

MPCA Environmental Justice Framework Implementation Report

April 26, 2017

Introduction by MPCA Commissioner

As Commissioner of the Minnesota Pollution Control Agency, I am committed to renew and strengthen our agency's actions to put the principles of environmental justice into practice. The MPCA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This will be achieved when everyone benefits from the same degree of environmental protection and has equal access to the decision-making processes that contribute to a healthy environment.

With these responsibilities in mind, the MPCA completed its environmental justice framework in 2015. It is our vision and strategies for embedding environmental justice principles into our work over a 3-4 year period. As part of our commitment to improving our work and making a difference, the MPCA pledged to prepare an annual report during initial implementation of the framework. This is the first report and covers work in 2015 and 2016.

Significant community input helped to shape the strategies in the framework, and we value feedback on our progress. In 2016, with input from a selection committee that included community representatives, I selected a group of 16 individuals to advise me as we strive to strengthen our actions around environmental justice. I invited these individuals together as the MPCA Environmental Justice Advisory Group to offer their reflections on our work and this report, which are included below.

John Linc Stine

MPCA Commissioner

Foreword by Environmental Justice Advisory Group

As inaugural members of the MPCA's Environmental Justice Advisory Group (EJAG), we are pleased to step into our role of adding equity to the MPCA's core processes and agendas. It is important that decisions and outcomes executed by the MPCA are meaningfully informed by the communities most affected. Shifting to an agenda of equity highlights the need for more holistic environmental protections by our state agencies. Despite the ongoing and historical harms of disproportionate impact, our communities continue to seek the goal of environmental liberation, justice and equity.

We look forward to dismantling many barriers that have prevented our communities from participating in the decision-making process by providing accessibility, transparency and inclusivity to these processes throughout the MPCA. We visualize our work as a valuable step in shifting the culture of the MPCA from "business-as-usual" to be the change you wish to see. We will hold MPCA accountable in this endeavor as our communities engage in decisions that affect our environmental health, and intend for this

collaboration to begin to repair broken trust and strengthen relationships between the MPCA and our communities.

We commend Commissioner Stine for his enthusiasm to incorporate environmental justice into the goals and daily operations of the MPCA. Our advisory group is tasked to guide the implementation of the MPCA's Environmental Justice Framework to ensure outcomes are achieved and produce authentic change. In order to realize this goal we advocate for the EJAG to have a larger role as this work gets underway to increase how communities will influence decision-making moving forward.

The EJ Framework prescribes primarily optional and not obligatory processes, even when relating to projects affecting the most vulnerable populations. This includes the implementation of Free Prior and Informed Consent, the international standard for governmental relations with Indigenous peoples. We look forward to incorporating effective practices and standards for meaningful community engagement throughout the programming of the MPCA. We stress the urgency for our communities' voices to be heard and amplified within the decision-making process and will guide how these changes are implemented as our work with the MPCA progresses.

The MPCA EJ Advisory Group has recently begun its work and has not been included in many of the projects reported here to understand the broader context. There is indeed significant project, policy and environmental knowledge within our collective expertise to address technical or other perceived limits. We share these comments to the first annual Environmental Justice Framework Implementation Report in order to frame the context of this work as it begins, and to hold our state agency accountable for how targeted work will systematically improve the agency's operations to ensure that justice is reflected in our communities' environmental health.

The Framework presents a positive vision for this bureaucracy, but is much more work than can be done with limited staff, as demonstrated by such limited activities reported here compared to the strategies outlined in the Framework. While the EJAG plays an important role as an expert resource and connection to EJ communities, significant staff time must be dedicated to implement these EJ strategies throughout the broad program areas of the agency and in expanded community engagement responsibilities.

The MPCA needs strength, internal stability and EJ knowledge throughout the staff infrastructure to sustain these efforts, which represent a significant cultural shift in the agency. With the understanding that meaningful engagement is the only way for the MPCA to be responsive to our diverse communities, the MPCA and EJAG recognize that the demanding changes we seek will require years of dedicated attention and respectful collaboration to implement.

Environmental Justice Advisory Group members

Integration of environmental justice into regulatory programs

Permitting, environmental review, and remediation

Goals

Provide for meaningful involvement of community members in the environmental review, permitting, and remediation processes. Use MPCA authority and influence to address environmental justice issues to the extent we are able.

Strategies

- 1. Identify facility and permit types that warrant additional actions based on the potential for adverse effects.*
- 2. During permitting, identify and evaluate additional measures, beyond meeting established permit limits, to avoid and diminish impacts.*
- 3. Employ civic engagement, public participation, and outreach tools for community groups and residents.*
- 5. Foster increased community involvement and actions on the part of the entities that we regulate.*
- 6. Consider ways to prioritize work in order to enhance benefits to areas of concern for environmental justice.*

2015-2016 Highlights

Air permitting pilot

Major MPCA permitting programs (air, wastewater, hazardous waste, solid waste) evaluated opportunities and developed preliminary plans for integrating environmental justice considerations into their permitting work. This includes modifying the permitting process to evaluate impacts on environmental justice communities during permitting, exploring ways to mitigate those impacts, and changing the way the agency communicates and engages with the public about that process. Since many permits with environmental justice concerns regulate air emissions, the MPCA chose air permitting to refine the process and develop more detailed procedures.

MPCA staff have developed a draft checklist of steps for a revised air permitting process. Once approved and put into place, the first step in the revised air permitting process will be to screen all facilities who submit an application for a new permit, permit renewal, or major modification to determine if they are in an area of concern for environmental justice.

If they are, permitting staff will take additional steps, beginning with gathering more information on the communities surrounding these facilities, such as languages spoken, ages of residents, community concerns, and other sources of pollution. The facilities' past actions (including compliance issues), current emissions and pollution control efforts, and/or the activities for which they are requesting permission in the future will then be more carefully considered and scrutinized. Additional measures will be required or suggested, depending on the MPCA's authority, ranging from installation of noise barriers and landscaping for aesthetic benefit, to developing and implementing a pollution reduction plan.

Air permitting staff have also committed to improving and enhancing communication and engagement around permitting activities to give community members more of an opportunity to be meaningfully involved in decisions surrounding permits in their neighborhoods. This means informing the public much earlier in the process (when the permit application is received, or earlier, when possible), using plain language, translating when applicable, using more diverse sources of communication such as local newspapers and newsletters, and holding public meetings in places and at times that are more accessible. This also includes encouraging facilities to improve and increase their own engagement with their surrounding communities.

University of Minnesota combined heat and power air permit public meeting

The University of Minnesota sought to upgrade part of its power plant to a more efficient, less polluting technology. The facility is located in one of the most diverse parts of Minneapolis with a wide range of income levels and a significant immigrant community.

In 2016, partnering with the local community group and building off the University's years-long community engagement work, the MPCA chose to hold the final, formal public meeting in a low-income housing complex inhabited predominantly by recent immigrants. Since many of the residents do not speak English as their first language and spoke a variety of other languages, the MPCA translated a project fact sheet into two of the most common languages, Somali and Oromo. The community group also promoted the event in additional languages. With funding provided by the University, the MPCA arranged for simultaneous translation of the public meeting into Somali and Oromo.

North Minneapolis air pollution monitoring/Northern Metals increased community communication and settlement for community benefit

In late 2014, the MPCA began monitoring for total suspended particulates (TSP) in the air in an industrial area of north Minneapolis adjacent to neighborhoods with environmental justice concerns. In response to exceedances of the state TSP standard, the MPCA began operation of a second monitoring site about ¼ mile away in 2015, which also measured exceedances.

Work with businesses in the area to identify and address possible exceedances and reduction measures is ongoing. Due to significant community interest in air monitoring in the area, the MPCA previously created a page on its website to report on air quality and developed a topic-specific listserv on its GovDelivery system. The MPCA communicated with area residents about the air monitoring and follow-up activities via this webpage, periodic notices to the listserv, direct emails, and participation in community meetings.

In 2015, large scrap metal processing facility Northern Metal Recycling sued the MPCA to stop its air monitoring; the MPCA counter-sued to shut down operations at the facility. In a separate action in 2016, the MPCA began the process of revoking the company's air emissions permit, in part due to the discovery of an unpermitted portion of the facility's operation.

In the matter regarding facility shut down, the judge ordered a portion of the facility to cease operating. In proceedings involving permit revocation, the judge ordered the MPCA and Northern Metals to mediation and the two parties began negotiating a settlement that resulted in ending the shredding and mechanical processing of materials at the site by 2019 and a large monetary penalty.

Throughout this process, the MPCA periodically updated community members on the status of the air monitoring, the investigation and legal proceedings. In 2016, 13 messages were sent to the listserv, MPCA staff attended at least four meetings held by others in the community and communicated via

individual or small group email, phone, and in person with interested residents. Because it was an open investigation, the MPCA was often limited in the details that could be shared.

Part of the potential settlement includes designating a portion of the penalty to benefit the community. To gather input on ways to apply this funding, the MPCA and the city of Minneapolis held two community meetings in January 2017 for residents to express their preferences.

Minneapolis Air Pilot Project

The MPCA began a pilot project in 2014 designed to identify ways to reduce air emissions, better understand air quality in Minneapolis, and improve engagement with communities. Twelve facilities with air permits agreed to participate in the project. These facilities are all located in areas of concern for environmental justice, and there is significant community concern about the emissions from many of them. These facilities are: NRG Energy Center Minneapolis, GAF Materials Corp., Smith Foundry, Prospect Foundry, University of MN – Twin Cities, Hennepin County Energy Center, Metro Transit - Fred T Heywood Garage, Hennepin Energy Resource Co., Bituminous Roadways Inc. – Minneapolis, Nico Products Inc., Greatbatch Medical – Minneapolis and Owens Corning – Minneapolis Plant

In the first year of the project MPCA staff brought representatives of the facilities together to learn about environmental justice and begin to discuss voluntary actions facilities might take to reduce their impact on air quality. In February of 2016, MPCA staff again met with representatives of the facilities as a group. Attendees learned about and discussed cumulative effects, and how the communities in which the facilities are located likely have a higher number of stressors, both related to pollution and other stressors, that are making them more vulnerable to the health impacts of pollution.

MPCA staff also highlighted the ways in which additional data on facility emissions could lead to greater clarity in permitting and a deeper understanding of air quality concerns in Minneapolis, and requested assistance from the facilities in getting this data. Additionally the group discussed ways to increase and enhance engagement with their surrounding communities, identify and address their concerns, and make positive contributions that would improve their quality of life.

The goals of the Minneapolis air pilot project were broadened in 2016 beyond those 12 facilities, to include other ways in which the MPCA might work to improve air quality in Minneapolis. One example of this effort included working with the MPCA Small Business Environmental Assistance staff to target grant and assistance programs for reducing volatile organic compounds (VOC) in areas of concern for environmental justice. Another involved collaborating with the Minnesota Technical Assistance Program (MnTAP) to secure host sites in the Phillips neighborhood of south Minneapolis for interns who will work with small businesses on identifying and implementing pollution prevention opportunities.

Additionally, MPCA staff strengthened relationships and increased communication with staff at the city of Minneapolis about programs with similar goals as the Minneapolis air pilot project, such as the Minneapolis Green Zones and Green Business programs. This regular communication and collaboration between MPCA and city staff has increased the impact of all efforts.

Next steps for the Minneapolis air pilot project include site visits with each of the 12 facilities participating. Through these visits, staff from the MPCA, city of Minneapolis, and MnTAP will identify opportunities for pollution prevention including air emissions reductions, offer information and best practices to improve engagement with the surrounding community, and gather additional data on emissions. In addition, in 2016 MPCA staff began working with one of the 12 facilities involved with the

project, Metro Transit's Heywood Garage, on ways to reduce the environmental impact of a proposed expansion project, identify opportunities for positive contributions, and improve community engagement.

Permit Update for Smith Foundry

The MPCA's environmental justice framework includes a regulatory strategy of prioritizing review and evaluation of expired permits, permit reissuances, and non-expired permits in areas of environmental justice concern to identify possible ways to reduce risk. During the most recently completed air permitting projects in South Minneapolis in 2011 and 2013, and throughout the development of the framework, the MPCA heard from many community members that Smith Foundry is a source of concern for area residents.

Smith Foundry is located in south Minneapolis in an area of environmental justice concern, operates under an older style permit, and has a dated application on file for an operating permit. Updating the facility's permit will better ensure the facility complies with applicable environmental and health based regulations. For these reasons, the MPCA made updating this facility's permit a priority.

The MPCA's EJ framework emphasizes effective civic engagement, public participation, and outreach to community residents. The MPCA began community outreach as soon as the decision was made to begin updating this facility's permit. The project manager/permit engineer assigned to the project was born and raised in south Minneapolis, and has lived within a mile of Smith Foundry for nearly the last two decades.

Because of their background and experience with injustice, this permit engineer was intimately familiar with the principles of environmental justice prior to working for the MPCA. This background and experience led to more meaningful early community engagement on the project. This highlights the importance of the EJ framework strategy to "recruit, hire, and maintain a diverse workforce" as well as the MPCA's core principle that states, "we value and support a motivated, talented and diverse workforce."

MPCA staff also reached out to community members and leaders, including legislators and city of Minneapolis staff, early in the permit update process and attended community-organized public meetings to provide information on the permitting process and the cumulative levels and effects (CL&E) process. The CL&E process applies to permit projects in a specific area of south Minneapolis and requires the facility to complete and submit modeling, a risk assessment, and a CL&E report with their permit application.

The company is currently gathering data required to meet these requirements. When the MPCA receives the updated application and the accompanying CL&E information, the agency will make these materials available for review and hold informational sessions to answer questions prior to the agency's formal technical review of the application. These sessions also give the MPCA the opportunity to work with the citizens to identify and possibly address their concerns as the permit process moves forward.

Hazardous waste permitting

The MPCA evaluated two permits for hazardous waste treatment, storage, and disposal facilities undergoing renewal, for environmental justice concerns. While neither of the two were found to be

located in areas of concern for environmental justice, the MPCA and the facilities conducted additional community outreach.

Remediation – Superfund list outreach, vapor intrusion site prioritization, and soil cleanup policy revisions

The MPCA's remediation program identifies, evaluates, and cleans up sites contaminated by hazardous waste or leaks of chemicals. When the MPCA identifies sites as needing to be cleaned up, they are added to the state's Superfund List.

In 2016, the MPCA added 10 new sites to the Superfund list. While the typical process calls for public notification via a legal notice in the classified section of a newspaper, for nine of the sites located in areas of concern for environmental justice, the MPCA conducted more extensive outreach to notify community members. This included contacting local elected officials, contacting community organizations serving the area, and reaching out to community newspapers.

Similarly, when the remediation program was in the process of revising its policy on soil contamination clean-up, program staff held an additional evening meeting targeting the general public. In the past, input opportunities typically focused more on technical stakeholders. The MPCA held this meeting at a public library in a diverse neighborhood and featured materials and posters written in a more plain style with illustrations.

In other remediation work, the MPCA is prioritizing areas of concern for environmental justice for evaluation of possible harmful vapor intrusion into buildings. Vapor intrusion occurs when chemical vapors migrate from contaminated groundwater through the soil into the basements or foundations of buildings. Since vapor intrusion is a more recent concern, the MPCA is evaluating previously closed sites to determine if vapor intrusion levels in some buildings need to be addressed.

Since there are many sites to evaluate, priority is given to buildings with more sensitive occupants such as schools, daycare facilities, or senior centers. In addition, the MPCA identified sites located in areas of concern for environmental justice and these sites are given priority. Two locations of note that the MPCA evaluated and prioritized in 2016 include an Oromo community center and mosque and a predominantly African American church, located next to each other near a contamination site in St. Paul.

Monitoring, assessment, and consideration of cumulative impacts

Goal

Through the uses of tools and resources for monitoring, modeling, risk assessment and cumulative impacts analysis, strive to identify and understand environmental impacts, inform and target efforts to address past and present impacts, and avoid future disproportionate impacts.

Strategies

- 1. Consider known or potential areas of concern for environmental justice when planning for environmental monitoring.*
- 2. Consider more comprehensive risk assessment and cumulative impact analysis.*
- 3. Communication and outreach.*

2015-2016 Highlights

Community air monitoring site selection and community engagement

With funding from the Legislature, the MPCA established the Community Air Monitoring Project in 2013. As part of this initiative, an air monitor is located in areas of concern for environmental justice, rotating to a new location every 3-12 months. Because the monitor moves to a new location frequently, the MPCA is able to measure air pollution in more areas and compare those levels to our permanent monitors. To date, the MPCA has measured air quality levels in nine different neighborhoods in Minneapolis, St. Paul, and Duluth.

Part of the project includes seeking neighborhoods interested in knowing more about their air quality to host the monitor and then communicating the findings to residents. The MPCA prepares a summary and communicates the results to local residents and community groups and local media. The MPCA offers to present to community members and meets with community groups when invited.

For more information, visit the [Community Air Monitoring Project page](#) on the MPCA website.

In addition, the MPCA, Minnesota Department of Health (MDH), and the Mille Lacs Band of Ojibwe Department of Natural Resources concluded monitoring and analysis of results of a 2-year project to monitor polycyclic aromatic hydrocarbons (PAHs) at 16 sites in an area of south Minneapolis of concern for environmental justice. The project partners selected the sampling sites based in part on community input. At the end of the project in 2016, the MPCA presented project results at community meetings and events. This project was conducted with EPA Community-Scale Air Toxics grant funding. For more information, visit <https://www.pca.state.mn.us/air/pah-study-results>

Life and Breath report

The MPCA and MDH published a report in 2015 that examined impacts of air pollution on residents of the Twin Cities, including a focus on people of color and lower income residents. The report, “Life and Breath: How air pollution affects public health in the Twin Cities,” analyzed air quality data from the MPCA and health data from MDH to estimate the effects of fine particulates (PM_{2.5}) and ozone on illness and death for people living in the seven-county Twin Cities metro area. The report estimates that in 2008 about 6-13% of deaths and 2-5% of emergency room visits for heart and lung problems can be attributed to air pollution. The study also identified that people of color, low-income residents, and other vulnerable groups were the most affected. The report is on the MPCA’s website at <https://www.pca.state.mn.us/news/life-and-breath>

The air we breathe, MPCA’s Air Quality report to the Legislature.

In December 2016, the MPCA completed its biennial report to the Legislature on Minnesota’s air quality. This report, [The Air We Breathe: The state of Minnesota’s air quality, 2017](#), prominently featured environmental justice and health equity concerns and what the MPCA and its partners are doing to continue to make improvements to protect the health of all Minnesotans.

Prevention and assistance

Goal

MPCA prevention and assistance work improves environmental quality and livability in areas of concern for environmental justice, and businesses and residents in areas of concern for environmental justice experience the full benefits of MPCA's services and work.

Strategies

- 1. Identify programs and tools with the greatest potential to contribute to environmental and human health benefits.*
- 2. Prioritize prevention and assistance work.*
- 3. Increase outreach and engagement.*
- 4. Foster increased partner involvement and actions.*

2015-2016 Highlights

VOC grants

The MPCA and its partners offer grants, loans, and trainings for small businesses who want to upgrade equipment and change chemicals and fuels that will help reduce emissions of volatile organic compounds, or VOCs. Beginning in 2014, the MPCA worked to target funds and outreach to businesses located in neighborhoods considered to be areas of environmental justice concern.

The MPCA increased and improved its efforts to get information about the program to small businesses in these areas, including using ethnic newspapers and foreign-language media. In 2016, the MPCA gave priority consideration to businesses located in areas with high concentrations of low-income residents or in communities of color during selection of grant recipients. This resulted in awarding grants to five small businesses in areas of concern for environmental justice.

The MPCA also has a project in partnership with Safety-Kleen that gives a discount to small businesses who switch from a solvent to a water-based parts washer, which results in VOC emissions reductions. In 2016, the MPCA gave special consideration to small businesses in areas of concern for environmental justice through this program as well, and six businesses in areas of concern participated.

MN GreenCorps

Minnesota GreenCorps is an AmeriCorps program coordinated by the MPCA that places members with nonprofits, units of government, and educational institutions around the state to address environmental and sustainability issues. In selecting host organizations and projects for MN GreenCorps, the MPCA gives priority consideration to proposals for work in areas where environmental justice is a concern. For the 2016-17 service year, seven host sites out of 40 had environmental justice components. These projects include:

- North High School – engaging students in growing food in the school garden and management of an aquaponics system, educating on the environmental and health benefits of locally grown healthy food, and incorporating these projects into science, technology, engineering, and math (STEM) curriculum

- Food Group – capturing food that would otherwise go to waste from farmers markets, community gardens, and fruit trees and directing it to a food bank, along with additional produce grown specifically to provide fresh produce to food bank users
- Leech Lake Band of Ojibwe – implementing energy efficiency measures in buildings, promoting renewable energy use among low-income residents, and assisting with local native foods education
- Fond du Lac Band of Lake Superior Chippewa – promoting sustainability and community resilience through composting and waste reduction programs, school greenhouse and garden programs, and energy conservation
- City of Minneapolis Health Department – increasing access to locally grown healthy foods among public housing high-rise residents through community gardens
- Winona County – supporting immigrant farmers through community garden promotion and education, and farmers market coordination
- Urban Roots – engaging communities of color to identify barriers to local park use and implement plans to promote natural spaces, working with youth on St. Paul’s east side on school gardens and the development of a Natural Leaders program for community action projects

Additional activities

- Promoted MPCA and EPA grants to environmental justice stakeholders
- Recruited organizations and businesses in the Phillips community to host interns targeting VOC-reduction opportunities
- Supported city of Minneapolis’s Green Zones Working Group assistance grant, provided data on pollution impacts

Rulemaking, policy development, and program implementation

Goals

MPCA rules and policies are fair and equitable, address disparities in exposures and impacts where possible, and are developed reflecting the input of all Minnesotans.

Strategies

1. *Actively engage all Minnesotans in rule and policy development.*
2. *Review and document the equity impacts of rules.*
3. *Identify and evaluate equity implications of policies and program implementation.*

2015-2016 Highlights

Clean Power Plan

The EPA's Clean power Plan required states to draw up plans for reducing emissions of carbon dioxide (CO₂) which is one of the major greenhouse gases that contribute to climate change. As we prepared to develop our plan, the MPCA placed an emphasis on involving environmental justice advocates and seeking the input of community members.

In 2015, MPCA staff began to reach out to environmental justice advocates for input on key elements of the plan and sought advice on ways to connect with lower-income Minnesotans and communities of color. In the fall of 2015, MPCA staff began to seek input at several large community events using an interactive "dotmocracy" poster that allowed people to share what mattered most to them. Staff developed a user-friendly webpage with information on the plan and opportunities to provide input, including an electronic version of the dotmocracy poster.

In early 2016, staff also held evening public listening sessions around the state with over 400 people attending. Listening sessions in several locations, including Minneapolis and St. Paul, were held in lower-income neighborhoods at venues familiar to community residents. With the assistance of advocacy and community groups, community members were encouraged to attend or otherwise provide input. Meeting invitations and live summaries of the events were shared on social media, including Twitter and Facebook.

In addition, the MPCA prepared a draft methodology to evaluate the eventual plan for environmental justice and other equity considerations. The MPCA shared this plan with state and national environmental justice and community advocacy organizations for their input. The MPCA will analyze any future plans to address climate change for impacts on environmental justice communities, both in terms of positive or negative health impacts and possible economic opportunities or burdens.

Metro Solid Waste Management Plan environmental justice review

The Metropolitan Solid Waste Management Policy Plan establishes the plan for managing the Metropolitan Area's solid waste. The MPCA prepares this plan every six years with input from state agencies, county staff, and a variety of stakeholders, including representatives of the waste industry, environmental groups, businesses, and citizens. MPCA staff worked throughout 2016 on updating the plan, and solicited input on the draft plan from the public using a variety of methods, including a listserve of community members interested in environmental justice, and public meetings, one of which was held in an area of concern for environmental justice. Staff are currently in the process of responding to public comments. The updated plan is expected to be adopted in early 2017.

For the first time, the current version of the plan contains a section on the environmental justice implications. MPCA staff conducted an environmental justice review to perform a basic and high-level analysis including these steps:

1. Identify areas of concern for environmental justice that will potentially be affected by the proposed policy.
2. Identify who is likely to be affected by the proposed policy and what the impacts of the proposed policy will be on communities of concern for environmental justice.
3. Identify opportunities for action to mitigate impacts and address existing disparities.

4. Identify specific measures to engage community members in areas of concern for environmental justice.

MPCA staff identified solid waste management sites located in areas of concern for environmental justice. A list of these facilities was included in the plan, along with recommendations for increased diligence in permitting actions, including a higher level of scrutiny of impacts, greater effort to avoid and diminish impacts, more frequent inspections, and enhanced community engagement. These recommendations would also apply to any new facilities proposed in areas of concern. The plan promotes best practices designed to increase system efficiency, reduce waste and increase recycling and organics recovery which can have the effect of reducing impacts on environmental justice communities.

For example, less material might be disposed of in waste-to-energy facilities some of which are located in areas of concern for environmental justice. The plan also recommends implementing organized collection, which can lead to reductions in illegal dumping, lower air emissions, and reduced truck traffic from fewer collection vehicles. Finally, the plan recommends that counties conduct an environmental justice review when developing their respective solid waste master plans.

In response to community comments, the MPCA amended one of the three overarching goals to reflect environmental justice considerations: “Manage waste properly to protect human health, and in a manner that does not disproportionately burden low-income people and communities of color. Ensure that all waste management facilities meet all applicable environmental standards.”

More information on the Solid Waste Policy Plan can be found here:

<https://www.pca.state.mn.us/waste/metropolitan-solid-waste-management-policy-plan>

Other activities

- Development of draft guidance on considering environmental justice in rulemaking

Tools and resources to support integration

Screening to identify areas of concern for environmental justice

Goal

MPCA program staff, community members, and regulated parties are able to identify areas where additional review or action is needed or desired to address possible environmental justice concerns.

Strategies

1. *Develop data-driven screening methodology to identify areas of concern.*
2. *Include community engagement in the screening process to gather community knowledge.*
3. *Apply the screening methodology to identify areas for further review and action by MPCA programs and facilities located in these areas.*

2015-2016 Highlights

Identifying areas of concern for environmental justice - analysis protocol and tool

A central feature of MPCA's approach to environmental justice is to identify geographic areas where there is a potential for environmental justice concerns and, as described elsewhere in this report, enhance our approach in these areas to improve engagement and reduce disproportionate impacts.

To aid in focusing our work on areas of possible concern, the MPCA developed a screening methodology and GIS-based tool. This tool uses available demographic information to identify areas with higher concentrations of low-income residents and people of color and supplements that with information about environmental conditions and community knowledge.

Demographic Information

The MPCA uses the U.S. Census tract as the geographic unit, and population estimates from the American Community Survey 2008-12 (ACS). The demographic information characterizes the area based on race and income. Census tracts vary in size depending on population density but usually contain about 4,000 people. In urban areas, census tracts are smaller than in rural areas.

The MPCA considers a census tract to be an area of concern for environmental justice if its residents are either a higher percentage of people of color or a higher level of households living below a poverty threshold. Specifically, an "area of concern for environmental justice" is a census tract that meets one or both of these demographic criteria:

- The number people of color is greater than 50%; or
- More than 40% of the households have a household income of less than 185% of the federal poverty level.
- Additionally, the MPCA considers areas within tribal boundaries as areas of concern for environmental justice.

Environmental Information

For areas that meet one or both of the demographic variables, we also look more deeply into environmental considerations, such as:

- Air Quality and Traffic Measures – Estimated exposure from traffic-related air pollution and estimated impacts from air pollution in general.
- Facility and Site Impacts – Wastewater facilities with surface water discharges and remediation sites;
- Proximity to impaired lakes, rivers and streams.

Supplemental Information

In addition to information on race, income and environmental stressors, we also evaluate other demographic information. This includes language and education (percent of households that do not speak English as a primary language, and population over age 25 with no high school degree) and sensitive populations (children and the elderly). This additional demographic information will help to determine outreach and engagement approaches, and if translation is warranted. We further supplement our evaluation by using EPA's EJScreen, a publicly available on-line tool used to evaluate environmental conditions and demographic information.

The MPCA will also talk to community members and leaders to verify demographic and environmental information and to learn more about community characteristics and burdens.

It is important to note that applying this methodology does not provide a definitive designation that an area is subject to a disproportionate burden. It simply flags an area as one where additional consideration or effort is needed to ensure meaningful involvement, and to identify and potentially mitigate disproportionate adverse impacts.

While currently only available to staff, the MPCA plans for this tool to be publicly available following testing and development of a public-oriented, web-based tool. In the meantime, maps of the state, metro area and individual counties showing census tracts with higher concentrations of people of color and lower income residents are available on request.

Outreach, public participation, and engagement

Goal

The MPCA engages with community members to build authentic relationships and build trust, and involve all Minnesotans in a meaningful and accessible manner.

Strategies

- 1. Build upon previous efforts to deepen community connections and understanding.*
- 2. Tailor outreach and public participation to specific community.*
- 3. Use understandable language.*
- 4. Hold community meetings and events early and frequently.*
- 5. Expand public notification methods.*
- 6. Encourage the facilities we regulate to plan for public participation.*

2015-2016 Highlights

Increased outreach by MPCA programs

As described throughout this report, the MPCA is striving to improve our outreach and engagement with all Minnesotans and to do so in a way that is more authentic and engaging. Themes and principles throughout this work include:

- Communicate often, using a variety of community-oriented communication methods. In addition to relying on traditional media, formal public meetings and formal public notice methods (such as classified legal notices), we are attempting to work with community organizations, neighborhood newspapers, listserves, and other networks to engage with community members when issues or decisions that affect them arise. This means that MPCA staff learn more about who lives in an area, what are the best ways to communicate with them, what languages people speak, and who they trust.
- Communicate in plain and understandable language. Strive to make sure that we are using words that people understand writing and speaking clearly, and translating into languages besides English when warranted.

- Hold more informal meetings at convenient and community-friendly times and locations.
- Be more present in the community to build trust and improve relationships. Participate in community meetings, conversations, and events, even when there is no specific action or decision pending.
- Collaborate with community members to jointly discuss concerns and identify solutions.

Community events

The MPCA participated in a variety of community events in Minneapolis and St. Paul as a way to increase connections and build relationships with diverse communities, and to interact more with Minnesotans who we have been less engaged with. In 2015, the MPCA hired an intern to help coordinate this initiative and participated in nine events from May – September. Participation consisted of a table and display, usually at large outdoor events, featuring exhibits used at the Eco Experience (at the Minnesota State Fair) and translated information.

Events attended include the May Day parade and ceremony in south Minneapolis, the Somali Independence Day celebration, the Dragon Festival, Rondo Days in St. Paul, and three Minneapolis Open Street events. At these events, the MPCA offered a button-making activity for kids and a make-your-own non-toxic cleaner demonstration and kit give away, with recipes translated into several languages. Displays also included awareness about ways individuals can reduce pollution with an emphasis on vehicles and backyard fires. Staff promoted the BeAirAware.org website and sought feedback on the Clean Power Plan through a “dotmocracy” voting board.

Additional events with a more targeted message included Youth Science Day at the Science Museum, Cedar Riverside Health Fair, the Global Maternal Child Health Conference, and Little Earth Mother’s Day Pow Wow (in 2016).

Agency training and development

Goal

Develop and maintain a workforce that is trained in environmental justice, values diversity, and delivers services in a multi-culturally competent, sensitive, and equitable manner.

Strategies

1. *Recruit, hire, and maintain a diverse work force. Train and develop all managers and staff.*
2. *Train relevant program staff in procedures and policies to integrate environmental justice principles into their specific area of work. Ongoing stakeholder and community involvement in framework implementation and improvement.*

2015-2016 Highlights

Diversity and Inclusion

In 2015, by executive order, Governor Dayton established a state-government-wide Diversity and Inclusion Council. The Council's aim is to improve the recruiting and retention of state employees from diverse backgrounds, improve the contracting process for businesses owned by Minnesotans from

diverse backgrounds, and promote civic engagement from all communities in the State of Minnesota. The Diversity and Inclusion Council, made up of department commissioners and chaired by the Governor, is overseeing the implementation of the order. State agencies are working to increase hiring of diverse employees and improving engagement so that all residents have opportunities to participate fully in government's work.

Building on this state-wide initiative, MPCA has prepared Strategic Inclusion and Diversity Plan. This plan includes:

- Intercultural Development Inventory evaluation and training for Sr. Leadership completed. All Leadership will be completed by June 30, 2016.
- All Division Leadership trained on hiring practices to ensure that hiring practices result in a workforce that reflects the diversity of the state. Quarterly reviews with Senior Leadership on interviewing and hiring practices.
- Internal all-staff engagement survey measuring employee satisfaction by group status will help ensure that workplace culture is inclusive and not a barrier to retaining a diverse staff
- Draft of Career Paths for professional employees.

Additional activities

- Nine MPCA staff attended the Government Alliance on Race and Equity's workshop on the role of government in advancing racial equity

Ongoing stakeholder and community involvement

Goal

Feedback from a variety of stakeholders informs improvements to MPCA's environmental justice work, and all interested stakeholders have a satisfying level of access and opportunity to contribute.

Strategies

1. *Environmental justice advisory group.*
2. *Targeted engagement.*
3. *Environmental justice events.*

2015-2016 Highlights

MPCA Environmental Justice Advisory Group

The MPCA formed its Environmental Justice Advisory Group in 2016 as a forum for ongoing stakeholder feedback, oversight, and collaboration.

The group was formed by the MPCA Commissioner and is made up of a variety of stakeholders working on community engagement, environmental justice, health equity, and related work. A selection committee, made up of MPCA staff and community representatives, reviewed applications and recommended a list of finalists to the MPCA Commissioner. In addition, the MPCA consulted with representatives from Minnesota's cultural and ethnic councils and invited input related to their specific

community's members. The Commissioner selected 16 members to serve on the advisory group for 2-year terms.

The Environmental Justice Advisory Group's role includes:

- Evaluating the effectiveness of the MPCA in implementing its environmental justice framework, including assisting the MPCA in determining ways to measure success.
- Providing recommendations to the MPCA Commissioner on improvements to policies and procedures to ensure integration of environmental justice principles into the MPCA's work.
- Providing input to the MPCA on activities and timeframes for framework implementation.
- Collaborating with the MPCA to improve civic engagement with environmental justice communities.

The group met in October 2016 and January 2017 and will continue to meet every two to three months.

More information on the Environmental Justice Advisory Group, including current members and the selection committee, is found here:

<https://www.pca.state.mn.us/about-mPCA/mpca-environmental-justice-advisory-group>

Coordination with federal, state, local, and tribal governments

Goal

The MPCA coordinates its work with all levels of government to improve joint effectiveness in reducing disparities in exposures, health effects, and other related public interests.

Strategies

1. *Coordinate work with state agencies and local government.*
2. *Learn from the experiences of other states and the EPA.*
3. *Tribal coordination.*
4. *Collaborate with EPA*

2015-2016 Highlights

EPA and state coordination

In preparing our environmental justice framework, we relied significantly on the experiences and policies of other states and the U.S. Environmental Protection Agency. The MPCA used EPA plans and guidance documents in creating the strategies included in the framework. MPCA staff participate in regular teleconferences with EPA environmental justice staff and state environmental justice coordinators.

In addition, MPCA hosted environmental justice leaders from the EPA for a 3-day visit in December 2016 to meet with MPCA staff as well as community members and the academic sector.

City of Minneapolis coordination

The MPCA works closely with the city of Minneapolis due to a common interest and complementary work on air quality and health equity. Several facilities and initiatives described previously illustrate the importance of this relationship (the Minneapolis Air Pilot Project, Northern Metals, Smith Foundry, and MN GreenCorps, for example).

State agency coordination

MPCA staff participate in the work of the Governor's Diversity and Inclusion council, a forum for collaboration on equity issues for various levels of staff. MPCA co-chairs one of the sub-committees to build skills and share experiences around civic engagement. In addition, the MPCA and MDH established a joint initiative on air pollution and health in part to coordinate work to identify risks and collaborate on strategies to improve the health of low-income people and communities of color. Finally, although not formally, MPCA staff coordinate with other state agency staff such as the Department of Transportation and the Environmental Quality Board.

Tribal coordination

The MPCA and Minnesota's Tribal Nations have developed a formal consultation and notification process regarding environmental regulatory matters. The MPCA has a Tribal Liaison in the Commissioner's Office for interacting with Tribal governments. In addition, the MPCA strives to routinely engage tribal staff and indigenous people on all matters of interest.

One example of particular interest is the development of revisions to the existing wild rice sulfate water standard. Because of the importance of wild rice to Ojibwe people, the MPCA has placed an emphasis on communication with Minnesota Tribes. Beginning in 2011 and continuing to the present, MPCA staff has held formal consultations with Tribal chairs and meetings with Tribal environmental department staff. In addition, two tribal representatives serve on the MPCA's wild rice advisory committee. The MPCA continues communication with tribal staff, leaders, and members via in-person meetings, phone calls, and GovDelivery notices.

Measuring progress

To monitor our progress, the MPCA uses three types of measures related to pollution and health, meaningful involvement, and program integration. We are working on tracking the measures below; more work is needed, including collaboration with stakeholders to identify meaningful indicators that can be measured and tracked over time.

Pollution and health: The changes over time in environmental conditions, potential exposures, and effects.

- Air pollution levels, statewide and in areas of concern for environmental justice
 - Monitored levels of key air pollutants of concern (PM_{2.5}, formaldehyde, ozone, nitrogen dioxide)
 - Predicted (modeled) air pollution health risks
- Asthma healthcare use rates statewide and in areas of potential environmental justice concern
- Other environmental and health-related measures, to be determined

Meaningful involvement: The activities and satisfaction of community members related to public participation and engagement with members of the environmental justice community:

- Participation in community events and activities
 - Number of meetings or community events that the MPCA attended or participated in
 - Number of community members attending MPCA events or meetings
 - Number of people from environmental justice communities routinely engaging in MPCA work
 - Community input is recorded and reflected in agency program implementation and decisions
- Possible additional measure: Satisfaction of community members related to meaningful involvement in MPCA public participation activities

Programmatic measures: The progress we make integrating environmental justice into the MPCA's work.

- Number/portion of MPCA programs that have developed and fully incorporated environmental justice strategies
- Creation and documentation of tools/guidance/procedures for addressing environmental justice in identified program areas to implement the strategies identified in this framework
- Number of staff trained in multicultural competency, implicit bias, and other skills related to equitable program implementation