

Minnesota Pollution Control Agency

Meeting Agenda: Community Input Panel Feedback Session #2 Wednesday, August 27th from 5:30-7:30 PM CT

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 #2

DATE: August 20th, 2025

Attendees:

Byron Renato Morales Galán, *7-County Metro*
Sachiko Graber, *Twin Cities*
Brian Rosas, *Twin Cities*
Naomi Yaeger, *Duluth*
Roxxanne 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*
Said Ali Ussain, *Rochester*

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*

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 voice and input. 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 input on the definition of community, public engagement and outreach activities, and community engagement in the CBA drafting process

Agenda

Introduction & Overview of Meeting Objectives	5 min
Group Discussion: Question #1	30 min
Group Discussion: Question #2	30 min
Breakout Groups: Question #3	30 min
Share Out from Breakout	20 min
Wrap Up	5 min

In preparation for our input session, please review *Document #3 - Draft Community Benefit Agreements Concept* (attached), specifically the sections on:

- Public Outreach and Engagement - Pages 10-11 (please reference printed page number in bottom left hand corner of each page)
- Public Meetings - Page 12
- Public Notice and Comment - Pages 14-15

Please consider the following questions that we will discuss during the meeting in both large group (Question 1 and 2) and breakout groups (Question 3):

1. In the current CBA draft, “community” is inferred to be geographic, residents living in proximity to the proposed facility and within the impacted Environmental Justice Area. Please help us develop the definition of “community”.
 - What other forms of community should be included in the definition?

- If at all, how should different aspects of community be prioritized as part of the CBA process? As examples, how do we prioritize residents who live closer to the facility, or those who work in the community but do not live there?
2. Under the current CBA draft, public outreach and engagement activities include:
- a. Creating an email account to share information regarding the CBA
 - b. Creating a website regarding the CBA
 - c. Posting physical signage on the facility and impacted Environmental Justice Area
 - d. Distribution of physical printed material by mail or door knocking
- How can this existing list of activities be improved?
 - What additional activities should be undertaken as part of this effort?
 - What does it look like for a facility to do more than “hear” community?
3. In the Public Meeting section of the CBA draft it states: “The 1st CBA meeting must be held at least 30 days after the required cumulative impact analysis meeting and prior to drafting the CBA.” It then states: “The 2nd CBA meeting must be held after drafting the CBA, but before it is submitted to the MPCA.”
- To ensure the community is fully engaged and heard, what should their involvement be in the CBA drafting work that occurs between the 1st and 2nd CBA meetings?
 - What does this involvement by and with the community look like and who should be involved?
 - What factors would create successful community engagement?
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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

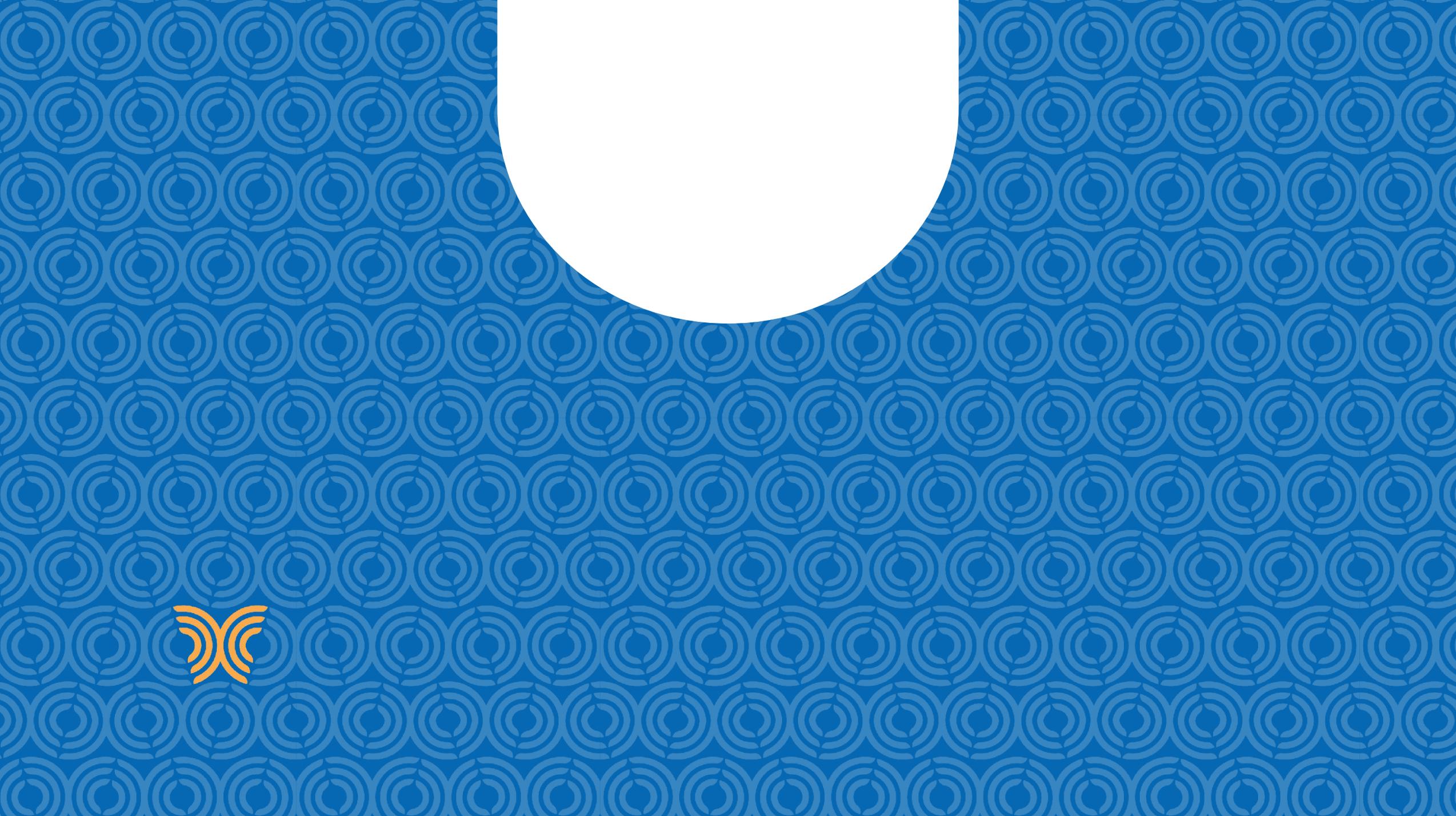
The MPCA is not moving forward with these two specific concepts primarily because we believe they would likely be disapproved by an administrative law judge as an impermissible delegation of the MPCA's powers under Minn. R. 1400.2100.

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.



Minnesota Pollution Control Agency

Community Input Panel Feedback Session #2:

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 #2

DATE: September 3rd, 2025

Attendees:

Byron Renato Morales Galán, *7-County Metro*
Sachiko Graber, *Twin Cities*
Brian Rosas, *Twin Cities*
Naomi Yaeger, *Duluth*
Roxanne O'Brien, *Twin Cities*
Benj TerLouw, *ME Global*
Kathryn Milun, *UMN Duluth*
Andrew Morley, *MN Chamber of Commerce*
Kayla Betzold, *City of Rochester*
Sasha Lewis-Norelle, *COPAL*
Bill Droessler, *Environmental Initiative*

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Meeting Overview

On August 27th, 2025, the Minnesota Pollution Control Agency (MPCA) convened the second virtual Community Input Panel Feedback Session over Zoom to gather feedback on the Community Benefits Agreement (CBA) process. This meeting focused on three central questions: how ‘community’ should be defined in the rule, how outreach and engagement activities can be strengthened, and what role community members should play between the first and second CBA meetings. Panelists included environmental justice area residents, advocates, local stakeholders, and industry representatives who shared diverse perspectives and experiences.

Discussions emphasized both the opportunities and challenges of ensuring the CBA process is inclusive, transparent, and legally defensible. Panelists noted the importance of broadening the definition of ‘community’ beyond geographic boundaries to reflect the experiences of individuals who spend time in impacted areas, while prioritizing vulnerable and marginalized populations. At the same time, industry representatives highlighted the need for clarity, specificity, and feasibility so that definitions and requirements can be effectively implemented and withstand legal review.

Feedback on outreach and engagement underscored the need to balance traditional methods with modern tools, including digital communication and social media. While environmental justice panelists expressed concerns about potential conflicts of interest when facilities lead engagement activities, industry representatives raised practical considerations regarding cost, consistency, and the risk of bias in third-party facilitation.

In considering the period between the first and second required CBA meetings, both community and industry perspectives converged on the need for a process that is iterative, structured, and accessible. Community members emphasized the insufficiency of two meetings to capture meaningful input, suggesting the need for additional opportunities for engagement, accommodations such as childcare and translation, and clear documentation on how feedback is used. Industry participants stressed that while expanded engagement is valuable, the process must also ensure clarity and maintain space for technical review.

Across discussions, equity, accountability, and inclusivity emerged as core themes. Panelists called for more robust outreach strategies that build trust, reduce barriers to participation, and ensure transparent responses to community input.

Defining ‘Community’ in the CBA Process

The first questions posed to panelists focused on helping the group develop the definition of ‘community’ in regards to the CBA process:

In the current CBA draft, “community” is inferred to be geographic- residents living in proximity to the proposed facility and within the impacted Environmental Justice Area.

- *What other forms of community should be included in the definition?*

- *If at all, how should different aspects of community be prioritized as part of the CBA process? As examples, how do we prioritize residents who live closer to the facility, or those who work in the community but do not live there?*

The central focus of the conversation was around whether ‘community’ should be defined narrowly by geographic proximity, or more broadly— including those who work, worship, study, or have other connections to an area.

Expanded Definition of Community

There was a strong consensus among environmental justice participants that ‘community’ should not be defined solely by geographic proximity or residence. These participants emphasized inclusion of those who work, attend school, worship, receive services, or gather in the area. There was mention that vulnerable groups (e.g., children, people with health conditions, marginalized populations) should be prioritized, with Sachi saying, ‘We know that young bodies and vulnerable folks are impacted to a higher degree by exposure.’

Naomi agreed, saying, ‘I like paying attention to the idea of vulnerable people with certain illnesses being more susceptible to pollutants than other parts of the population, and anybody going in and out of an area is connected to the impact. Our church for instance serves as a big gathering spot since we rent out big rooms to people from around the area.’

With this acknowledgement, there was also caution expressed about expanding the definition too far, with Kayla saying, ‘You want to go in the direction of who’s going to be impacted by this longer term. This could be a challenge when it comes to implementation if it’s too broad— but it’s challenging to even say that because we know that a broader level of people will be impacted once a facility is up and running. Schools and community-based organizations would be important to engage and have representation from.’

Balance Between Clarity and Flexibility

There was discussion around the fact that legal and regulatory processes require a clear, defensible definition— especially for review by an Administrative Law Judge (ALJ). Andrew said, ‘For a rule to apply, it needs to have some level of specificity. The facility and the MPCA need to know who the audience or can be identified as. Geography and residence can be the priority, but I don’t think that necessarily omits people who commute in or spend time at a location’. Benj offered that, ‘You’re going to need something that’s fairly cut and dry in this definition-defining it as something much more than that geographic community is very hard to make a reality.’ However, community realities vary, and there was a call from some for a flexible framework that reflects those distinctions.

Sasha remarked, ‘I think it’s important to decide the context in which we’re defining community. There aren’t community members or legal entities who sign off on this— but this process is about ensuring that the document (and rule) represents the will of the community. We need to make sure this is defensible in front of an administrative law judge, but also need to have some flexibility to ensure we capture that each community has different conditions.’

Scientific and Representational Considerations

Several panel members called for scientific methods to define impact zones, especially regarding pollutant dispersion from facilities. Panelists also discussed the need for clear, scientifically-informed parameters of what a community is. Ethical concerns were raised about who has the ability to leave a polluted area versus those who must stay and have no means of avoiding the contamination. Roxxanne said, 'I'm in agreement that geography is one component of this, but sometimes I've found that people aren't thinking about how air travels when there are pollutants— it spreads. People who are marginalized or disenfranchised should be prioritized, and those who have the means to leave wouldn't count toward this community definition since they aren't there by necessity.' She went on to say, 'There needs to be some real, scientific way we determine this and not just an arbitrary *3-mile marker* or something.'

On the topic of community representation, Sachi commented, 'One concern I have is in this legal vein of who is the community or who is representing the community. How do we create a representative contract from the community? This feels like a sticking point for where the MPCA is the signatory for this, and there's friction there. I'm really interested in investigating the representational aspect in terms of what would be required from the agency to say *what would be in the best interest of the community.*'

Improving Public Outreach and Engagement Activities

The discussion then moved to focusing on ways to improve how public outreach and community engagement activities are conducted in the CBA draft. Panelists were prompted with the following questions:

Under the current CBA draft, public outreach and engagement activities include:

- a. Creating an email account to share information regarding the CBA*
- b. Creating a website regarding the CBA*
- c. Posting physical signage on the facility and impacted Environmental Justice Area*
- d. Distribution of physical printed material by mail or door knocking*
 - *How can this existing list of activities be improved?*
 - *What additional activities should be undertaken as part of this effort?*
 - *What does it look like for a facility to do more than "hear" community?*

Enhance Communication Channels

There was strong support for *multi-channel outreach*: social media, radio, television, schools, churches, community organizations, and physical mail. There was concern that the current prescriptions— emails, website, signage, and mail/door knocking— are too generic and may not reach vulnerable or non-digitally connected populations. Renato said, 'One thing I'd like to point is that the norms could include other means of communication— and it's important to make sure the community has access to these sources of information.'

Need for Third-Party Facilitation

There were deep concerns expressed about conflicts of interest if the permit applicant is tasked with handling engagement. There were suggestions of *neutral, third-party facilitators* to increase trust, credibility, and transparency throughout the process. Kayla said, 'It's important to look at who is responsible for engagement. It's somewhat of a conflict of interest that it's the permit applicant who is conducting engagement. This could compromise trust. Is there a way this can be designed and facilitated by a third party? Is there a way for the community to have a say in this to create some distance between the permit applicant and the community?'

Sasha agreed with the proposal of third-party facilitation, saying, 'Oftentimes what I've seen in government outreach with communities is there's not much trust in how the notes are going to be taken and how the feedback is going to be framed. When you're talking about whether a facility is going to get their permit, there's often a pretty strong bias from the company. A third party could alleviate these concerns from the community to ensure it's a less biased process.'

Andrew offered his thoughts on the matter— 'I think this is an opportunity for the facility to meet community members where they are. I like the idea of having an option for a third-party facilitator. Maybe the MPCA can keep a preferred list of contractors to recommend. But I also don't want to tie this into the rule making. Oftentimes these companies *do* want to have direct and open communication with the community.'

Targeted and Inclusive Communication

Environmental justice panelists posed that messaging should be tailored to vulnerable populations in order to prioritize their experiences in dealing with direct pollutant impacts. Some proposals from panelists in terms of how to accomplish this inclusive communication included mailers being sent home with students to their families, translation services, and accessibility accommodations. Sachi posed, 'Could you be required to send mail home with students who are in schools in vulnerable areas so that their family gets notice? I'm wondering how we might align communication so that it addresses impacted communities directly.'

From an industry perspective, Benj mentioned, 'I know at my particular facility, if we posted a notice on our fence, there's going to be like two people who see it. I also know that there are certain communities where signs aren't even allowed to be posted. We have to ensure that whatever a company is asked to do is both legal and effective.'

Accountability and Data

There were recommendations suggested to develop centralized databases of local community groups and contacts to collaborate directly with communities. Several panelists also alluded to a long-term vision for data reuse and continuity across future projects. Bill posed, 'Going forward, it would seem we would all benefit if there was some set of databases being created on a geographic basis since this is how permits are reviewed. We don't need to reinvent the wheel every time— and we all want this to be successful over the long term, not just for this specific CBA. *How do we want this functioning five years from now?*'

Kathryn echoed the desire to have a more structured and centralized approach to conducting outreach and engagement– ‘I think it’s great to have a strong physical presence, but also to have technology that supplements it. To have a collection or database of those community group emails for each area would be very helpful. Universities can help create and maintain these with the technology that we have available.’

Community Involvement Between CBA Meeting 1 and 2

The panel was then divided into two breakout rooms to share their thoughts on the following questions around what should happen during the time between the first and second required CBA meetings:

In the Public Meeting section of the CBA draft it states: “The 1st CBA meeting must be held at least 30 days after the required cumulative impact analysis meeting and prior to drafting the CBA.” It then states: “The 2nd CBA meeting must be held after drafting the CBA, but before it is submitted to the MPCA.”

- *To ensure the community is fully engaged and heard, what should their involvement be in the CBA drafting work that occurs between the 1st and 2nd CBA meetings?*
- *What does this involvement by and with the community look like and who should be involved?*
- *What factors would create successful community engagement?*

Breakout Room 1: Environmental Justice and Community Advocates

- *Renato, Roxxanne, Sasha, Sachiko, Kathryn, Brian, Naomi*

Meeting Structure

There was widespread agreement in breakout room 1 that the current structure of only two public meetings is insufficient for meaningful community engagement. There were suggestions posed for a multi-meeting model that includes education, alignment, drafting, feedback, and negotiation stages. Sachi said, ‘I have concerns that we’re anchoring this two meeting structure. I feel pretty strongly that the community needs a lot more than two meetings to fully grasp the implications of a process like this, and to align internally on what the best path forward is.’ She posed, ‘It would make sense to maybe have five meetings– one for kickoff, one for the community to think about their priorities, one to formalize demands, one as a touch point to receive the draft from the facility and have space to negotiate, and then a final one to formalize it all.’

Clear Roles and Participation Pathways

It was expressed that community groups that originally raised a specific environmental issue should be formally involved in the CBA process. Roxxanne stated, ‘As a person who worked to

start this bill, it's been hard to see the process and to have never been invited to panels by the agency.' This point resonated strongly with Kathryn, with her saying, 'If a community group was involved with bringing an issue to the attention of the MPCA, whoever was involved in this has to be a key person involved throughout the process. They are the ones who have been tracking it and have the most information. I'm very concerned about the avoidance of these groups because 'they're the loudest'. The rulemaking has to include that these community members who brought an issue to the attention of the agency must be key players along the way.'

Scheduling and Accessibility

The consideration was raised that meetings must be scheduled at community-friendly times, with childcare, food, and translation services being offered to reduce barriers to participation. The group also commented on the need for early clarity on what the full CBA process looks like and what the timeline is, instead of being included after the process was already underway. Participants in this room also emphasized the need for *multiple access points* for feedback, including in-person options. Brian said, 'As someone who is tapped into the current comment periods that the MPCA is doing— it's mostly online. How do we ensure we're also holding space to make sure these comments can be submitted at an in-person space, or even have separate meetings besides the ones solely dedicated to CBAs? I'm trying to ensure the containers for these public comments are as accessible as everything else we're trying to accomplish.'

Renato added, 'We must allow the community to participate *how and when* they want to, especially on items important to them.'

Representation and Equity

Questions arose in this group around *who gets to decide* the contents of the CBA and what the mechanism is when a community doesn't want to engage in one altogether. Sasha said, 'When doing community outreach and engagement, it should be approached in regards to clarity around that there should be a choice for the community in terms of whether they want or don't want a CBA altogether. Currently it's just expressing that there will be an agreement with or without their say.' There were calls for transparency around MPCA's response to community feedback, including the need to express publicly the rationale for decisions made. Sasha continued, 'There should be a clear written response from the MPCA regarding their decision, in response to public comments and concerns— *here's what the public engagement looked like, here is the outcome, here are the comments we used to justify our decisions*— to ensure accountability.'

Key takeaways: Breakout Room 1 emphasized equity, community ownership, and expanding engagement channels beyond rigid legal structures. Panelists were in alignment that the CBA process must include *structured, multi-phase community involvement*, with emphasis on inclusive participation, transparency, and equity.

Breakout Room 2: Industry and Government

- *Andrew, Benj, Bill, Kayla*

Meeting Structure

In breakout room 2, panelists mainly agreed that two meetings may not be enough for the CBA process— but there was an emphasis on *quality over quantity* of meetings. When asked if two meetings was enough, Bill said, ‘To me— no. I would rather it take longer but be done well, statutory requirements aside. We have an opportunity to pioneer something new and do it well— something that has been tried and failed across the country.’

Benj offered the idea of the facility holding the first of these meetings and then providing opportunities for feedback and comments. He posed that the second meeting would produce a draft document with the community’s comments accounted for.

Andrew said, ‘We must leave room for technical staff to respond and interpret. Too much comment is too much comment. I don’t think it’s about the number of meetings— I think we need to evaluate the response to comments and focus on the art of ensuring input is properly filtered, received, and responded to.’

Clear Roles and Participation Pathways

When posed the question of ‘*how do we get further upstream, outside of prescribed rules and processes*’, panelists offered some key insights. Benj said, ‘My interpretation was that this information is gathered in the first meeting— or after the second meeting, if there is public outcry about a lack of response. I don’t think you can have community writing with the facility. This will cause too much confusion having all the people in the same room trying to do the same thing to different ends.’

Bill agreed with Benj, saying, ‘I don’t see this as a shared document, but rather more iterative, making sure the notes are accurate. We want quantifiable outcomes that are stout enough to withstand legal battles.’ Bill went on to say, ‘The outcome is perhaps more important than the structured process, however. It might behoove us to better figure out how to do this *well* instead of just doing it quickly.’

Scheduling and Accessibility

Kayla commented on the need for a detailed outline on what decisions are being made between the CBA meetings, saying, ‘We want this to be a co-creation process. One thought for outreach and engagement— it might be worth listing or requiring social media/online paid advertising as a way to keep folks updated on a project, directing them to the website, advertising public meetings, etc. In my work we find this to be a useful tool to reach a broader audience.’

On these meetings, Benj conceded that virtual meetings must be available but was hesitant on the need to include this in the rule because of potential limitations in certain communities. He asked, ‘How much and what does it take to make a virtual/hybrid meeting an option in a place that isn’t set up for it?’

Key takeaways: Breakout room 2 emphasized clarity, defensibility, and the need for structured drafting and legal durability.

Contrasting Themes and Tensions

Bearing in mind the differing priorities and opinions of panel members, there was a clear contrast between breakout rooms 1 and 2 in the framing and discussion of certain items. Both rooms expressed the desire for better process design but differed in how they believed power and authorship should be shared throughout the drafting. These differences largely centered around the following core topics.

On the subject of *‘who should hold the pen?’*, room 1 advocated more for collaborative authorship during the CBA process, while room 2 leaned toward more of an industry-led, *centralized drafting* with community input filtered in.

On the topic of the *scope and purpose of public comment*, the contrast existed around what each group emphasized as being of foremost importance— room 1 emphasized openness, whereas room 2 emphasized manageability and response structure. Room 1 identified the need for in-person, culturally accessible spaces for feedback— not just online portals. Room 2 was more concerned with managing the volume and structure of comment periods.

Regarding power dynamics and historical context, room 1 had deep concerns about community erasure and marginalization, anchoring the question around who gets heard and respected. Room 2 was concerned largely with process legitimacy and long-term legal durability— emphasizing the need for the process to ‘hold up’ legally.

Unifying Themes and Opportunities for Alignment

Despite the different lenses, both breakout rooms identified several shared priorities. A big point that unified both groups was highlighting the importance of ensuring the community engagement is done to a high standard. There was recognition that it would only harm both the facility and community members to not have a high-quality community engagement process.

To summarize, these unifying themes included:

- The quality of the community engagement matters
- More than two meetings may be necessary
- The need for structured participation between the meetings
- The desire for transparency and accessibility

There were clear pathways for collaboration between the panelists’ priorities, which included the proposal of a hybrid/phased approach, a commitment to transparency, an investment in accessibility, and a shared commitment to innovation.

Summary

The second feedback session revealed significant concerns about the inclusivity, structure, and transparency of the Community Benefits Agreement (CBA) process as currently drafted. Panelists expressed a shared desire to redefine ‘community’ more expansively, improve outreach tactics through community-centered and third-party engagement, and enhance opportunities for meaningful involvement between the first and second public meetings.

Core recommendations included:

- Expanding the definition of community to include those who work, worship, attend school, and gather in impacted areas– and/or relying on third-party experts to help identify a clearer parameter of what a ‘community’ is in this context.
- Prioritizing engagement of vulnerable and marginalized groups, or those most directly impacted by pollutants.
- Incorporating multiple outreach channels and third-party facilitators to reduce bias.
- Introducing a multi-meeting model to support authentic dialogue, education, and negotiation.

These insights offer clear direction for improving the CBA framework to ensure it is *inclusive, equitable, and truly representative* of impacted communities.

Remaining Meeting Schedule:

- 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
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