

Minnesota Pollution Control Agency

Community Input Panel Feedback Session #1:

Thursday, August 14, 2025 from 9:00-10:30 AM CT

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, *Community Affairs Specialist*
- Breanna Ellison, *Manager of the Office of Equity and Environmental Justice*
- Brenda Vaness, *Air Compliance & Enforcement Rules Coordinator*
- Jose Luis Villasenor, *Environmental Justice Outreach Coordinator*
- Ned Brooks, *Environmental Justice Coordinator*

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

The purpose of this meeting is to continue the work of the Community Input Panel to provide feedback on the Community Benefit Agreement process and draft concept document, specifically focusing on community benefits. Panel members are asked to review the meeting norms and expectations and any materials shared and to participate virtually.

Meeting Objectives

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

- Provide feedback on prioritization of topics for remaining feedback meetings
- Identify community benefits that should be included in a CBA

Agenda

- | | |
|---|--------|
| 1. Overview of the Agenda and Meeting Objectives – CIC | 15 min |
| 2. Review and Discussion of Proposed Meeting Topics – All | 15 min |
| 3. Breakout Discussion of Community Benefits– All | 60 min |
| a. Please review the attached document before the meeting | |

Proposed Prioritized Meeting Topics

Below is the list of meeting topics in our proposed order for the next three meetings.

Community Benefits - What is exactly being delivered?

- Benefit Clarity
- Terminology and Understanding
- Impact Mitigation

Community Voice and Input - What is the community's role?

- Definition of Community
- Decision-Making Power
- Participation Channels
- Opposition and Consent
- Jurisdictional Context

CBA Evaluation Criteria - How will a CBA be assessed?

- Assessment Framework
 - Transparency and Timeline
 - Meeting Process: Public outreach, meeting facilitation, notice and outcomes
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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 1st 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;

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- e. include the details for the upcoming meetings and;
 - f. be distributed at least 30 days before the 1st CBA meeting.
6. Host a minimum of two public meetings specific to CBAs. (More details under **Public meetings**.)
- 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 2nd CBA meeting.

If the permit applicant believes the required public outreach and engagement on **pgs. 10-11** 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. 10-11**).

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Public meetings

1. The permit applicant/s must comply with the following:
 - a. The *1st 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 2nd CBA meeting, and shared to the project website at least 30 days before the 2nd CBA meeting.
 - b. The 2nd 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.

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CBA elements

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 **stressors that the facility does not contribute to, but have been** 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 2nd 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 (D); 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**;

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- 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**.
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 **below**)
 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.

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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 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 **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.

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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.

Community benefit categories & benefit examples - DRAFT

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 substantial adverse impacts resulting from a proposed project.

As listed on pg. 13 of the CBA concept document, the MPCA is considering requiring that each benefit must be implemented within the impacted environmental justice area (or: benefit the impacted environmental justice area), and must accomplish at least one of the following:

1. reduces facility contributions to environmental and public health stressors identified in the cumulative impact analysis;
2. reduces environmental and public health stressors that the facility does not contribute to, but have been identified in the cumulative impact analysis; or
3. provides a reduction of baseline environmental and public health stressors or other actions that improve environmental or public health conditions.

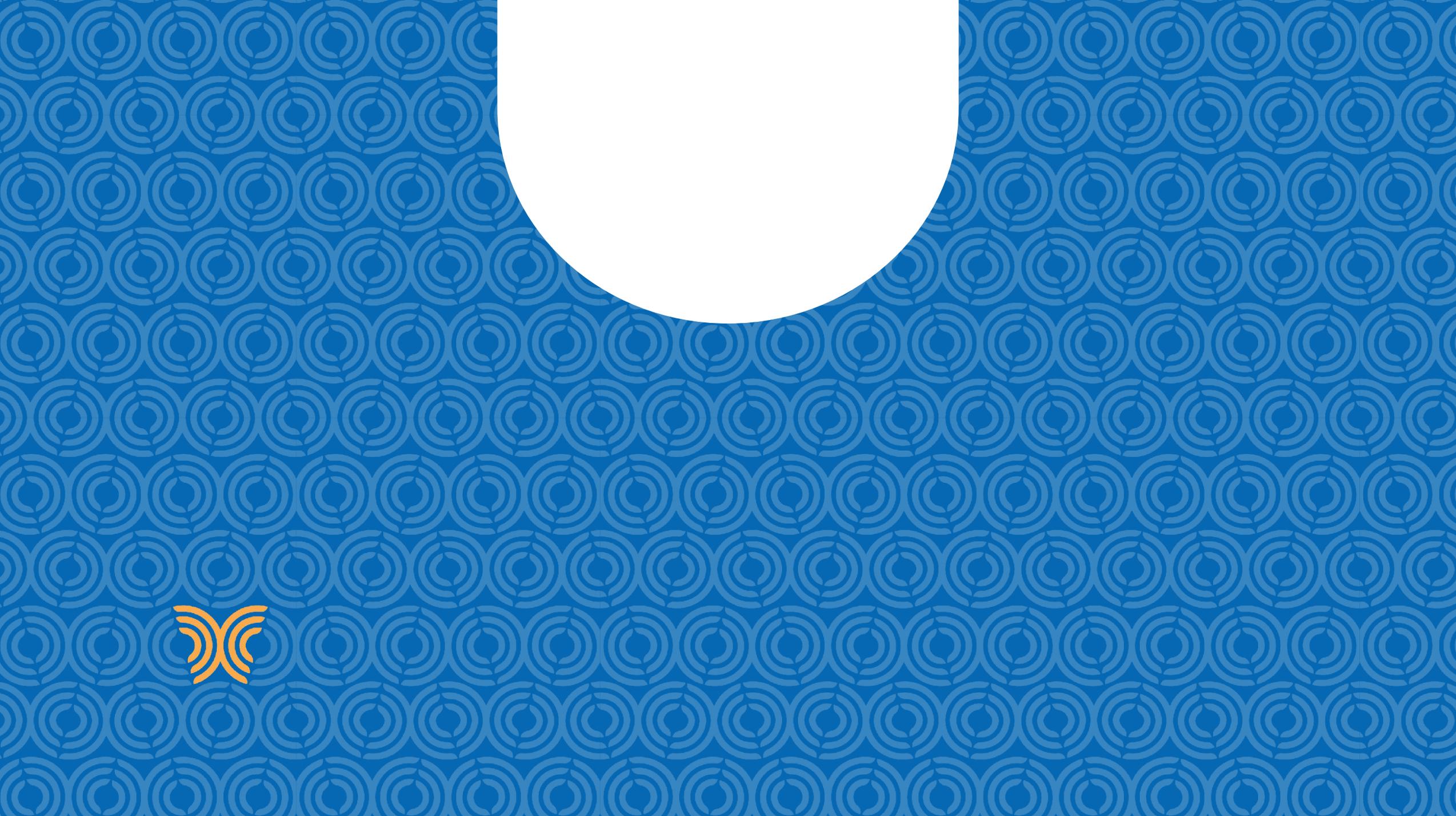
The MPCA will still need to vet benefits included in a draft CBA between the MPCA and a permit applicant to determine whether they could be enforced by the MPCA through a CBA.

Benefit examples by potential rule category

The table below illustrates how different specific benefits could fit into broader benefit categories. This is not meant to be a complete list of benefits that could fall within the categories and be considered in the creation of a CBA under this rule.

Specific benefit	Category 1	Category 2	Category 3
Public health services	X	X	
Facility traffic restrictions	X		X
Tree plantings/Creation of green space	X	X	X
Water and/or soil test kit/services	X	X	
Cost of living/subsidies	X	X	
Payout/Create community fund		X	
Community revitalization		X	
Restoration of local habitat and/or wetlands		X	X
Install local watershed protection		X	X
Solar power installations for local energy production		X	X
Subsidize recycling and waste reduction services		X	X

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Agenda

Purpose and Meeting Objecti

Meeting Norms and Expectations

Zoom: Making Y

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Minnesota Pollution Control Agency

Community Input Panel Feedback Session #1:

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 Feedback Session #1

DATE: August 20th, 2025

Attendees:

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*
Bill Droessler, *Environmental Initiative*

Alexa Golemo, *MPCA*
Breanna Ellison, *MPCA*
Ned Brooks, *MPCA*
Jose Luis Villasenor, *MPCA*
Brenda Vaness, *MPCA*
Carlo Cuesta, *Creation in Common*
Barbara Hahn, *Creation in Common*
Kyle Moore, *Creation in Common*
Mauricio Montes de Oca, *Translator*
Karla Montes de Oca, *Translator*

Meeting Overview

On August 14th, 2025, the Minnesota Pollution Control Agency (MPCA) convened a virtual Community Input Panel Feedback Session over Zoom to gather feedback on the Community Benefits Agreement (CBA) process and draft concept document. The panel primarily focused on what is meant by a 'community benefit' and discussed which ones need to be included in a CBA. Panelists critically examined MPCA's approach to the CBA process— with a focus on topics including enforcement, terminology, equity, and public engagement.

The goal articulated at the start of the meeting was to move beyond surface level reactions to gather new perspectives and explore actionable strategies. The panel also provided input on the proposed prioritization of topics for the remaining feedback sessions, with panelists offering insights into both content and process.

Clarity in Definitions and Terminology

Several panel members— including Bill, Renato, Brian, and Olivia— raised concerns about ambiguous or overly broad terms like 'public health services', 'stressors', and 'subsidies' in the MPCA's draft documents. Calls were also made for clearer definitions of the following to ensure shared understanding and prevent loopholes throughout the process: 'community', 'benefit', 'significant impact', and 'permit'.

Bill noted that he understands there is a science around this process and acknowledged the importance for the MPCA to have 'precision, but also useful ambiguity' in certain contexts. He mentioned how examining case studies would be extremely helpful in this regard and recommended developing a 'community of practice' to continue this work, which would provide opportunities for perspectives to be shared on how to balance public health, lived experience, and legality.

Renato suggested the adoption of international definitions and standards to provide consistency across the terminology used and ensure shared understanding. He argued that this was a core necessity for achieving workable policy and would help 'all parties' to have terms more clearly defined.

Framework of Benefits: Categories, Quantification, Equity

Concerns were raised by panelists over the current structure of the three benefit categories. Kayla argued for a clearer hierarchy that prioritizes high-impact, direct benefits. She said, 'My feedback is around the scope and criteria, especially #1 and #3 on the benefit categories. They're written pretty broadly and this could potentially lead to not actually addressing the harm caused by these undertakings and these facilities. I think there should be more of a

hierarchy so that the benefits proposed are actually of the highest impact, to make sure loopholes can't be exploited by permit applicants.'

Kayla also raised concerns around the proportionality and quantification of benefits versus impacts– 'How are the benefits quantified? If I'm a polluter, I can say 'I'm going to plant x number of trees' but how are we measuring the proportionality between the emissions at the site and the benefits provided.' Kayla's apprehensions were chiefly around these 'offsets' being used as loopholes rather than direct mitigations.

On this point, other participants questioned how benefits like tree planting are measured. Renato said, 'The benefit of planting trees has to be considered and defined– such as making sure it's not just any tree and is native to the environment and addressing specific local climate needs. We also need to provide education to the community so they have a full understanding of this process.'

Jenni and Kevin emphasized the need to understand and quantify public health stressors, such as respiratory illness from pollution. Jenni urged fellow members to consider the distinction between 'highest impact' and 'direct impact'. She said, 'If the highest stressor is vehicle traffic from a highway, that's not a direct impact from a facility. Is the priority going to be the facility's direct impact, even though the highest impact is being considered as the small amount that this individual facility contributes to this really large amount [of pollution] from the highway. I just want to be clear on the distinction between 'highest impact' versus 'direct impact' of a facility. It matters and I think facilities would want to have a clearer understanding around this.'

Sasha mentioned that it's important for any specificities included in a CBA to directly benefit the community that is impacted. He called for a clearer distinction between economic and non-economic benefits, acknowledging that, 'A CBA must include some noneconomic benefits, so it's important to define what an economic benefit *is*'. He went on to say, 'While the three benefit categories can make sense and are workable, it would make more sense if they were broken into *social, economic, and environmental* benefits while still including guidelines regarding the associated stressors'.

Olivia agreed with Sasha's framing but cautioned against MPCA or facilities being able to rank the benefits without being in direct consultation with the affected communities. She said, 'In my experience working on things like this, you really want the communities to be able to have input into the prioritization of benefits instead of the other entities. I think what Sasha is saying makes sense in that the facility would have to check multiple boxes [social, economic, environmental] instead of presuming what a community would want.'

There was a clear desire from the panel for definable, measurable impacts and benefits. Some lingering questions around benefits from panelists included:

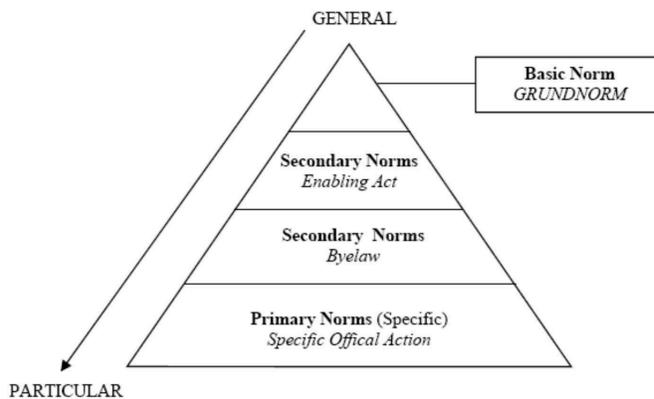
- What is the magnitude of a benefit?
- How are benefits measured against harm caused?

- How do we distinguish between stressors and protective factors?
- What is the definition of a ‘substantial impact’?

Enforcement and Accountability in CBAs

Panel members stressed that CBAs must include *clear, robust, and enforceable* mechanisms to ensure compliance. There was an expressed need for defined sanctions, the identification of responsible parties, and follow-through on enforcement. Panelists from environmental justice areas emphasized the need for communities to have the tools to initiate investigations when agreements are violated. Sasha highlighted that enforcement is a critical but under-addressed issue in the current draft framework. He suggested that without clear enforcement mechanisms, communities risk receiving unfulfilled promises.

Renato echoed Sasha’s concern, referencing international norms around enforceability and legal clarity. He emphasized that this wouldn’t mean ‘reinventing the wheel’ but rather aligning with already established practices. To further clarify, Renato mentioned Kelsen’s Pyramid of Norms which articulates a hierarchy of legal norms. The ‘Grundnorm’ (basic norm) provides the foundation for the entire legal system by validating all other (more specific) norms. It is essentially the presupposition that allows people to treat a legal system as valid and binding:



Kathryn added— warning against overly theoretical or abstract framing— that the enforceability of the CBA must be actionable and grounded in community history and lived experience.

In terms of the structure and process of the CBA, Bill and Benji discussed the tension between being flexible and being specific in policy. The group discussed whether the process should focus more on measurable outcomes or maintain broad principles. Benji emphasized action over abstraction in this regard, while Andrew raised the issue of managing a delicate balance between vague and overly specific benefit language.

Centering Community History and Voice

There was a strong feeling among environmental justice area panelists that the lived experience and history of impacted communities must shape both the framing and content of CBAs. Participants referenced specific historical injustices to highlight the ongoing health and environmental impacts of building new facilities. Roxanne shared a powerful narrative about the situation with Northern Metals in North Minneapolis, which illustrated the devastating impact of what the community perceived as weak enforcement and the importance of community voice in shaping outcomes. She also expressed frustration around the limited channels that the community has to raise concerns— ‘If the community knows something is wrong, there should be a mechanism for starting an investigation. When a community member tries to advocate, they get labeled as aggressors.’

Kathryn and Naomi agreed with the sentiment expressed by Roxanne and emphasized the importance of historical context when it comes to policy, particularly in environmental justice communities. Kathryn said, ‘There’s a way to tell the very specific history. It’s so important for communities to understand the law and *why* they’re enacting it.’ She went on to say, ‘Since this law has to accomplish several things, the benefits cannot be abstract. The history of fighting for the community benefit is a history that has a lot of suffering and pollution behind it, and people who have worked very hard to get to this point. We need to have accurate reporting on the infractions so that we have many eyes on the subject.’

There was an overarching theme from many panelists on storytelling as being not only powerful for sharing the history of prior events, but also as a necessary tool for policy relevance and community trust moving forward. Several other panelists mentioned the desire to incorporate storytelling and real case studies in an effort to make policy more relatable and grounded. Kathryn discussed the situation with the Ojibwe water contamination where a new standard for water quality emerged to include sulfite measuring, which subsequently created a standard to protect the health of wild rice in the region. Kathryn mentioned how in this instance, the health of the wild rice equated to the health of the indigenous community. Through these new standards, abstractions were mitigated and their culture became more visible.

Cumulative Impacts

Participants repeatedly emphasized the importance of a cumulative impact assessment, especially within overburdened communities. Olivia raised questions about whether socioeconomic stressors are adequately included in the ‘environmental stressor’ definition. Kevin and others noted the importance of distinguishing between *stressors*, *mitigations*, and *protective factors* like healthcare access. Kevin said, ‘I think there are questions about what the clearest way to characterize the ‘positives’ and ‘negatives’ is. Are we talking about everything as either a stressor or a mitigation of a stressor? Or are protective factors relevant, like having healthcare? I think it’s fair to assume that within the cumulative impacts assessment they might be missing some things that are important to the community.’

On this topic, Benj offered the perspective that there must be a clear distinction between violators and those on the industry side who are acting in accordance with regulations. He mentioned that ‘having a level of pollution that is acceptable but workable for ‘things to get done’ is important’. Benj also urged collective understanding around the reality that companies and facilities often manage regulations and community interaction in very different ways.

Transparent Engagement and Tracking

Panelists noted that it’s important for the MPCA to demonstrate how it includes disproportionately impacted groups in the permitting and feedback process. There were calls from several panelists for the MPCA to create public-facing tools to track metrics, violations, and enforcement actions. Kathryn proposed using these tools in the spirit of demystifying the law and making it more accessible to communities.

Roxanne stressed that ‘being heard’ is not enough– communities must be able to *influence outcomes*. To this end, many panelists expressed a desire for more transparency around how this can actually be accomplished. There were many suggestions proposed by panelists regarding how to effectively incorporate stakeholder input and move toward action that is propelled by– and responsive to– community voice. While these suggestions included things such as developing a public dashboard to track enforcement actions and creating a ‘community of practice’ to keep the dialogue moving forward, the inter-disciplinary expertise of the panel will continue to be vital in prescribing strategies that are balanced, workable, and equitable.

Next Step

- Case study to be distributed for review before the September 8th meeting.

Remaining Meeting Schedule:

**Please note that each of the below meetings will be virtual on Zoom*

- Feedback Session #2 – Wednesday, August 27th from 5:30-7:30 PM CT
- Feedback Session #3 – Monday, September 8th from 5:30-7:30 PM CT
- Meeting to Discuss Capstone Document – Tuesday, October 14th from 12:00-2:00 PM CT