2026)

The development phase is extremely important as the criteria and processes for the cumulative impacts analysis, the community benefit agreement, environmental stressors, and other items will be developed with active public participation. The MPCA expects to hold numerous work sessions, open houses, community meetings, and other opportunities to develop these items.

Under state law, the MPCA is required to prepare a statement of need and reasonableness (or SONAR) for most types of rulemaking. The statement of need and reasonableness contains a summary of evidence and arguments that support the proposed changes.

The statement of need and reasonableness must also:

- Determine if there are less costly or less intrusive methods for achieving the purpose of the proposed rule.
- Describe alternative methods for achieving the purposes of the proposed rule that were seriously considered and give reasons why these alternatives were rejected.
- Assess the probable costs of complying with the proposed rule.

### **Public notice and hearing phase (May-August 2026)**

The public notice and hearing phase is where the final proposed regulations will go through final public comments, a public hearing, and a legal review by an administrative law judge.

The MPCA publishes a notice of intent to adopt rules in the Minnesota State Register. This notice of intent allows the public to review and comment on the proposed rule, the statement of need and reasonableness, and any technical support documents. The Legislature required the MPCA to publish a notice of intent regarding the cumulative impact rules by May 25, 2026.

After that, the proposed rule and all the rulemaking documents go before an independent administrative law judge with the Office of Administrative Hearings, who will conduct a public hearing at which the public may testify and ask questions of the MPCA.

### **Implementation phase (Fall 2026 estimated)**

If the judge decides the MPCA's proposed regulations are reasonable and the governor approves the regulations, the regulations will be adopted and the MPCA can start implementing them.

2. [Cumulative Impacts Midpoint Check-in Webinar](#) – This webinar was recorded in February 2025 and includes the following:
  - What we learned during our first request for comments in 2023.
  - A review of the 2024 co-learning webinars where we looked at cumulative impacts programs and community benefit agreement processes across the county.
  - What we heard during our 2024 working sessions on the different aspects of the rule.
  - What engagement will look like for this rule in 2025.

This webinar is not specific to Community Benefit Agreements but provides helpful information on where MPCA was with the rulemaking in February. It would be most helpful for panelists who were not participating in the rulemaking process on or before February 2025.

3. [HF2310 – Cumulative impacts statutory language](#) – This is a link to the statute language passed by the MN State Legislature. The Cumulative Impacts Rule must comply with this statute.
  
4. [April 2024 Co-learning Webinar](#) – In 2024, MPCA hosted a series of co-learning webinars which provided opportunities for MPCA staff and community members to learn together about key aspects of the Cumulative Impacts Rule. This co-learning webinar was recorded in April 2024 and features panelists who discussed their experiences with developing and enacting community benefit agreements.

Panelists featured:

- **Benjamin Pauli**, assistant professor of social science at Kettering University in Flint, MI.
  - **Daniel Villao**, chief executive officer at Intelligent Partnerships Inc.
-



# CBA Community Input Panel Kick-off Meeting

July 11, 2025

# Creation in Common Team:



**Carlo Cuesta**

Principal, Co-Facilitator

[carlo@creationincommon.com](mailto:carlo@creationincommon.com)



**Barbara Hahn**

Project Lead, Co-Facilitator

[barbara@creationincommon.com](mailto:barbara@creationincommon.com)



**Kyle Moore**

Project Coordinator, Reporter

[kyle@creationincommon.com](mailto:kyle@creationincommon.com)

# Community Input Panel: Participant Roles, Expectations, and Meeting Norms



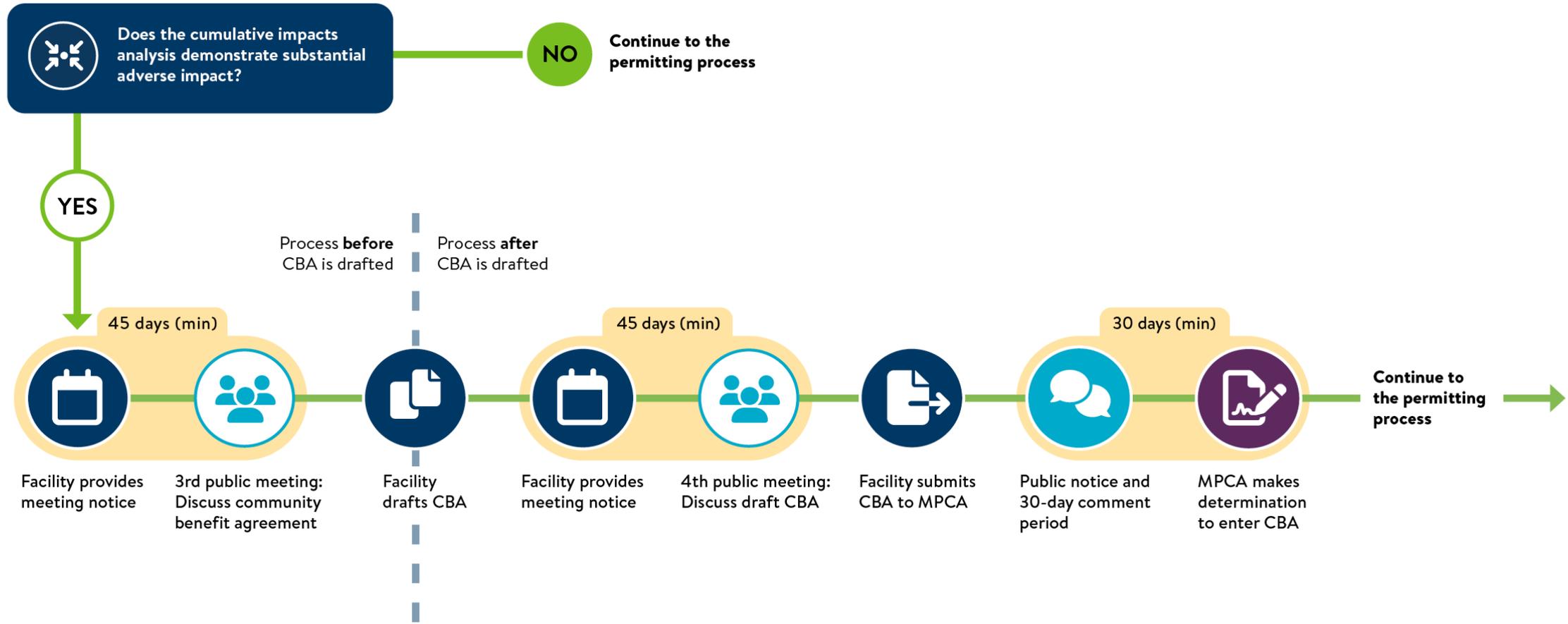
**The panel meets five times between June and October 2025 to provide feedback on topics related to the Community Benefit Agreements. Panel members are expected to:**

- Attend all 5 scheduled meetings.
  - Review all background documents and materials.
  - Review and provide feedback on the Draft CBA Concept Document, with proposed community benefits and categories written by the MPCA.
  - Provide open, honest, constructive feedback to MPCA.
- Key operational guidelines for the panel include:
- All documents shared with the panel will also be made public.
  - Meetings will not be recorded, but summaries will be produced and shared publicly.
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**Panel member expectations for meetings and interactions include acknowledgement of the following:**

- We are at a conceptual stage on various rules and technical topics.
- This is an opportunity to listen and to be heard.
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- Respect the truth in everyone's perspectives. Do not judge others or criticize their opinions. Disagree with the topic, not the person.
- Assume positive intent, while also striving for positive impact.

# Post-Cumulative Impact Analysis Process (DRAFT)



# Next Steps



**The Community Input Panel's three 90 minute feedback sessions will take place virtually on Zoom on the following dates:**

**Panel Feedback Session #1: Thursday, July 24th from 11:00 AM-12:30 PM CT**

**Panel Feedback Session #2: Thursday, August 14th from 9:00 AM-10:30 AM CT**

**Panel Feedback Session #3: Wednesday, August 27th from 5:30 PM-7:00 PM CT**

A week before each session the panel will receive a meeting report from the prior session, along with a meeting agenda for the next session and Zoom meeting link.

The Creation in Common team will be sending out a meeting poll shortly to schedule our final meeting together in October, which will be a discussion of the capstone document that emerges from our feedback sessions together.

# Thank you!

**Alexa Golemo**

*Alexa.golemo@state.mn.us*

651 757-2608

# Minnesota Pollution Control Agency

## Community Input Panel Kickoff: Meeting Summary

TO: Community Input Panel Members

FROM: Carlo Cuesta, *Creation in Common, LLC*  
Barbara Hahn, *Creation in Common, LLC*  
Kyle Moore, *Creation in Common, LLC*

RE: Community Benefits Agreement: Community Input Panel Kickoff Meeting

DATE: July 18, 2025

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### Attendees:

Sachiko Graber, *Twin Cities*  
Byron Renato Morales Galán, *7-County Metro*  
Brian Rosas, *Twin Cities*  
Naomi Yaeger, *Duluth*  
Roxanne O'Brien, *Twin Cities*  
Benj TerLouw, *ME Global*  
Jenni Lansing, *City of Minneapolis*  
Jennifer Koenen, *Barr Engineering*  
Kathryn Milun, *UMN Duluth*  
Kyle O'Neill, *IBEW Leaders cal292*  
Kevin Pranis, *LIUNA*  
Olivia Dawson-Olson, *Xcel Energy*  
Andrew Morley, *MN Chamber of Commerce*  
Kayla Betzold, *City of Rochester*  
Sasha Lewis-Norelle, *COPAL*

Alexa Golemo, *MPCA*  
Breanna Ellison, *MPCA*  
Hassan Bouchareb, *MPCA*  
Brenda Vaness, *MPCA*  
Carlo Cuesta, *Creation in Common*  
Barbara Hahn, *Creation in Common*  
Kyle Moore, *Creation in Common*

## Meeting Overview

On July 11<sup>th</sup>, 2025, the Minnesota Pollution Control Agency (MPCA) convened a Community Input Panel at their offices in St. Paul to engage stakeholders on the evolving Cumulative Impacts Rulemaking process, with specific focus on the development of Community Benefits Agreements (CBAs). Panelists included representatives from environmental justice (EJ) communities, industry, labor, academia, local and state government, energy policy, and advocacy organizations.

MPCA's engagement staff acknowledged up front that the rulemaking process is still in development and that the agency is seeking a balanced, informed approach rooted in inclusivity. The purpose of this kickoff meeting was to initiate the Community Input Panel's CBA feedback process that panel members will be participating in over the next several months. The goal was to surface expectations, identify areas of concern, and discuss the direction of the Community Benefits Agreements as they apply to environmental permitting. This entailed:

- Introducing panel members and how their backgrounds are relevant to this work
- Exploring the broader importance and impact of the work MPCA is engaged in
- Reviewing the draft Community Benefits Agreement (CBA) process
- Identifying key goals, values, and expectations to ensure successful collaboration
- Brainstorming a list of topics for future panel discussions

## Why is This Work Important to You?

In response to the prompt *'Why is this work important to you?'* each panelist shared their background and motivation for participating in this process. The room reflected a diverse range of experiences and priorities:

**Community Advocates and EJ Voices** emphasized lived experience, historical harm, the need for transparency, and ensuring real community power in the decision-making process and its outcomes. Many panelists live or work in or near EJ communities and want policy to reflect and acknowledge those experiences.

- Sasha stated, "This is a real opportunity to address cumulative impacts and empower communities to make their own decisions related to the impacts in their areas."
- Brian shared that growing up next to a highway in South Minneapolis shaped his perspective, stating "I don't want to leave here with business as usual—we're here to attempt to correct a lot of wrongs."
- Roxxanne commented, "Those representing community are outnumbered by business—it's not necessarily equitable in the room". She urged authenticity from those representing businesses, imploring them to "show their humanness", asserting that "we're not here to be comfortable."
- Naomi mentioned, "I'm a commissioned earthkeeper with my church and a former journalist. I write a newsletter about both the scientific and biblical reasons for why we should protect the earth."

**Industry Representatives** expressed a desire to support responsible development and ensure regulatory clarity throughout the rulemaking process.

- Benj contended that, “We need something that allows for us to have clear and concrete action tied to it at the end of the process. A flow chart of how to bring a practical idea to an ‘end’ could be a good idea”
- Andrew—advocating for clarity and enforceability— stated that, “Business and industry aren’t exactly comfortable with the current language in the statute, but we want to make it workable.”
- Jennifer stated, “I work in air dispersion modeling. The reason I’m here is that I serve industry and want the rule, as intended, to find an actual direct approach to reduce cumulative impacts.”

**Labor Representatives** underscored the importance of maintaining high-quality union jobs and protecting both environmental and economic health.

- Kyle shared that, “Being able to build is absolutely essential to my work but we need to be able to do that in a responsible way that doesn’t poison the water and our environment.”
- Kevin echoed this sentiment, emphasizing that, “High quality union jobs are super important to community health—whether they have healthcare, can afford their rent, contribute to their communities, etc. Many of our members live and work in EJ communities and the CBA discussion must recognize that.”

**Local Government and Academia** highlighted the importance of public health, scientifically informed decision-making, and community storytelling—expressing the importance of remembering the human cost of *inaction*.

- Jenni shared that, “This work often becomes overwhelming and feels like you’re running up an endless hill. When I start to feel hopeless, I try to remember the children who are encountering respiratory illnesses and how I can help them.”
- Kathryn stated that as a legal anthropologist, she looks at “how people have shared things and governed them equitably in the past, both at small and state scales.” She went on to say, “I would call air and the earth ‘commons’ in that they belong to us as well as future generations—we are the current stewards.”
- Kayla shared, “I help manage the Rochester network of air quality centers around the city, but I also come from a community where industry was adversely affecting the air and water.”

**MPCA Staff** expressed a commitment to transparency, stakeholder engagement, and responsibly navigating the complexity of a first-of-its-kind rule.

- Breanna acknowledged community concerns and shared that, “This pilot is vague because it’s new—we wanted to invite community, labor, and business into the talks.”
- Alexa stressed the importance of a candid, closed space to have these talks and encouraged panel members to speak openly and “step out of their roles” so that the process can move forward in a collaborative spirit.

While environmental justice advocates stressed that cumulative impacts are not theoretical but deeply lived realities, industry and labor panelists emphasized the need for a clear, responsible framework that allows for continued economic development while protecting public health.

Nearly all panel members emphasized the need for transparency and inclusion throughout the CBA process and highlighted the importance of pursuing attainable and effective mechanisms to reduce cumulative environmental impacts for the community at large.

## Overview of Draft CBA Framework

After the break, Alexa and Brenda from the MPCA team presented a detailed overview of the Draft Community Benefits Agreements concept and process. Brenda stated, “Everything here [in the briefing packet] is still in concept form. These are not decided upon. What we have here is what we’re ‘leaning towards’. But again, everything is subject to change. One of the important things about this rule is having a step-by-step process around how to properly comply.” Brenda goes on to detail how “There are currently 8 specific elements that can go into a Community Benefit Agreement to make it an enforceable document. We [MPCA] didn’t want to put many constraints on what could be included—we intentionally wanted it to be broad. This is going to be a case-by-case situation and for us to put specifics in the rule, we would need to have a far greater knowledge of all the relevant communities.”

- **CBA Process Overview:**
  - Permit applicants must notify residents, post signage, maintain a public website, and hold at least 2 community meetings
  - Outreach may include mailers, door knocking, or other engagement
  - Community input gathered in a 30-day comment period
  - Permit applicants must respond to all comments in writing
  - MPCA then evaluates CBA for alignment with community concerns
  - MPCA is not currently considering a community vote on a CBA; MPCA is the final signer
- **CBA Content Requirements:**
  - Minimum CBA elements identified
  - Community benefits that address stressors (economic, health, environmental)
  - Flexibility emphasized due to diverse community contexts
  - Reporting and documentation required to ensure accountability

Alexa further explained, “What we’re suggesting ... is that if there are actions that a facility or a permit applicant can take to avoid contributing to substantial adverse impacts, then they implement them.

When discussing ratification, Alexa shared, “We’re not currently considering ratification of the CBA by community members because MPCA and the facility is the signer of the agreement.”

Alexa clarifies that there “won’t be an official vote by the community but that they’ll have input along the way at these feedback sessions.”

In response, several panel members expressed concerns about the prospect that the MPCA might not feel the need to listen to the contributions of community members if it compromised the draft agreement. There was fear that MPCA would defer to the facility in the case of a permit application that faced resistance from a community.

Sachi mentioned, “I want to push a little bit against the MPCA coming to this meeting with a list of things that are ‘not up for consideration.’ It feels kind of hamstringing to come into the conversation taking off the table some of the more common ways that a community would have input into a CBA process in any other context ... In terms of transparency it would be helpful to have the explanation of why some of these things are off the table and what’s in place to replace those specific mechanisms.” She went on to say, “It feels like there is intentional non-transparency between tiers [the MPCA, the Community Input Panel, and the community at large]. We need transparency about why this is the composition of the room—why specifically each person was selected to participate.”

- **Contested Points from the Panel:**
  - Lack of community ratification process
  - Limited room for community opposition to entire projects
  - Absence of clear negotiation space for CBAs
  - Concerns about vague or undefined terminology
  - Uneven power dynamics between MPCA, business, and community

## **What Would Make This Process Successful and Meaningful?**

### *Transparency and Accountability*

Concerns about the rulemaking process being steered behind closed doors were a recurring theme throughout the meeting, particularly from environmental justice area residents. Many panelists discussed how the process would be most successful if members were included at each stage of the rulemaking. Sachi shared, “Making this a meaningful process means that community members have meaningful input into the outcomes. This doesn’t just mean that we’re listened to—it means there’s a channel for community perspectives to affect the end goal, and that there’s transparency from the agency about how that process will work.”

This was a common request from panelists throughout the meeting—transparency on the specifics of how input is used and how the resulting decisions are made. For some panelists, the current process appeared insufficient in incorporating community input in a tangible way. Sasha posed, “What do you do when a community is majority-opposed to a facility existing there? Right now what I’m reading is that there’s not a mechanism. The actual decision MPCA makes doesn’t seem to be affected by this opposition.” He contended, “It seems more like it’s ‘how do

we edit a CBA enough to where a community is okay with the new facility’, and not actually giving the community decision-making power to contest taking on the burden of a facility.”

Environmental justice advocates largely agreed with this position and discussed their impression that the majority of the language in the document is around editing a CBA instead of providing a platform for genuine opposition to the permitting of a new facility. Some panelists alluded to the desire for community veto power as part of this process.

### *Equity in Representation and Facilitation*

During the meeting there was a strong current of concern from community members that the process may be imbalanced, favoring businesses and MPCA’s interests. Several members questioned the role and authority of MPCA and the lack of ratification rights for community members in the CBA process. There was concern over the fact that MPCA would retain ultimate signing authority regardless of what is discussed during the feedback sessions. This concern extended to the reality of MPCA’s dual role as facilitator and final arbiter.

Brian said, “It’s important to take into account everyone’s perspectives and make sure there are no clear biases from the agency or the facilitators about the content of the sessions.” He went on to say there’s not a lot of trust between the community and MPCA and how they’ve handled certain things in the past, and that this will need to be reflected in the CBAs and how community input is gathered—“I don’t necessarily love that the MPCA is the decision-maker on this and we’re going to have to ask you all a lot of uncomfortable questions probably.”

The point was brought forward that careful attention must also be paid to ensure equity within the room during the facilitation of the panel sessions. Roxxanne challenged the facilitators to consider, “How are you choosing who gets to speak, and when, and for how long?”

Several panel members also expressed reservations about the idea of each of the upcoming panel sessions being fully virtual. There was concern that key items would be missed in the reporting if all meetings were online and breakout groups were conducted in smaller groups during these sessions.

### *Policy and Legal Clarity*

Panel members sought clarity on language, definitions, and decision-making authority. Renato underscored the importance of this legal precision, “Terminology must not go against stipulations in higher legislation and must be easily understood by all. Whenever you have terminology that is unclear, the only one that is aided by this is the infractor—the one that is causing harm.” This need to ensure clear, accessible language was echoed by other panel members.

Some terms that surfaced as requiring a clearer explanation were ‘ratification’ and what is meant by ‘community’. Jenny stated, “One of the questions that came up for me is defining ‘the community’. How do we determine who the community is? The document describes ‘residents in the area’ but do we have a clearer definition?”

There was also ongoing discussion around what constitutes ‘ratification’ of a CBA. Jenni asked, “I need clarity over the concept of ratification—is this a legal term? Is it a vote?” Hassan clarified, “It is not a term identified in the statutory language, but it’s something that others have brought up in comments and letters. It relates to the idea of a formal vote or another type of formal approval of a CBA by people in the environmental justice areas.”

Offering her perspective on the importance of working within the parameters of what is attainable, Olivia shared, “The hardest thing with this work for me, and for industry, is taking something that’s so ‘lived experience’ and emotional, and then translating what we hear into something that meets what we have to work with and what we can deliver—something that meets the real-world application of policy. I don’t think there’s a clear one way to do that, but making sure we’re tying it back to what we can deliver is essential.”

Panelists discussed the importance of pointing to real world examples for how to move this process forward in a more concrete way. Jennifer mentioned that it would be constructive to have “tools to pressure test different ideas” and expressed the need for case-by-case clarity. This was reiterated by both Kayla and Benj, with both panelists expressing that they take time to process details and would appreciate the idea of “working through an example permit project”.

Andrew offered the example of Wisconsin’s Department of Natural Resource’s “Green Tier” program as something quite similar to what Minnesota is attempting to accomplish with the Community Benefits Agreements. This program recognizes, awards, and catalogs voluntary practices by businesses that benefit the environment and communities. Andrew cited this as a working model that MPCA might examine to borrow ideas from—“This ‘Green Tier Report’ helps mitigate environmental stressors in the area. There are other places like this that have done things well and had measurable success—we don’t need to reinvent the wheel here.”

Kathryn cited another positive example when discussing the work of the energy department, saying, “The energy department did an amazing job at creating very specific examples of ‘how this looks in our plan’ for the energy department infrastructure grant.” She urged the panel and the MPCA to not just talk about this undertaking ‘conceptually’ and to look at real world examples for inspiration and guidance on how to handle the process responsibly.

### *Clarity of Roles*

Greater clarity was requested from panelists regarding who the decision-makers are within MPCA, their role in the final process, and how decisions ultimately will be made. Roxxanne conceded that the process will “never be balanced or equal, [but that] it needs to be equitable.” She went on to say, “The decision makers not being in this room is a big concern for me. If they’re the ones making the decisions, we need to know their names, roles, and how they make their decisions.”

Furthermore, clarity was requested regarding some of the concepts discussed in the draft CBA. There was a prevailing question among panelists of ‘*How will we know?*’

- Kathryn asked—citing page 16 of the Briefing Document—“If the MPCA determines that the CBA does not provide the benefits requested, or does not address issues raised by

the residents of the EJ areas, then it will refuse the permit... How will the MPCA know it has addressed issues adequately?"

- Olivia echoed this sentiment, expressing her belief that the 'How will we know?' is maybe the most important question.

Sasha helped crystallize these concerns when he asked further questions about impacts and how the MPCA will attempt to find ways to address and reduce them. He said, "We need clarity around what it means to 'address substantial adverse impacts'. A couple of the benefits that have come up in the conversation are around labor and how these training programs and local hiring provisions are created. It would help to have clarity around how the non-economic benefits play out in these areas—right now there is a bit of haziness around how you would make those arguments."

For some panelists, the role of the permit applicants in conducting their outreach and engagement was unclear in terms of abiding by a CBA. Kayla questioned, "I'd like to understand some additional details about the outreach. Are we expecting the permit applicants to know how to do this outreach/engagement? Do we know that they know how to do it in an equitable and responsible way? Is there opportunity here for a third party to come in and handle this? We need to not expect that the permit applicant has the knowledge of how to do this effectively."

### **Panel Recommendations and Requests:**

- Develop a shared glossary which clarifies terminology and technical language
- Provide concrete examples of successful CBAs and outreach models
- Examine case studies on MPCA's track record (Northern Metals, etc.)
- Explore the use of third-party facilitators for equitable engagement
- Allow time for processing and reviewing materials in advance (Kayla and Benj)

### **Key Panel Concerns:**

- Lack of Community Ratification and Decision-Making Capability
- Negotiation Power and Input
- Defining "The Community"
- Clarity of Benefits
- Need for Equitable Outreach
- How will Success be Measured?

## **Summary and Next Steps**

The July 11th Community Input Panel kickoff meeting highlighted a deep desire for an equitable, transparent, and truly participatory process, especially from community and EJ participants. While business, industry, and agency voices stressed compliance and feasibility, many others emphasized the need for genuine community influence, clarity in rules, and human-centered facilitation. There was clear energy and commitment in the room—but also distrust and frustration that must be addressed for the process to move forward meaningfully.

Overall, participants acknowledged the importance of this work and the opportunity it presents. However, apprehensions about equity, transparency, and power remain critical concerns for the panel. Several attendees urged the MPCA to remain open to difficult conversations and to make space for real community decision-making going forward.

### *Next Steps*

As facilitators, the Creation in Common team committed to:

- Developing a process to clearly track and report how community input is used in shaping the rulemaking.
  - Providing pre-meeting materials and examples to help stakeholders prepare and contribute meaningfully.
  - Establishing mechanisms for the panel to prioritize issues and guide meeting content moving forward. Subsequent meetings will begin with revisiting issue prioritization and ensuring the process remains adaptive and inclusive.
  - Providing an orientation on the CBA framework, exploring tangible examples.
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