

# Minnesota Pollution Control Agency

## Meeting Agenda: Community Input Panel Feedback Session #3 Monday, September 8th 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 #3

DATE: September 3rd, 2025

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### Attendees:

Byron Renato Morales Galán, *7-County Metro*  
Sachi 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*  
Said Ali Ussain, *Rochester*  
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*

## 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 MPCA's assessment of the CBA. 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 additional feedback on public engagement activities and gaps in the CBA process
- Explore a case study and discuss how CBA's will be assessed
- Offer input and recommendation on assessment criteria and the processes for approval of a CBA

## Agenda

- Introduction and Overview of Meeting Objectives – CIC 5 min
- Pre-drafting & drafting of the CBA Discussion - MPCA / All 35 min
- Post-CBA drafting Discussion - MPCA / All 35 min
- CBA Evaluation Criteria Discussion – CIC / All 35 min
- Closing Comments and Next Steps - CIC 10 min

In preparation for our feedback session, please review the Case Study (Document #4) and consider the discussion topics and questions for each topic below. The Case Study is meant to serve as a tool to assess and analysis the draft CBA process, rather than the details of the mock scenario. The Draft CBA Concept is also included for you to refer to.

### **Pre-drafting & drafting of the CBA (Case Study: Section A - pgs 5-8)**

- 10 minutes - presentation
- 25 minutes – discussion

### *Discussion Questions:*

- 1.) At the last panel meeting, we heard an ask for “structured activities” and additional meetings beyond those required from the permit applicant from panelists.
  - What could these structured activities between the two CBA focused public meetings be, including (but not limited to) additional meetings? Should this be prescribed in rule or provided in a guidance document?

- 2.) Please review the Case Study (Document #4) and consider the following questions:
- What gaps or questions does the **first half** of the case study bring up for you about the draft CBA concept?
  - Is there anything in the **first half** of the case study that we have not yet addressed that you'd like to?

**Post-CBA drafting (Case Study: Section B - pgs 9-10)**

- 10 minutes - presentation
- 25 minutes – discussion

*Discussion Questions:*

1. On pg. 14 of the draft CBA concept (Document #3), the permit applicant is required to share the draft CBA with the community at least 30-days before the 2<sup>nd</sup> CBA public meeting.
  - Are there other measures that can be taken to ensure the community has enough time to gather information and/or draft feedback?
2. Please review the Case Study (Document #4) and consider the following questions:
  - What gaps or questions does the **second half** of the case study bring up for you about the draft CBA concept?
  - Is there anything in the **second half** of the case study that we have not yet addressed that you'd like to?

**Assessment & decision on a CBA**

- 35 minutes – discussion

*Discussion Questions:*

1. Please review “CBA Decision” on pg. 16 of the draft CBA concept (Document #3) and the Case Study (Document #4) and consider the following questions:
  - How should a CBA be assessed by the MPCA?
  - How should the MPCA assess community input?
  - What should the MPCA’s criteria be for assessing a CBA?



## CBA Community Input Panel: Feedback Meeting #3

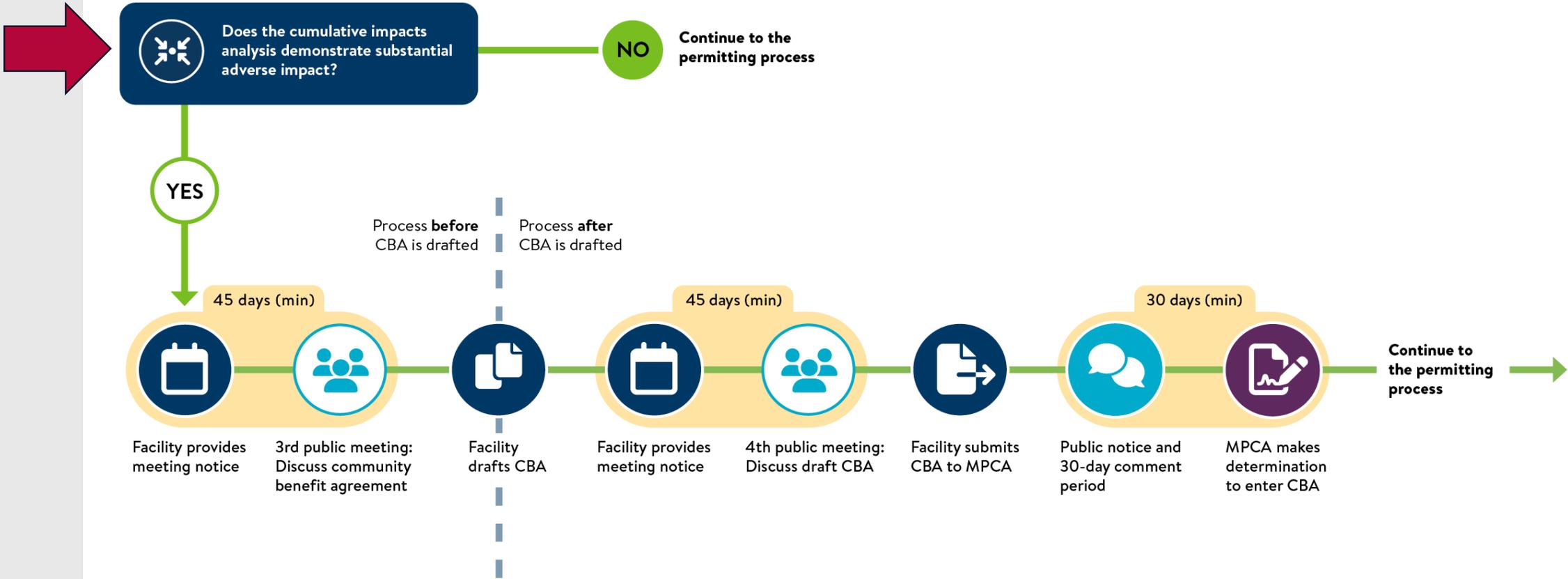
September 8, 2025

*The facility and scenario in this case study are fake and created for this purpose only. The information from MPCA's CI data tool (maps and census tract information) are real but are in draft form and subject to change. For the purpose of this case study, please pretend this facility exists in Downtown St Paul as it currently is today.*

## **Background:**

- A manufacturing facility, *Facility X*, in downtown St. Paul has submitted an air permit amendment to increase production and install a particulate matter control device.
- *Facility X* is located in Census tract 27123033000. This census tract is designated as an environmental justice area because 62.1% of the population are people of color and 37.4% of households are below 200% of the poverty level.

# Case Study



The cumulative impact analysis resulted in the determination that this permit amendment will have substantial adverse impacts on the environment or health of the environmental justice area. The facility has determined that they contribute to the following stressors:

## **Air pollution**

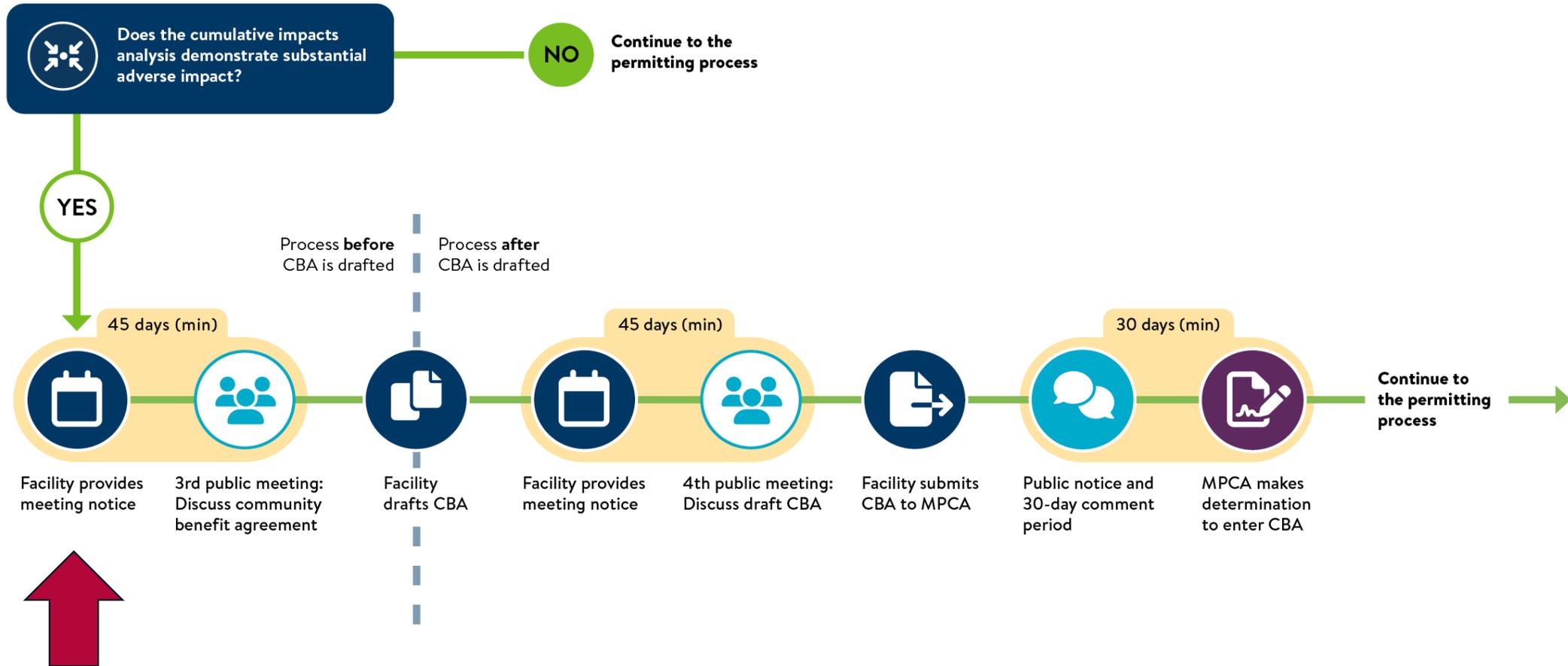
- Cancer risk estimates based on air pollution emissions
- Fine particulate matter exceedances

## **Public health factors**

- Asthma prevalence
- Heart disease prevalence

Based on these determinations, the MPCA required *Facility X* to develop a community benefit agreement with input and support from the impacted environmental justice area.

# Community Benefit Agreement (CBA) Process: Section A

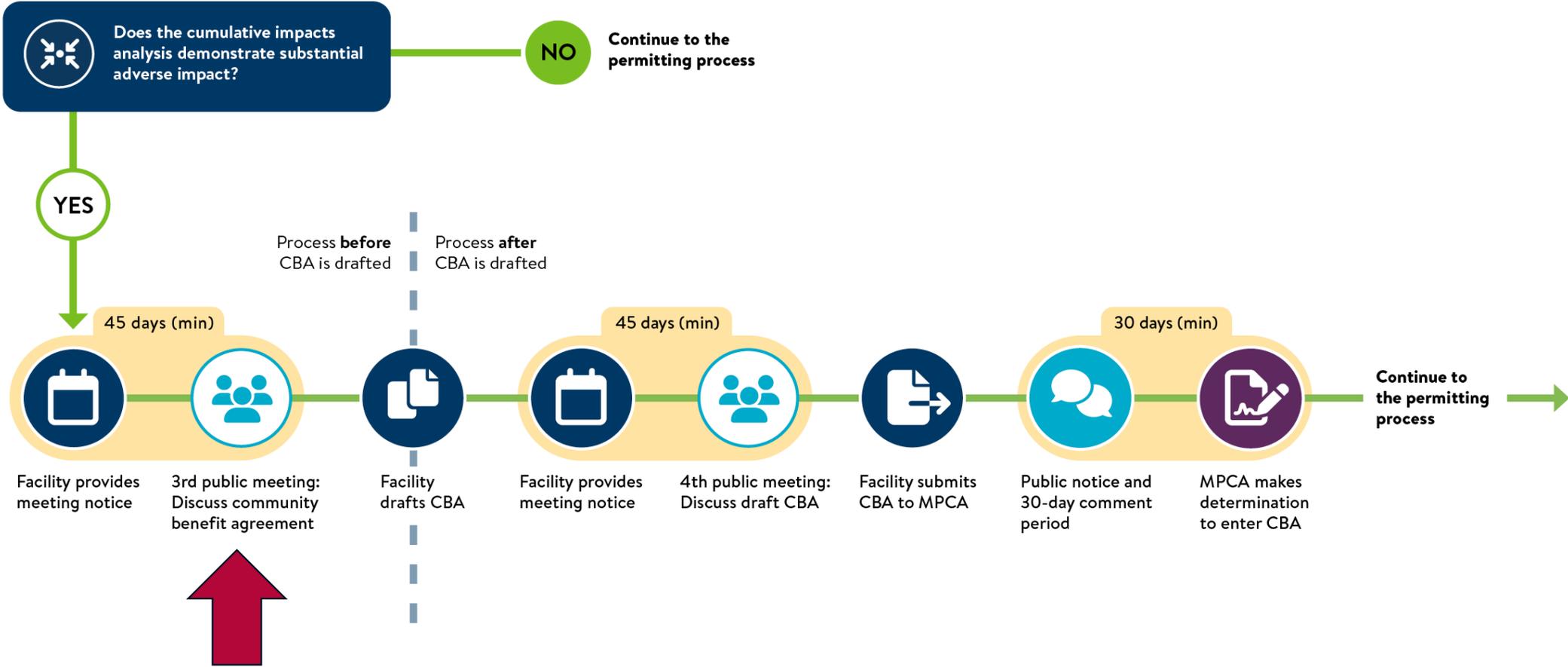


# CBA Process: Section A

## Public Outreach and Engagement

- Public website
- Email distribution list created with opportunities for community members to sign-up
- 30 days before the 1<sup>st</sup> CBA public meeting:
  - Meeting notification to website, email distribution list, Facebook, local newspaper, 9 physical signs in the environmental justice (EJ) area, and printed mailer to impacted EJ area
  - Website, physical signage and mailer was provided in English, Hmong and Spanish

# CBA Process: Section A



# CBA Process: Section A

## **CBA Public Meeting #1:**

- Held 35 days after the 2<sup>nd</sup> cumulative impact analysis public meeting
- Held 30 days after the public outreach and engagement requirements were met
- A 30-day public comment period started on the day of the 1<sup>st</sup> CBA public meeting

- Meeting details:

Location: Metropolitan State University & livestreamed to Facebook

Time: 6 pm – 7:30 pm

Language access: English and Hmong

Comments: 75 written and oral comments received by *Facility X*

# CBA Process: Section A

## After CBA Meeting #1

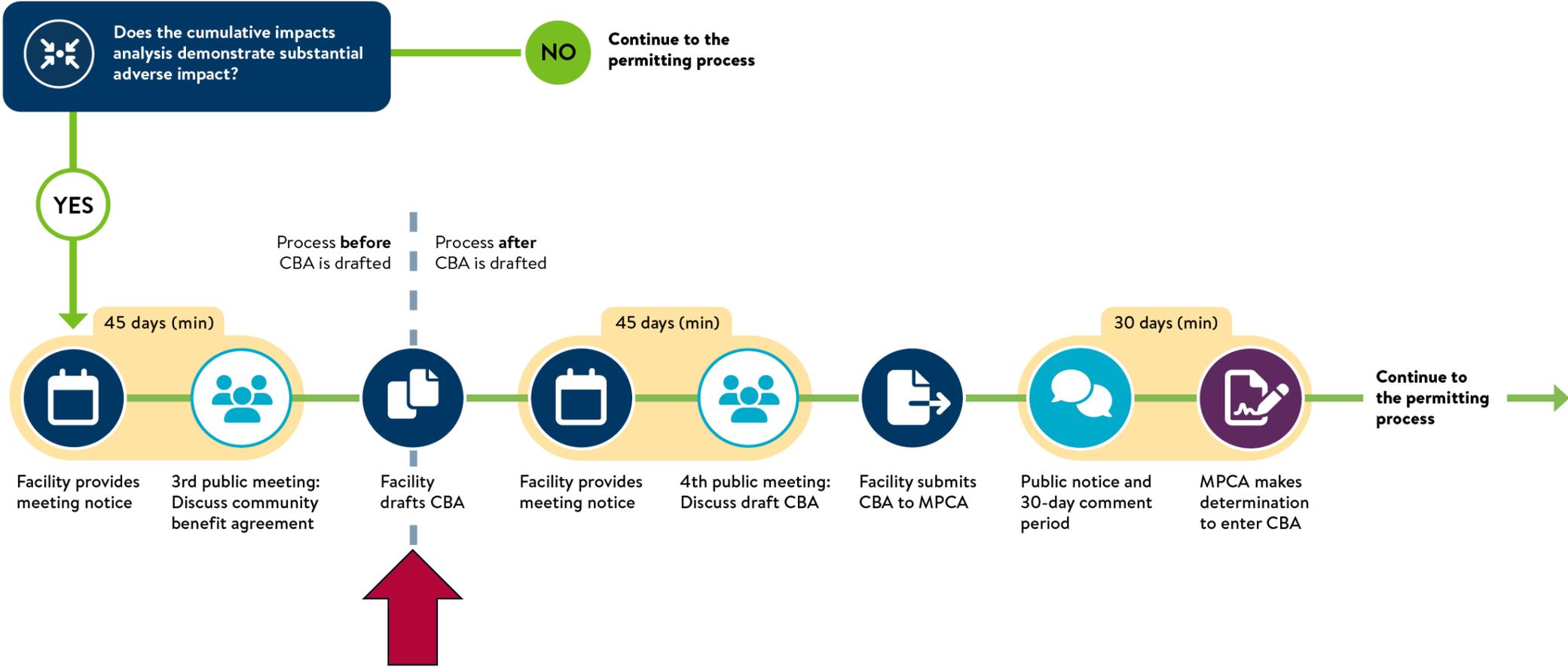
- 75 written and oral comments provided to MPCA by *Facility X* 2-weeks after the meeting
- Meeting recording shared on the website 10-days after the meeting
- 100 written comments received during the 30-day public comment period
  - Provided to MPCA by *Facility X*
- All written and oral comments shared on the public website by *Facility X*

# CBA Process: Section A

## Public Comments

- Requested community benefits:
  - Whole house air purification systems
  - Clinic & financial assistance for services
  - Green space with raised bed community gardens and trees
  - Community center for indoor children's activities
  - Soil testing
  - Semi-annual public meeting for community
  - Outdoor event venue
  - Hiring of community members and wage minimums for employees
- Other comments

# CBA Process: Section A

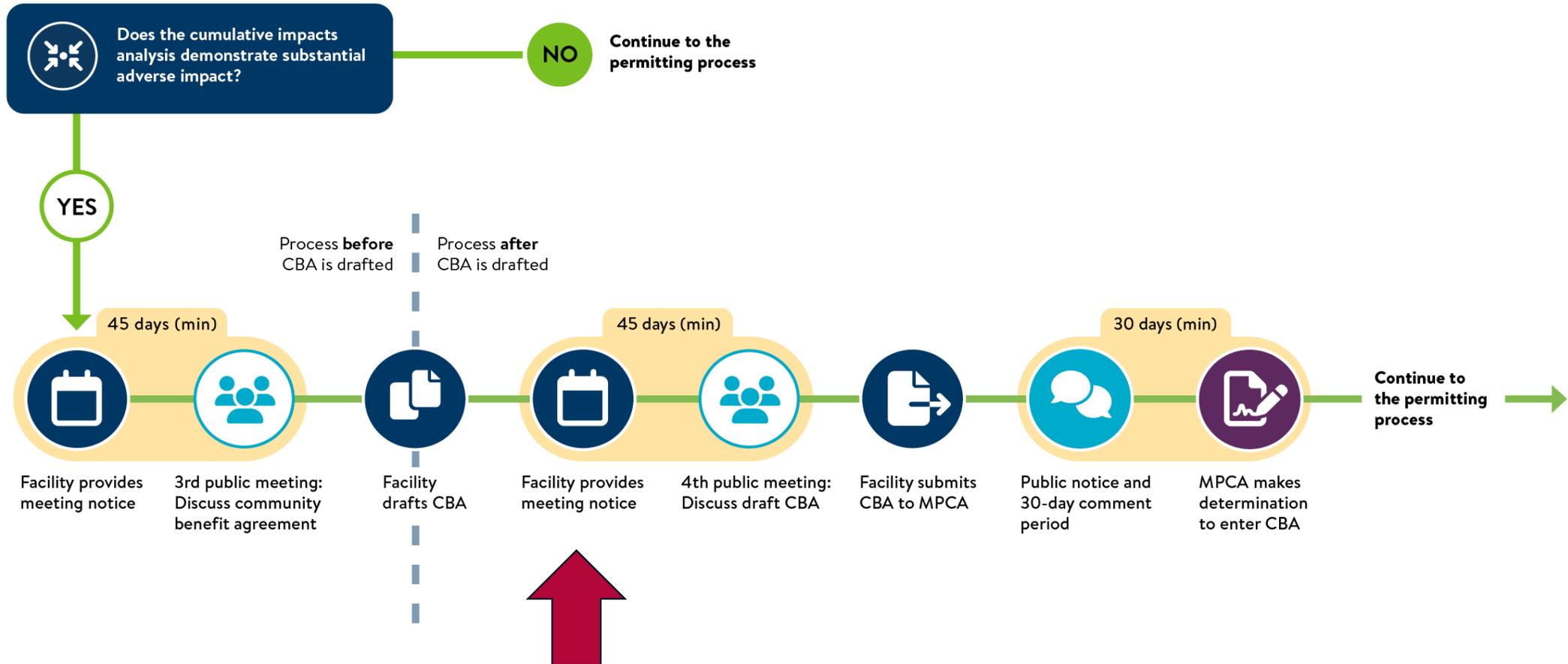


# CBA Process: Section A

## Community Benefit Agreement (CBA) Drafting

- After the 1<sup>st</sup> CBA meeting, Facility X drafted a CBA.
- The CBA included:
  - A description of the proposed project (a permit amendment)
  - Potential impacts of the project
  - A timeline for updates and reporting on benefits
  - The following benefits:
    - 2 soil testing workshops
    - Semi-annual meetings between Facility X and the community
    - A subsidy for residents in the EJ area to purchase and install whole house air purification systems, up to \$1 million
  - The pros, cons and cumulative effects of these benefits

# CBA Process: Section B

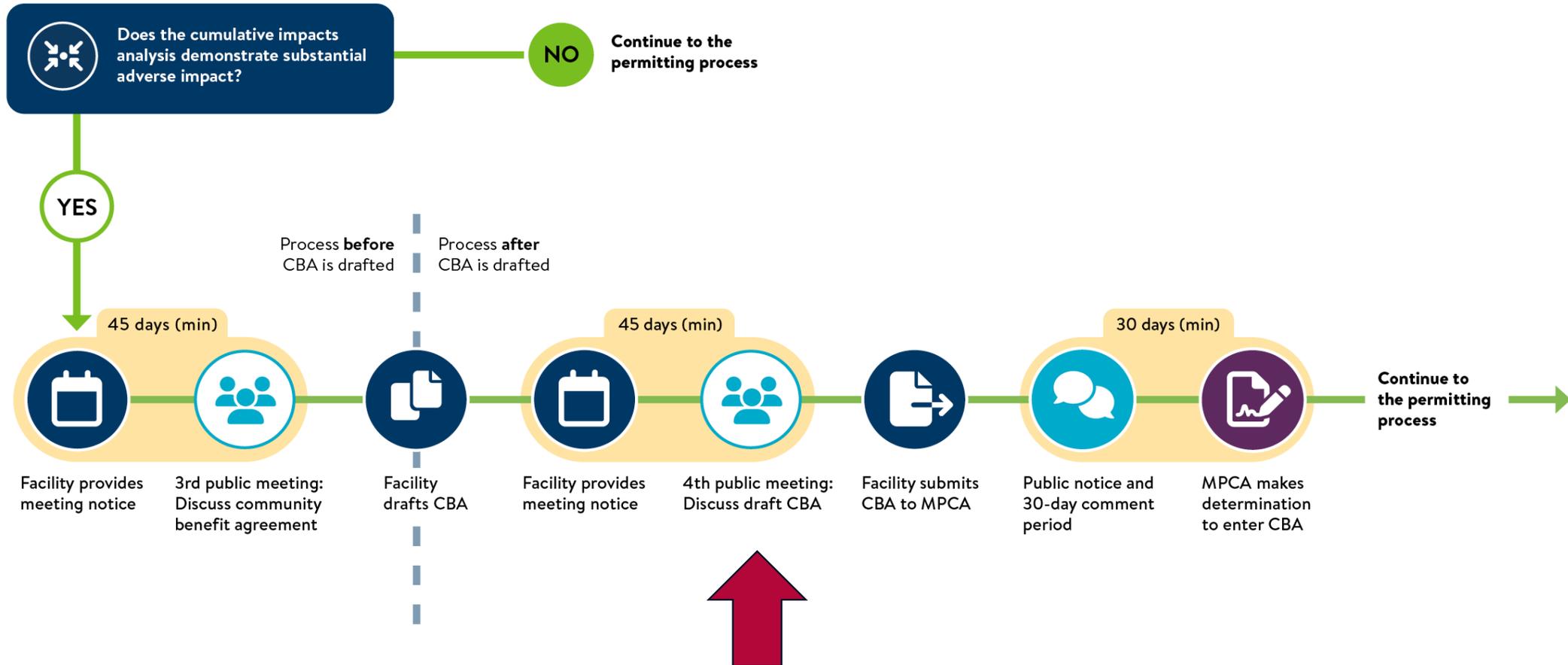


# CBA Process: Section B

## CBA Review & Submittal

- 45 days before the 2<sup>nd</sup> CBA public meeting, *Facility X* provided the MPCA with a draft copy of the CBA
- 30 days before the 2<sup>nd</sup> CBA public meeting, they must share details for the meeting, a request for public comments, and a copy of the draft CBA to:
  - Website, email distribution list, Facebook, local newspaper, and 9 physical signs in the environmental justice (EJ) area
  - Website, physical signage and mailer were provided in English, Hmong and Spanish

# CBA Process: Section B



# CBA Process: Section B

## CBA Public Meeting #2

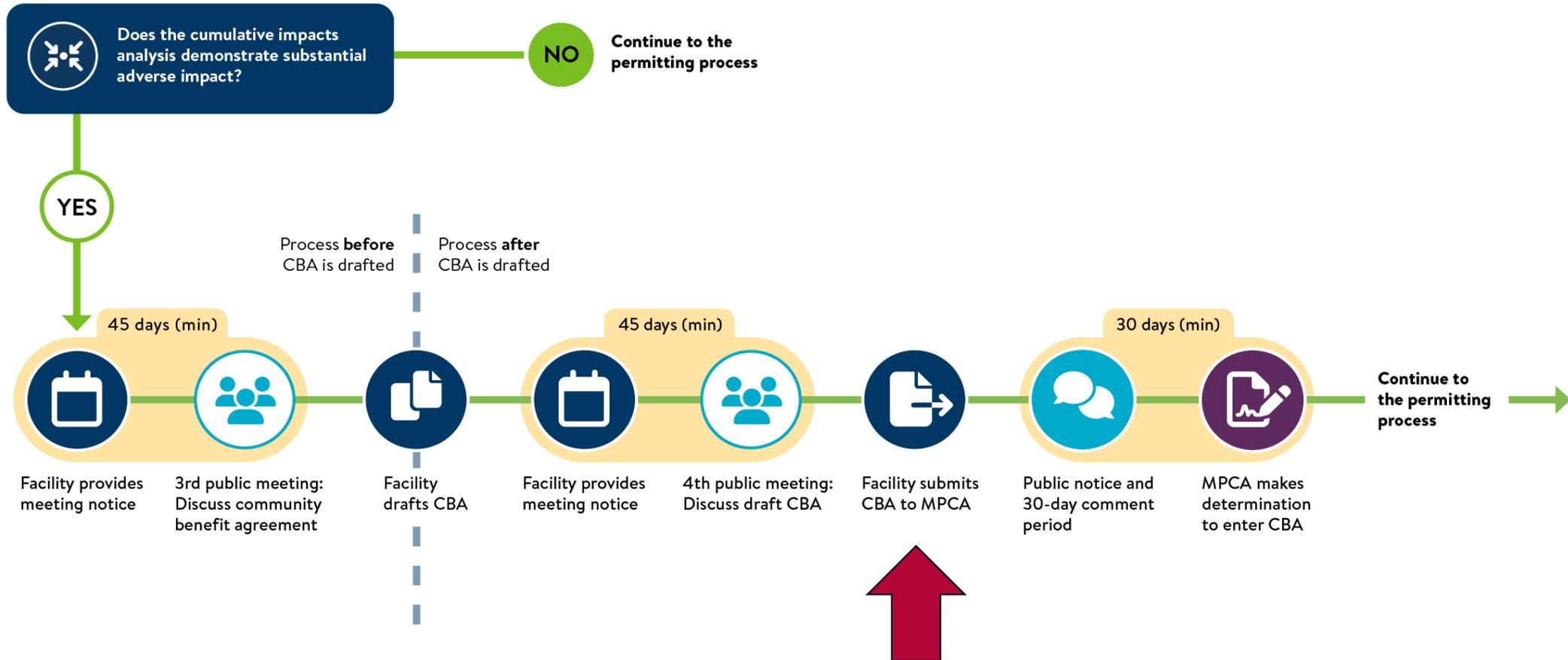
- Held 30 days after the public outreach and engagement requirements were met
- A 30-day public comment period started on the day of the 2<sup>nd</sup> CBA public meeting
- Meeting details:
  - Location: Bruce Vento Elementary School & livestreamed to Facebook
  - Time: 6 pm – 7:30 pm
  - Language access: English and Spanish
  - Comments: 150 written and oral comments received by *Facility X*

# CBA Process: Section B

## After CBA Meeting #2

- 150 written and oral comments provided to MPCA by *Facility X* 2-weeks after the meeting
- Meeting recording shared on the website 10-days after the meeting
- 100 written comments received during the 30-day public comment period
  - Provided to MPCA by *Facility X*

# CBA Process: Section B

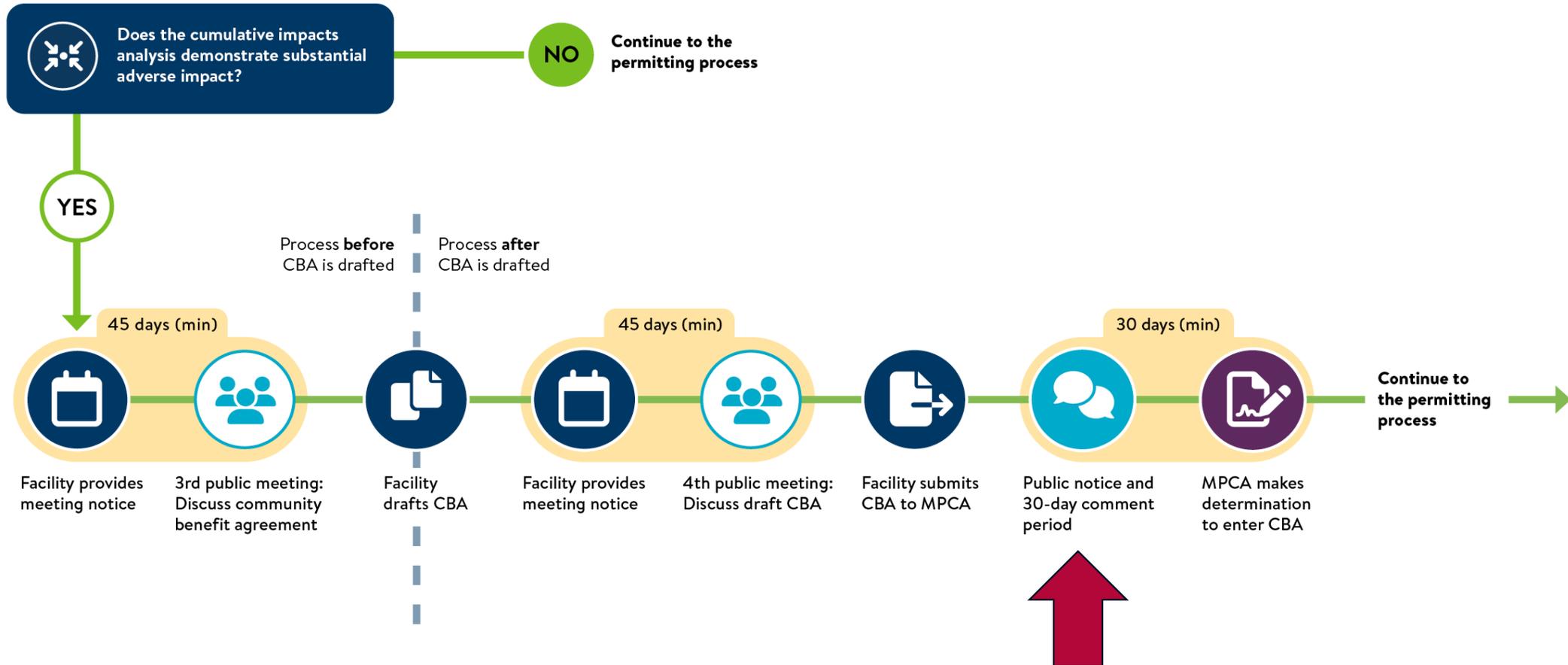


# CBA Process: Section B

## CBA Submission to the MPCA

- 15 days after the 2<sup>nd</sup> public comment period ended, Facility X submitted:
  - An updated draft CBA
  - All comments received at CBA public meeting #2 and the 2<sup>nd</sup> public comment period
  - Their response to each of these comments
- All documents were posted to the website by Facility X
- The MPCA posted the proposed CBA to the MPCA website and notified recipients of the cumulative impacts emailing list
- 5 days after receiving the draft CBA, the MPCA notified the permit applicant their draft CBA was deemed complete.

# CBA Process: Section B

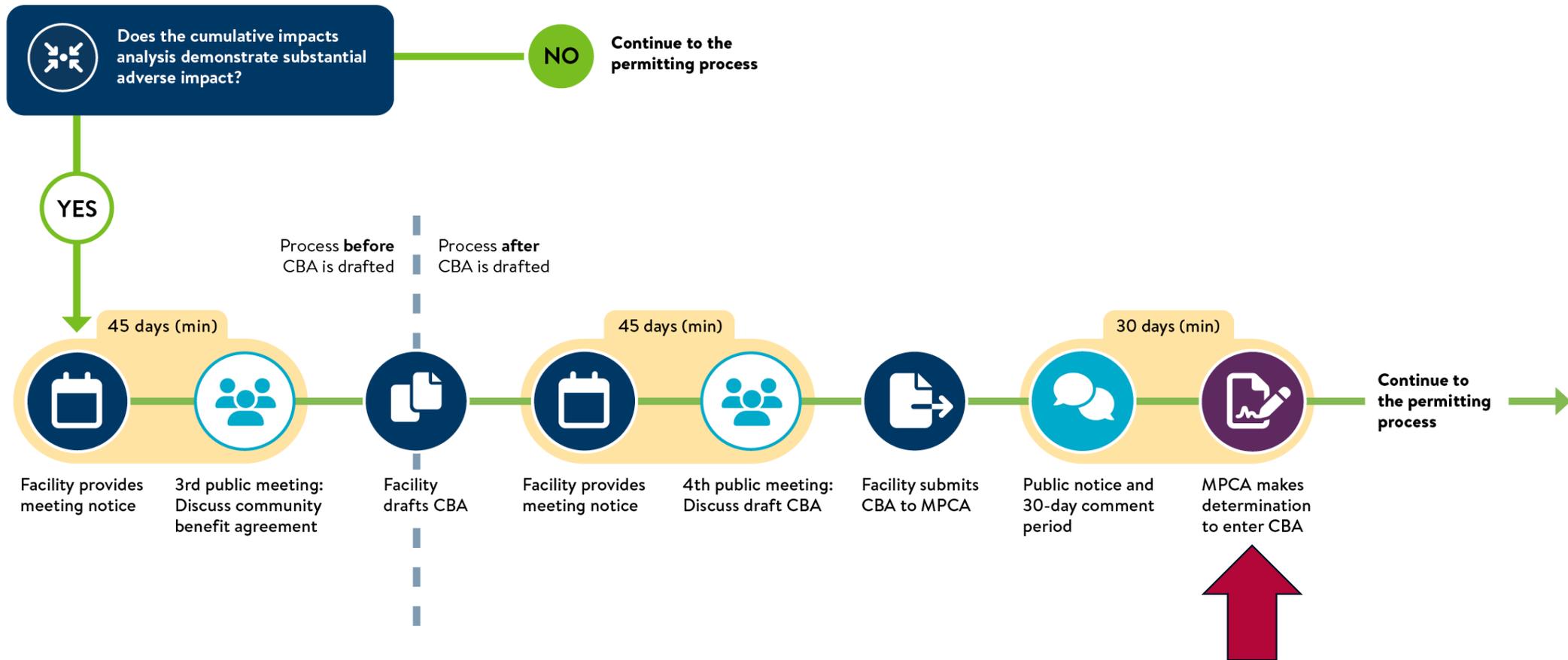


# CBA Process: Section B

## Public Notice & Comment Period

- After the draft CBA was deemed complete, the MPCA started a 30-day public comment period.
- The next day, the permit applicant provided notice for the public comment period in English, Hmong and Spanish by:
  - Updating the website
  - Emailing the email distribution list
  - Updating the physical signage
- The MPCA provided notice for the public comment period by:
  - Updating the website
  - Emailing the cumulative impacts email distribution list
- During the public comment period, the MPCA received 250 comments.
- Facility X posted all comments, their responses and a record of the public participation process to their website.

# CBA Process: Section B



## Community Benefit Agreement (CBA) Community Input Panel: Case Study

The facility and scenario in this case study are fake and created for this purpose only. The information from MPCA's CI data tool (maps and census tract information) are real but are in draft form and subject to change. For the purpose of this case study, please pretend this facility exists in Downtown St Paul as it currently is today.

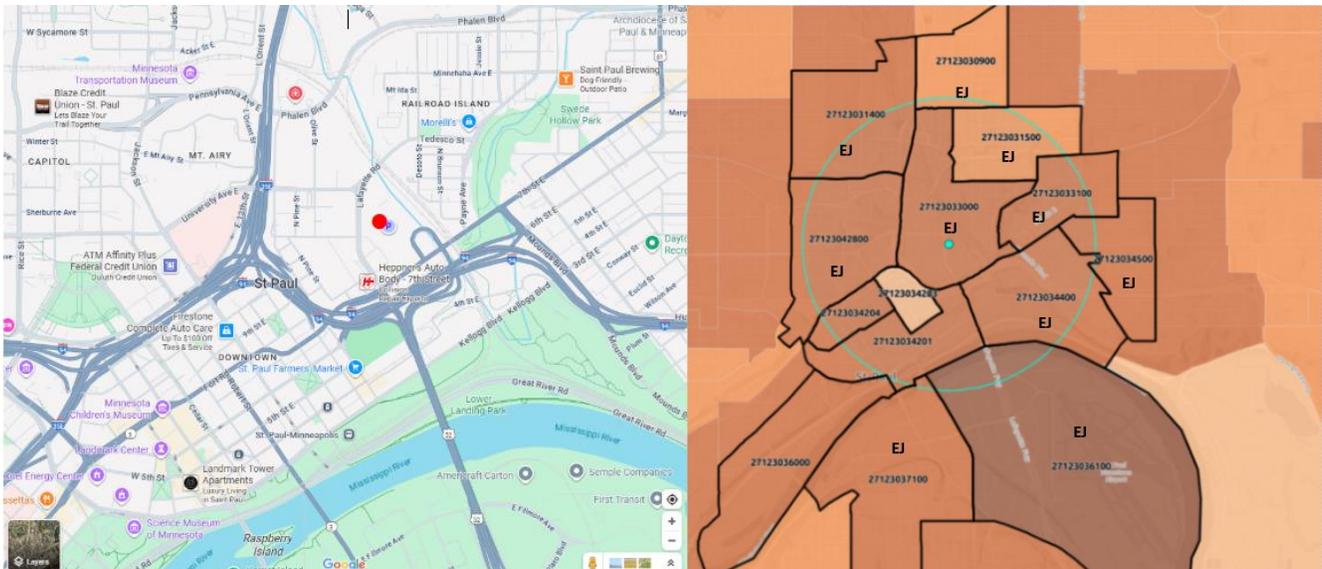
### Background:

A manufacturing facility, *Facility X*, in downtown St. Paul has submitted an air permit amendment to increase production and install a particulate matter control device.

Facility X is located in Census tract 27123033000. This census tract is designated as an environmental justice area because 62.1% of the population are people of color and 37.4% of households are below 200% of the poverty level.

### High-level overview of Cumulative Impact Analysis:

In their initial assessment, the facility determined they needed to complete a cumulative impact analysis. The MPCA has agreed with that determination. The cumulative impact analysis resulted in the determination that this permit amendment will have substantial adverse impacts on the environment or health of the environmental justice area. Therefore, in order to obtain a permit amendment, the owners and operators of Facility X will need to develop a community benefit agreement with input and support from the impacted environmental justice area, and then submit the community benefit agreement to the MPCA for review and assessment of whether the MPCA will enter into the community benefit agreement.



The right image shows which census tract in the 1-mile radius around Facility X are environmental justice (EJ) areas (they are labeled "EJ"). The impacted environmental justice EJ area includes these EJ areas.

### Cumulative Impact Analysis:

Facility X emits Methyl-toxium-disulfite (MTDS) through its manufacturing process. MTDS is a chemical that is usually in particulate form but can vaporize at very high temperatures. The dispersion of MTDS depends on

weather conditions and it can transform into other pollutants when it reacts with dust and moisture in the air. One solid by-product, MDT, can settle on soil.

Both MTDS and MDT are known human carcinogens when inhaled or ingested, respectively. At extremely high-levels, MTDS can cause seizures and death. N95 masking and high-quality air filters control exposures to MTDS for workers in environments where the chemical is present.

The MPCA and the facility have received previous complaints from a teacher at a neighborhood elementary school who noted “the smell of burning pinenuts” over several days and several children complained about not wanting to go outside for recess because “it hurts our eyes”. The MPCA investigated these complaints and the amount of MTDS measured in the outdoor air was higher within 0.5 miles of the facility, compared to further away, but the facility was not out of compliance with their permit and standards for particulate matter (PM).

The draft cumulative impacts analysis tool has identified a combined stressor total of 17 (out of 26 total stressors) in the census tract where Facility X is located. The stressors that have been identified in this census tract are listed below:

Category	Stressors
Air pollution	<ol style="list-style-type: none"> <li>1. <b>Cancer risk estimates based on air pollution emissions</b></li> <li>2. <b>Fine particulate matter exceedances</b></li> <li>3. Non-cancer risk estimates based on air pollution emissions</li> </ol>
Land pollution	<ol style="list-style-type: none"> <li>4. Cleanup sites</li> </ol>
Water pollution	None
Transportation pollution	<ol style="list-style-type: none"> <li>5. Percent of population living near highways</li> </ol>
Social factors	<ol style="list-style-type: none"> <li>6. Cost-burdened households</li> <li>7. Lack of educational attainment</li> <li>8. People with disabilities</li> <li>9. Unemployment</li> </ol>
Public health factors	<ol style="list-style-type: none"> <li>10. <b>Asthma prevalence</b></li> <li>11. <b>Heart disease prevalence</b></li> <li>12. Lack of healthcare coverage</li> </ol>
Neighborhood factors	<ol style="list-style-type: none"> <li>13. Food insecurity</li> <li>14. Impervious surfaces</li> <li>15. Lack of recreational open space</li> <li>16. Lack of tree canopy</li> <li>17. Permitted sites and other agency interests</li> </ol>

In their cumulative impact analysis, the facility identified that four (bolded stressors) of the 17 stressors have substantial adverse impacts on the communities in the environmental justice (EJ) area.

In their cumulative impact analysis, the facility demonstrated that they are not contributing to the following stressors (*stressors 3-9 and 12-17 in the list above*).

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1. Air pollution
  - Non-cancer risk estimates based on air pollution emissions: The proposed permit amendment would not increase emissions of pollutants with non-cancer risks.
2. Land pollution
  - Cleanup sites: The proposed permit amendment would not result in additional cleanup sites, such as site assessments, brownfields, remediation sites, superfund sites, or emergency response sites.
3. Transportation pollution
  - Percent of population living near highways: The proposed permit amendment would not have an effect on the percent of the population living near highways.
4. Social Factors
  - Cost-burdened households: The proposed permit amendment would not contribute to cost-burdened households.
  - Lack of educational attainment: The proposed permit amendment would not affect general education of the community.
  - People with disabilities: The proposed permit amendment would not have an effect on the percent of people with disabilities.
  - Unemployment: The proposed permit amendment is anticipated to benefit local contractors directly or local businesses directly via food and accommodations from non-local contractors. Additionally, there will be an increase of 10 onsite full-time employees.
5. Public health factors
  - Lack of healthcare coverage: The proposed permit amendment would have minimal affect on the percent of people that lack healthcare coverage. However, Facility X does provide healthcare benefits to all full-time employees.
6. Neighborhood factors
  - Food insecurity: The proposed permit amendment may have a minimal effect on food insecurity as Facility X intends to hire 10 full-time employees following completion of the proposed project.
  - Impervious surfaces: The proposed permit amendment does not involve physical expansion and therefore will not result in additional impervious areas.
  - Lack of recreational open space: The proposed permit amendment does not involve physical expansion and therefore will not contribute to the lack of recreational open space.
  - Lack of tree canopy: The proposed permit amendment does not involve physical expansion and therefore would not cause the removal of trees or other flora.
  - Permitted sites and other agency interests: Facility X has an existing Title V Air permit, and the proposed amendment is for that existing permit. Therefore, it will not be adding an additional permitted site or other agency interest.

In their analysis, the facility found that it contributes to fine particulate matter exceedances, and that it potentially contributes to cancer risk estimates based on air pollution emissions, asthma prevalence, and heart disease prevalence (*stressors 1-2 and 10-11 in the list above*). The facility has assessed possible measures that they could implement that could prevent or minimize their contributions to environmental and public health stressors in the substantially impacted EJ area. They are installing onsite control equipment which will reduce MTDS emissions, including particulate matter, but that will not completely prevent their potential contributions to the other stressors.

#### 1. Air pollution

- Cancer risk estimates based on air pollution emissions: The proposed permit amendment would increase emissions of MTDS but would still comply with state and federal air toxics limits. Due to the cumulative impacts of air pollution on the EJ area, the increase in MTDS has the potential to contribute to cancer risk estimates.
- Fine particulate matter exceedances: The proposed permit amendment would increase particulate matter (PM) emissions, but would still be in compliance with the standards for PM. Due to the cumulative impacts of air pollution on the EJ area, the increase would contribute to fine particulate matter, which may increase the number of days with an air quality index above 100 in the EJ area.

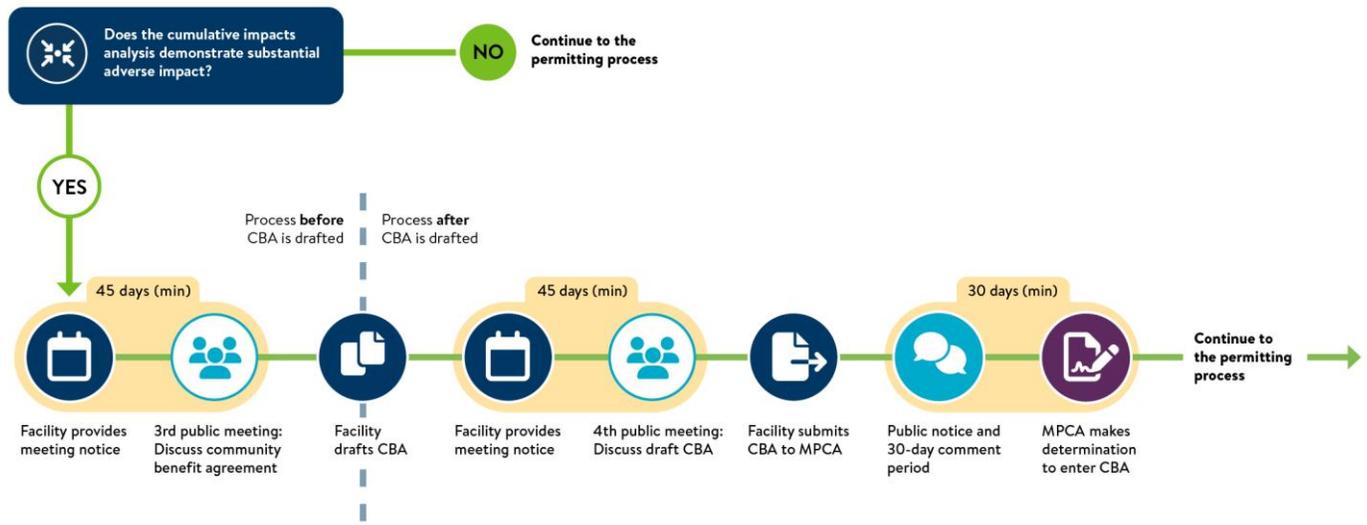
#### 2. Public health factors

- Asthma prevalence: The proposed permit amendment would increase particulate matter emissions but would still be in compliance with the NAAQS for PM. Due to the cumulative impacts of air pollution on the EJ area, the increase in PM has the potential to contribute asthma prevalence in the EJ area.
- Heart disease prevalence: The proposed permit amendment would increase particulate matter emissions but would still be in compliance with the NAAQS for PM. Due to the cumulative impacts of air pollution on the EJ area, the increase in PM has the potential to contribute heart disease prevalence in the EJ area.

The facility has been in this location for 30 years and has demonstrated that they cannot afford to move the business to another location. The facility has also demonstrated that they cannot afford to decrease their production in order to decrease their emissions and the contributions to these environmental and public health stressors.

Based on these determinations, the MPCA required Facility X to develop a community benefit agreement with input and support from the impacted EJ area.

## Community Benefits Agreement Process:



### Cumulative impacts analysis public meeting #2:

The permit applicant hosted a public meeting after the MPCA’s decision regarding the cumulative impact analysis and the substantial adverse impacts of the permit amendment for Facility X. At this meeting, community members were notified that a community benefit agreement (CBA) would be required between the permit applicant and the MPCA in order for the permit applicant to obtain its permit amendment.

## SECTION A

### Public outreach and engagement:

The permit applicant added a page to their public website where they provided a description of the proposed project, potential impacts to local residents, and a way to subscribe to updates from the permit applicant via email. This webpage was made available in English, Hmong and Spanish.

The permit applicant created an email distribution list and community members could sign-up to receive updates via email.

30 days before the 1<sup>st</sup> CBA public meeting:

- The webpage was also updated to included public meeting information.
- The permit applicant provided a notice for the upcoming CBA meeting via the email distribution list.
- The permit applicant promoted the upcoming 1<sup>st</sup> CBA meeting on a Facebook page created for the permit amendment and the CBA process.
- The permit applicant provided notice of the upcoming 1<sup>st</sup> CBA meeting in the local newspaper, Downtown St. Paul Voice.

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- Physical signage was posted at 9 locations in the impacted EJ area, including at the facility, community centers, churches and gas stations. The signage was posted in English, Hmong and Spanish and included contact information, the project website, details for upcoming public meetings, and a request for public comments.
- A printed mailer was sent to all properties in the impacted EJ areas (the 10 census tracts within the 1-mile radius of the facility that are EJ areas). The mailer included the same information as the physical signage and was written in English, Hmong and Spanish.

### **CBA public meeting #1:**

The permit applicant hosted one public meeting 35 days after the cumulative impacts analysis public meeting #2 and 30 days after the public outreach and engagement requirements were met with a public website, physical signage, and printed mailer.

- The public meeting was held on the 1<sup>st</sup> day of the public comment period.
- It was held in-person at Metropolitan State University and was livestreamed to Facebook.
- The public meeting started at 6 pm and lasted an hour and a half.
- Language translation and interpretation in Hmong was requested and provided at the meeting by the permit applicant.
- The meeting included a presentation from the permit applicant on the permit amendment and the cumulative impact analysis.
- Meeting attendees were able to submit written comments, electronic comments on their personal devices, and oral comments. Oral comments were recorded by the permit applicant and transcribed. 75 written and oral comments were provided to the MPCA by the permit applicant, 2 weeks after the public meeting was held.

The meeting recording was shared on the project webpage 10 days after the public meeting was held.

After the CBA public meeting #1, the permit applicant received 100 comments via email and mail during the 30-day public comment period and provided electronic copies of these comments to the MPCA.

Community members requested the following community benefits:

- Installation of whole house air purification systems for community members
- Construction of a community clinic for asthma, cancer, and heart disease care/support, and provided financial assistance for services to community members
- Development of a green space with raised bed community gardens and 1000 tree plantings to help filter air
- Construction of a community center for indoor children's activities
- Soil testing for community members
- Hosting a semi-annual public meeting for community to meet with facility and raise questions or concerns
- Construction of an outdoor event venue

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- Providing targeted hiring of community members and wage minimums for employees

The permit applicant also received the following comments:

- The principal and the parent teacher organization of the local elementary school were worried about the risk to kids and wanted this facility shut down and their playing fields completely cleaned to remove any MDT that might have settled.
- A local academic with a history of community advocacy suggested that the facility and MTDS in particular might be the reason that asthma rates in this area were so high and proposed a council meeting to address these concerns more broadly. The local citizen science group he worked with long advocated for limiting the industrial activity in the region.
- Several EJ area residents previously expressed concerns about family members with cancer in the area. They have a lot of questions. They've wondered if they should move and if this pollution had caused their cancers in the first place.
- Community supporters of industry pointed out the industrial area had been there longer than the neighboring residential areas. In an increasingly urbanized and gentrified region, industry feels there are fewer and fewer places to actually get work done and build the things people want. The local business association vehemently opposed siting an elementary school in this location, next to several industrial facilities.

### **CBA drafting**

After the 1<sup>st</sup> CBA public meeting, the permit applicant drafted a community benefit agreement. This draft included a description of their proposed project and the potential impacts of the project. The permit applicant committed to providing the MPCA and the community with an update on these benefits on the agreed upon timeline.

The permit applicant included the following community benefits in their draft CBA:

1. The permit applicant will host 2 soil testing workshops where residents of the impacted EJ area can drop off their soil for testing by a third-party soil testing company. Results will be provided to community members via mail and a summary of the results will be shared on the website. The soil testing workshops would be scheduled within 1 year of the CBA signing and would be held within a year of that. Results would be provided to the residents within 6 months.

The permit applicant included the following as pros, cons and cumulative effects of the benefit:

- Pros: Community members would gain a better understanding of if and how their soil is impacted, and the potential associated risks; and the community would gain an understanding of the distribution of MDT, and location of the highest impacted areas.
- Cons: All residents wanting soil testing may not be able to make it to one of the two workshops provided; and if any soil samples contain MDT at levels less than 50 ppm, the chosen lab could not confidently identify the level of MDT in the sample.

- Cumulative: Limited, community may gain better understanding of the combined impacts from MDT, cleanup sites, and solid waste activities on land pollution in the area, but this will be contingent upon the number and location of residents that request soil testing.
2. The permit applicant will host semiannual public meetings between the facility owners/operators and the surrounding community. These meetings will start 6 months from the signing of the CBA by the permit applicant and the MPCA and will be promoted through the emailing list and social media. The meetings will continue bi-annually for 5 years.

The permit applicant included the following as pros, cons and cumulative effects of the benefit:

- Pros: Provides an opportunity for community members and the facility to have conversations about progress on the CBA benefits, and other questions or concerns the community may have; and provides an opportunity for community to have continued engagement with the facility.
  - Cons: Semiannual meetings may not be frequent enough to address immediate concerns; and some residents may not be able to attend due to schedule conflicts.
  - Cumulative: None identified
3. The permit applicant will provide a subsidy to residents of the EJ area the facility is located in who would like to purchase and install whole house air purification systems. Each subsidy will cover half the average cost of a system for approx. 500 homes, totaling approx. \$1 million. The permit applicant will establish the fund and the method for residents of the EJ area to apply for the subsidy within 1 year. All of the funds will be dispersed to community members within 7 years of the date of signing.

The permit applicant included the following as pros, cons and cumulative effects of the benefit:

- Pros: Improved indoor air quality for residents closest to the facility; and it may help to alleviate asthma symptoms
- Cons: All residents may not be able to afford to cover half the cost; and residents or landlords would be responsible for filter replacement, maintenance, and post or non-warranty repairs.
- Cumulative: May help to reduce combined affects that lead to asthma and heart disease prevalence.

## **SECTION B:**

### **CBA review and submittal**

45 days before the 2<sup>nd</sup> CBA public meeting, the permit applicant provided the MPCA with a draft copy of the CBA to the MPCA.

30 days before the 2<sup>nd</sup> CBA public meeting, the permit applicant shared their contact information, the project website, details for the upcoming public meeting, a request for public comments, and a copy of the draft CBA to:

- The project website in English, Spanish and Hmong.
- A notice for the upcoming 2<sup>nd</sup> CBA meeting via the email distribution list.
- On a Facebook page created for the permit amendment and the CBA process.
- In the Downtown St. Paul Voice newspaper.

30 days before the 2<sup>nd</sup> CBA public meeting, the permit applicant also updated the physical signage in 9 locations in the impacted EJ area to include the 2<sup>nd</sup> CBA meeting information in English, Hmong and Spanish.

The permit applicant hosted a 2<sup>nd</sup> public meeting:

- The public meeting was held on the 1<sup>st</sup> day of the public comment period.
- It was held in-person at Bruce Vento Elementary School and was livestreamed to Facebook.
- The public meeting started at 6 pm and lasted an hour and a half.
- Language translation and interpretation in Spanish was requested and provided at the meeting by the permit applicant.
- The meeting included a presentation from the permit applicant on the draft community benefit agreement.
- Meeting attendees were able to submit written comments, electronic comments on their personal devices, and oral comments. Oral comments were recorded by the permit applicant and transcribed. 150 written and oral comments were provided to the MPCA, 2 weeks after the public meeting was held

After the CBA public meeting #2, the permit applicant received 100 comments via email during a 30-day public comment period. 15 days after the public comment period ended, the permit applicant provided the MPCA with an updated proposed CBA, all comments received from public meeting #2 and the public comment period, and their responses to each individual comment. All of these documents were also posted on the project specific website by the permit applicant.

The MPCA posted the proposed CBA to the agency's website and notified community members who had signed up to receive emails regarding cumulative impact analyses.

5 days after receiving the proposed CBA, the MPCA notified the permit applicant that their proposed CBA was deemed complete.

*The facility and scenario in this case study are fake and created for this purpose only. The information from MPCA's CI data tool are real but are in draft form and subject to change. For the purpose of this case study, please pretend this facility exists in Downtown St Paul as it currently is today.*

## **Public notice and comment period**

After deeming the proposed CBA complete, the MPCA opened a formal 30-day public comment period. The next day, the permit applicant provided notice of the formal public comment period in English, Hmong and Spanish by:

- Posting the notice on the project-specific website for the entirety of the 30-day period.
- Emailing everyone on the project-specific emailing distribution list.
- Updating the physical signage in the impacted EJ area with the information for the public comment period and instructions on how to participate.

The MPCA provided notice of the formal public comment period by:

- Posting the notice on the agency website for the entirety of the 30-day period.
- Notifying community members who had signed up to receive emails regarding cumulative impact analyses.

Notices by the permit applicant and the MPCA included contact information, project-specific websites where CBA materials could be accessed, a description of the proposed project and CBA benefits, how to participate in the public comment period, and an overview of how a decision on the CBA would be reached by all parties.

During the comment period, any interested party was able to submit comments via SmartComment (an online platform for submitting electronic comments), email, or mail. The MPCA received 250 comments.

After the public comment period ended, the permit applicant posted all the comments received during the CBA process, their response to all comments and a record of the public participation process, including all of the public meetings held, on the project-specific website.

## **CBA decision**

*Please consider the following questions:*

- *How should a CBA be assessed by the MPCA?*
- *How should the MPCA assess community input?*
- *What should the MPCA's criteria be for assessing a CBA?*

# Minnesota Pollution Control Agency

## Community Input Panel Feedback Session #3:

### 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 #3

DATE: September 18th, 2025

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#### Attendees:

Byron Renato Morales Galán, *7-County Metro*  
Sachi Graber, *Twin Cities*  
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*  
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 September 8th, 2025 the Minnesota Pollution Control Agency (MPCA) convened the third virtual Community Input Panel Feedback Session over Zoom to gather feedback on the Community Benefits Agreement (CBA) process and its role in addressing cumulative impacts. The session revealed widespread agreement on the potential value of CBAs as tools for balancing environmental concerns with industrial and development pressures and necessities. At the same time, participants raised important concerns about capacity, transparency, accountability, and equity that they believe would risk undermining the legitimacy of the process if left unresolved.

Several broader themes emerged from the conversation. First, the panel believes there is ongoing ambiguity around the role of the MPCA throughout the process. Participants questioned whether MPCA should remain a neutral facilitator or take a more active role in advancing public health interests and addressing inequities. There was strong consensus that this uncertainty creates gaps in expertise and accountability that disproportionately burden impacted communities.

Second, the CBA process itself—its structure, rules, and timelines—was seen as a double-edged sword. Structure is essential for consistency and predictability, but participants stressed that it must not come at the expense of authentic negotiation and flexibility. There was concern from some panelists that a rigid, checkbox-driven approach risks excluding the very voices the process aims to elevate.

Third, panelists highlighted that barriers to participation remain a significant concern. Communities with fewer resources struggle to engage meaningfully in highly technical, fast-moving processes, leaving them at a disadvantage compared to well-resourced facilities. Participants emphasized the need for extended timelines, translation services, plain-language materials, and independent third-party experts who can help communities navigate complex data and proposals.

Fourth, transparency and accountability were identified as being essential to building and maintaining trust. Without systems to ensure all public comments are visible, acknowledged, and incorporated into decisions, skepticism and distrust may persist. Panelists recommended stronger mechanisms for tracking revisions and demonstrating how community input shapes outcomes in regards to the writing of the CBAs.

Finally, the need for clear criteria to assess CBAs was a recurring concern. Participants underscored that, without rubrics, scoring systems, or precautionary standards, the process risks appearing arbitrary or skewed toward facilities. Weighting community voices, particularly from those most affected areas, was seen as a necessary step toward equity.

Taken together, these insights point toward a need for the MPCA to clarify its role, identify support for impacted communities, and build robust systems of accountability into the CBA

process. Doing so will not only strengthen environmental justice outcomes but also build long-term trust between agencies, facilities, and communities.

## Role and Responsibilities of the MPCA

Throughout the session, participants expressed uncertainty and concern about the Minnesota Pollution Control Agency's (MPCA) role in the Community Benefits Agreement (CBA) process. Many questioned whether MPCA should remain a neutral facilitator or take on a more active role in protecting public health. While MPCA has positioned itself as a facilitator, many panelists argued that the agency should provide substantive leadership, particularly in bringing scientific and public health expertise into the process. There were also concerns about whether MPCA's involvement truly prioritizes community interests or primarily serves regulatory and facility needs. Ultimately, the discussion highlighted a tension between neutrality and advocacy, with panelists calling for MPCA to act as more than just a convener.

- Kathryn asked directly: *"It's not clear to me who is playing the role of the advocate from a scientific perspective in terms of public health in this community. Do they have to hire their own? Is the role of the MPCA here just as a coordinator of the meetings? Is it the facility that is doing all of the work...?"* She argued the MPCA should ensure public health experts are at the table.
- Olivia supported this, stating: *"It would be helpful to have MPCA or a public health expert at the first CBA meeting to explain the underlying cumulative impacts. I align with others that it's not the facility's role to explain the existing state of cumulative impacts in a community."*
- Roxanne raised concerns about MPCA's accountability: *"Community started this process and I will not give up when it comes to making sure that this process is not once again ruined by the agency. Because the MPCA are not the leaders on this—they are just the state government that always get the benefits of the community's work."*

### Key Panelist Recommendations:

- MPCA should define and communicate its role clearly—whether as neutral facilitator, public health advocate, or both.
- Integrate public health officers or experts directly into CBA meetings to provide baseline impact information.
- Establish mechanisms for independent third-party experts to support community members, ensuring impartiality.

## Community Capacity, Equity, and Support

Panelists consistently pointed out that communities often enter the CBA process at a disadvantage. Without technical experts, financial resources, or institutional knowledge, community members may struggle to evaluate facility proposals or advocate for meaningful changes. Participants urged MPCA to recognize these disparities and create structures that

provide communities with the tools they need to participate on equal footing. This included calls for third-party facilitation, translation, extended comment periods, and accessible resources.

- Kayla asked: *“We’ve suggested the need for potentially a third party to come in and facilitate this process and be an advocate on the public health side of things, be an expert, assist the community... I’m wondering where that’s reflected in here so far.”*
- Sachi emphasized the need for resources: *“During that in-between period it will be really important for the community to have access to a folder or set of resources to be able to inform themselves about the CBA process.”*
- Jenni Lansing reinforced this point: *“Ideally, we would have a trusted third party that was hired to help community members work through this process and draft comments. Along with the MPCA being there to provide the expertise on public health, etc. and not relying on the facility to provide this.”*

### **Key Panelist Recommendations:**

- Incorporate explicit space for negotiation and counter-proposals within the structured meeting framework.
- Provide communities with dedicated time and resources to meet internally, independent of MPCA and the facility.
- Use guidance documents (rather than rigid rulemaking) to preserve flexibility in structuring activities.

## **Structure and Process of Engagement**

The design of the engagement process emerged as another major theme. Panelists debated how structured activities should look between meetings, and whether rules or guidance should govern these processes. Many highlighted the need for flexibility to account for different contexts while also ensuring accountability. Negotiation, iteration, and clearly defined opportunities for back-and-forth between communities and facilities were seen as critical for CBAs to be meaningful.

- Sasha highlighted the importance of negotiation: *“What is being laid out lacks the notion of negotiation which is really important to a CBA... There needs to be more room for that discussion and negotiation between the 1st and 2nd meetings. Whether that’s structured as a working group or whatever, I think it’s important that there is clear room for the facility and the community to have that back and forth.”*
- Roxxanne stressed inequities in past processes: *“When we changed the zoning, we had to hire experts and spend money we didn’t have to pay people out of state and pay attorneys. We had to look through a 300-page document... What I’m trying to say is 30 days is not enough, and you’re going to move too fast and things will be missed.”*
- Andrew added: *“We need to have a space for some back and forth, but it needs to keep moving forward. There need to be parameters around if there’s a counter-offer, a*

*deadline/timeline... I think a guidance document provides a bit more leeway later on for letting folks have a productive back and forth early on, instead of locking it into a formal rulemaking too early."*

- Bill cautioned about rigid structures: *"This should be as flexible and open with as many opportunities as possible, and not as prescriptive. If this were in a tribal area, the population densities could be different. It might be difficult or impossible to do things in this way when there are far greater geographic distances."*

### **Key Panelist Recommendations:**

- Extend public comment periods beyond 30 days to allow for meaningful participation. Also allow for more space and activities at the start of the process.
- Provide technical assistance, translation, and navigation support to help communities interpret and draft comments.
- Fund or require third-party advocates/experts to support under-resourced communities.

## **Transparency, Documentation, and Accountability**

Participants underscored that transparency and accountability are essential to building community trust in CBAs. Concerns were raised about whether community comments would be fairly represented and how they would be incorporated into the final agreements. Many called for formal mechanisms—such as change matrices, public comment databases, and oversight by MPCA—to ensure that community voices are not lost or manipulated in the process. Documentation was described not just as a procedural step, but as a safeguard against marginalization.

- Kayla called for better follow-up: *"Are the comments being addressed and is there documentation of them being addressed?"* She also suggested a *"change matrix that shows changes made to the CBA during the drafting process, per public comments, and also translated and plain language versions of CBA published when meeting notices go out."*
- Naomi emphasized accountability: *"It's important for a person to be able to see how their comment was shaped if it was re-written or re-worded by a company or attorney."*
- Benj stressed the importance of transparency from the facility: *"One of the things I was thinking is how are they ranking this? Something they should have is a list of things that the company thinks were heard, and maybe even some of how they're thinking of prioritizing it... instead of waiting to unveil it at the end."*
- Jenni Lansing raised oversight concerns: *"There was mention that the facility would be posting the comments—does the MPCA oversee that? Do those comments also go to the MPCA? How do we know that the facility is posting all of the comments that they receive and not modifying them, or picking specific ones out to post?"*

## Key Panelist Recommendations:

- Require all comments to be posted publicly and in unaltered form, with MPCA oversight.
- Develop a “comment response system” where facilities or MPCA must show how each comment was considered.
- Provide plain-language, translated summaries and matrices that track changes across CBA drafts.

## Criteria for Assessing CBAs

The session concluded with discussion of how CBAs should be evaluated and what standards should apply. Panelists pressed for clear, enforceable, and equitable criteria that prioritize community well-being over facility convenience. There was broad support for the use of precautionary principles, rubrics, or scoring matrices to ensure transparent evaluation of CBAs. Additionally, participants highlighted the need to distinguish between mitigation (reducing harm) and adaptation (living with harm), with a strong push for requiring facilities to take real steps to reduce pollution and other impacts.

- Renato stressed a precautionary principle: *“When we don’t have enough knowledge of the activity and how it impacts the climate... we cannot give them the permit. Scientifically speaking, we should not give the permit if we don’t know what the impact will be.”*
- Kathryn echoed concerns: *“There wasn’t a lot of mitigation mentioned in the case study. There was instead adaptation. I’m concerned... there is a strong sense for me in that case study that they [the facility] is not going to be held to a standard of needing to lower their pollution.”*
- Sasha stressed responsiveness to communities: *“It is important that a lot of the decision is based on the community feedback, and that the goal is to be responsive to the impacted community.”*
- Kayla proposed a rubric: *“I think it would be good to have something like a rubric or some kind of scoring matrix that MPCA publishes and everyone could see—with different criteria so that everyone involved can see how things were ranked.”*
- Sachi added: *“We need to also fold in this idea that not all people are impacted in the same way. There needs to be greater weight given to folks who live, work, play, study, in the community, within the geographic area.”*

## Key Panelist Recommendations:

- Adopt a transparent, public rubric or scoring matrix for CBA assessment, balancing technical and community criteria.
- Apply the precautionary principle: when health or environmental risks are uncertain, require stronger safeguards or deny permits.

- Weight feedback more heavily from community members most directly impacted by cumulative pollution.

## Conclusion

The discussions in this session highlighted both the promise and the challenges of integrating Community Benefits Agreements into Minnesota’s environmental review and permitting processes. Participants acknowledged that the CBA has the capacity to be a powerful tool for advancing environmental justice but also made clear that without strong systems of support, transparency, and accountability, the process risks falling short of its stated goals. Across all themes, there was consensus that the process must ensure community voices are not only heard but meaningfully incorporated into decision-making.

Several cross-cutting issues demanded attention: clarifying MPCA’s role, ensuring equitable access for under-resourced communities, embedding negotiation flexibility into the process, and establishing transparent criteria for evaluation. These were recurring concerns across all feedback sessions—and they go to the heart of whether the CBA framework will be trusted, effective, and sustainable in the long term.

Looking forward, the MPCA and Creation in Common will be drafting a Capstone Document that synthesizes input and feedback from this and previous panel sessions. At our meeting in October we will be reviewing this document together and refining it based on the panel’s insights.

### *Remaining Meeting Schedule:*

- Meeting to Discuss Capstone Document – Tuesday, October 14th from 12:00-2:00 PM CT
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