



Creating the concepts – Cumulative impacts analysis benchmarks

Cumulative Impacts working sessions

Agenda

5:00- 5:30pm	Informal pre-session
5:30- 5:35pm	Welcome and overview of rulemaking process
5:35- 5:55pm	Presentation
5:55- 6:25pm	Q&A on clarifying questions
6:25- 6:30pm	Quick break
6:30- 7:25pm	World Café Small group table discussions
7:25- 7:30pm	Closing

Grounding remarks

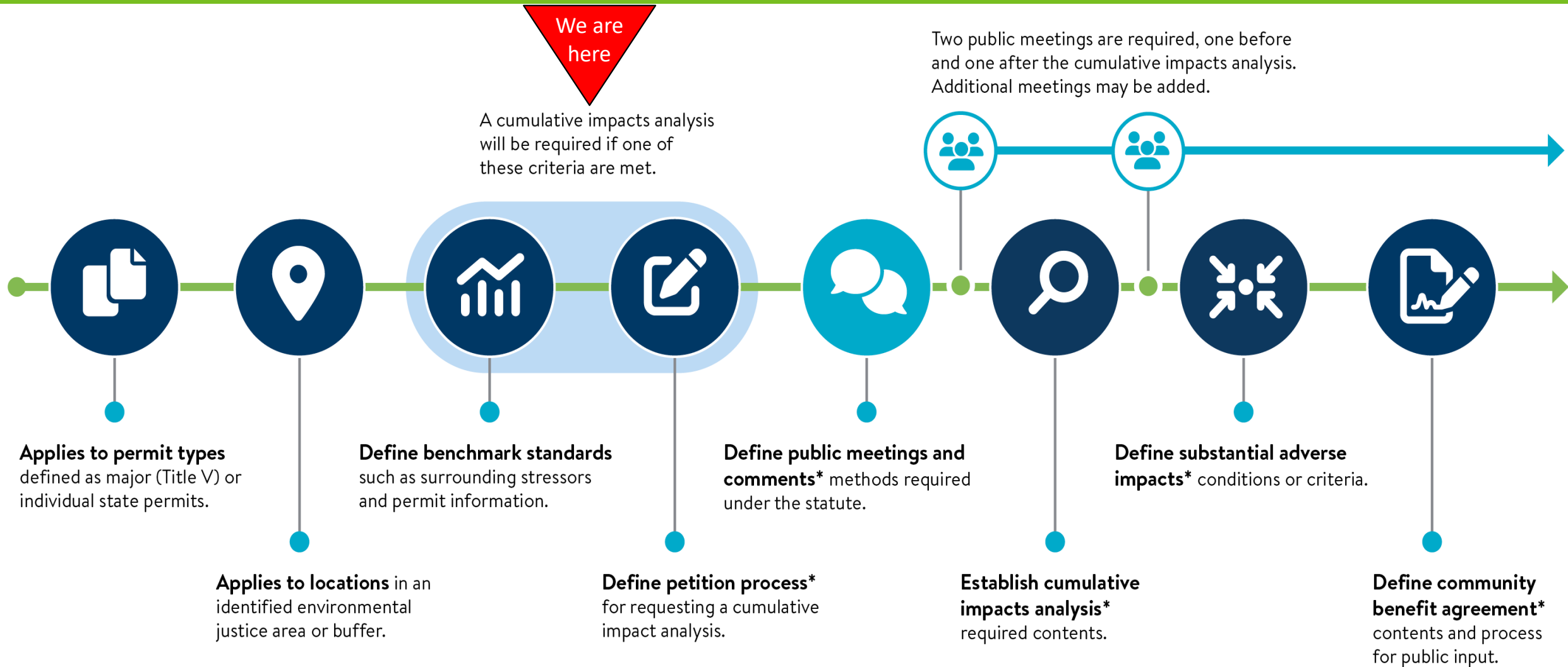
- Conceptual stage on various rule areas and technical topics
- This is an opportunity to listen and to be heard.
- Speak one at a time and do not interrupt other speakers.
- Speak truth with kindness and respect the feelings of others.
- Respect the truth in everyone's perspectives. Do not judge others or criticize their opinions. Disagree with the topic, not the person.
- Assume positive intent, while also striving for positive impact.

Topics for today

- Concepts for group discussions
 - How should MPCA know when to require a mandatory cumulative impacts analysis?
 - How should MPCA know when to require a discretionary cumulative impacts analysis?
 - What should MPCA consider for the petition process?
- Today's facilitators: DeYoung Consulting Services
- Closing
 - Upcoming working sessions
 - Next steps



Cumulative impacts: Creating the process



Statutory directives -- Minn. Stat. 116.065, subd. 6(c)(1) & (5)

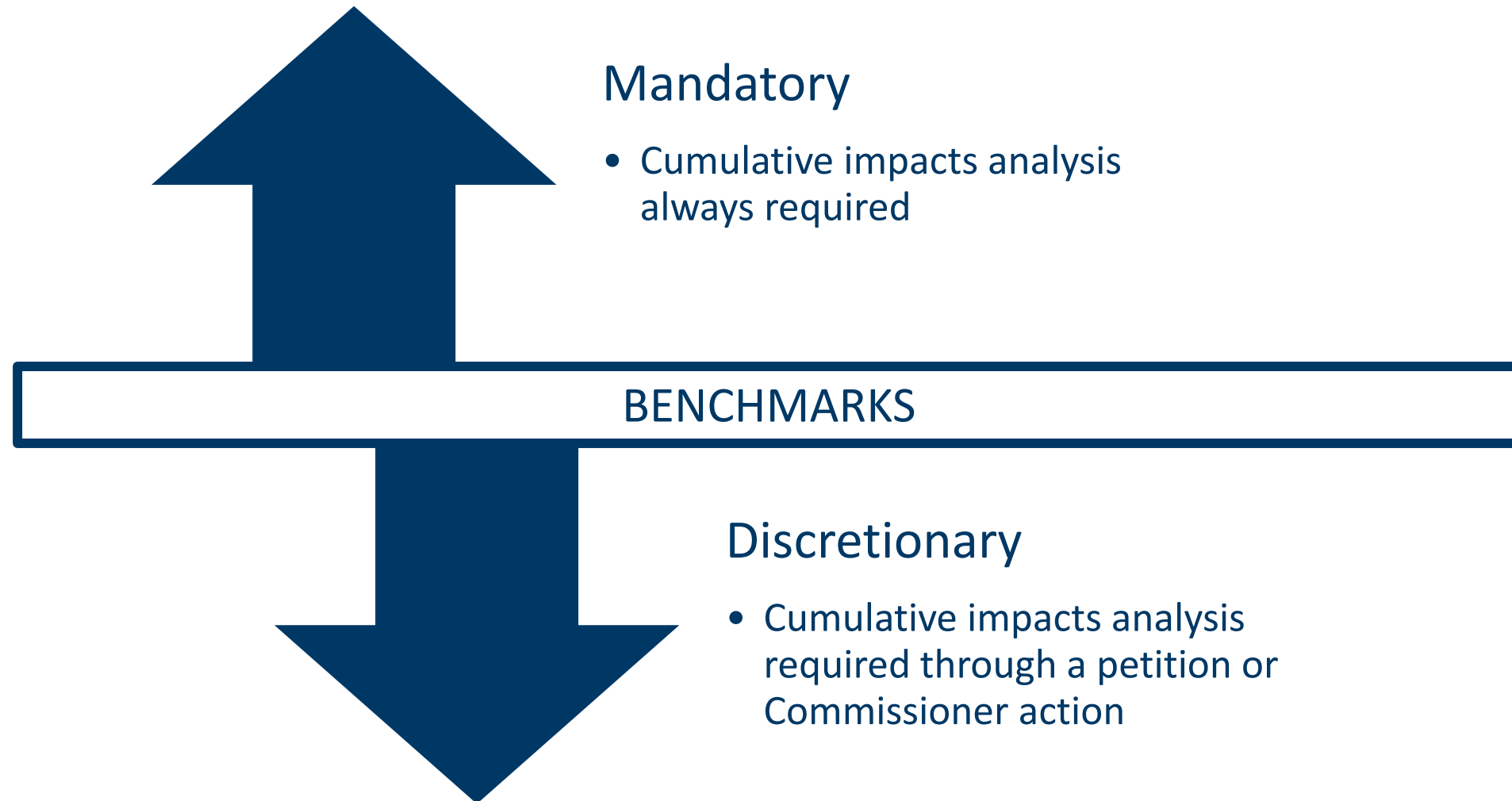
Establish benchmarks to assist the commissioner's determination regarding the need for a cumulative impacts analysis.

Establish a petition process and form to be submitted to the agency by environmental justice area residents to support the need for a cumulative impact analysis

Our approach to include you in the rulemaking process:

- We want to hear your thoughts on what you think should trigger a mandatory cumulative impacts analysis.
- We want to hear what information or factors you think are important for MPCA to consider when determining whether to require a discretionary cumulative impacts analysis.
- We want to hear your ideas about what's important when residents want to use the petition process to request a discretionary cumulative impacts analysis.

Mandatory vs. discretionary



Mandatory cumulative impacts analysis

The commissioner must require an applicant to conduct a cumulative impacts analysis if:

- the potential impacts of the permit issuance exceed any of the benchmarks for conducting a cumulative impacts analysis established in rules adopted under subdivision 6; or*
- the commissioner determines that issuance of the permit may substantially impact the environment or health of the residents of an environmental justice area.*

Examples of mandatory analyses

- Environmental review
 - Rule-based thresholds with a decision made by an agency
 - Required when constructing certain types of facilities, when expanding by a certain amount, or when a facility generates pollution above a threshold
- Air permitting
 - Compare emissions to a threshold to determine what kind of permit amendment
- New Jersey's Environmental Justice Rule
 - Compares the health and environmental stressors in the area -- alongside the facility's contribution to those stressors -- to the county/statewide average

Discretionary cumulative impacts analysis

The commissioner may require the permit applicant or permit holder to conduct a cumulative impacts analysis if:

- the facility is below all the benchmarks established for conducting a cumulative impacts analysis and the commissioner determines that a cumulative impacts analysis is necessary and supported by material evidence.*

Examples of discretionary analyses

- Environmental review
 - Has discretionary reviews established in rule that allows agencies to require additional review based on the unique circumstances of a proposal such as location, public interest, or other factors
 - When an agency determines that the project may have the potential for significant environmental effects or through a petition process
- MPCA's air emissions risk analysis (AERA)
 - A process that uses spreadsheets, models, and health benchmarks to estimate potential health risks from air pollution
 - MPCA can request when there is significant public interest, when it might resolve public comments received, when the facility may contribute to cumulative air pollution effects, when the amount/type of emissions are of concern

Petition process

The commissioner may require the permit applicant or permit holder to conduct a cumulative impacts analysis if:

- a petition requesting that a cumulative analysis be conducted is signed by at least 100 individuals who reside or own property in the environmental justice area impacted by the facility and is supported by material evidence that demonstrates a potential adverse cumulative impact to the impacted environmental justice area if the permit is issued.*

Example of a petition process

- Environmental review
 - Has a petition process established in rule -- including what information needs to be provided and how an agency must evaluate the petition
 - Similar requirements to provide material evidence for review
 - Identifies what factors an agency must consider when evaluating the petition, and submitted evidence, to determine whether a project has potential for significant environmental effects

Considerations before discussion

Today, we are trying to co-create a process to consider for answering when a cumulative impacts analysis is needed. Initial proposed processes are based on:

- What we've heard from comments and from you in previous discussions.
- Research into how other states have implemented similar cumulative impacts analysis programs.
- Findings from a review of Minnesota-programs that use “benchmarks” to determine when an analysis/review is required.
- Information gathered from the Cumulative Impacts Conversation: Learning about programs across the country co-learning webinar.

World Café - group table discussion

- Join one of these tables to discuss:
 - Tables 1-2: Mandatory cumulative impacts analysis
 - Table 3-4: Discretionary cumulative impacts analysis
 - Table 5-6: Petition process
- Two 25-minutes discussions, can switch between tables if you like
- There will be technical staff from the MPCA, a notetaker, and facilitator at each table.

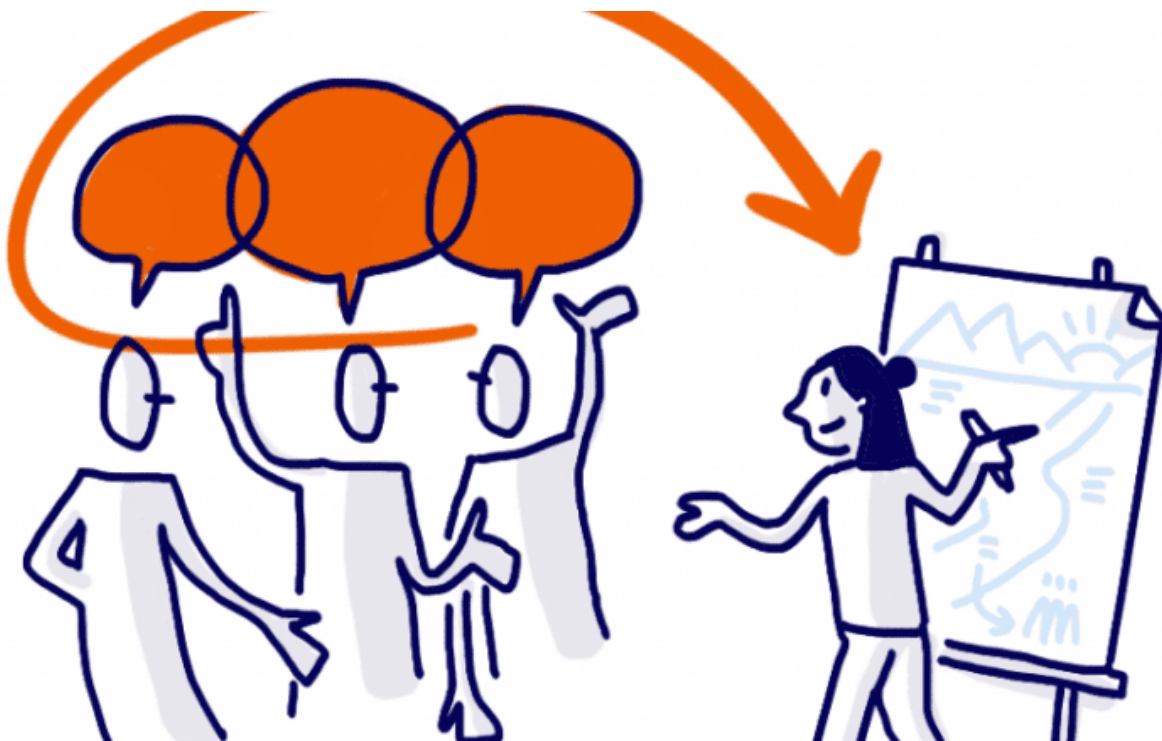


Image from Mathilde Riou on visual facilitation
<https://mathilderiou.com/visual-facilitation/>

Large group Q&A

Your feedback and next working session – October 23, 2024

- Please let us know how this session went!
 - We have a few survey-like materials near the entrance.
- Working session on community benefit agreements (part 2) and public meeting requirements
 - Continuing to dial in the categories of benefits, what is community's role, and how to get “robust community engagement”
 - Meaningful discussion with participants, understand how feedback will be used to refine the concepts
- Time & location
 - John Marshall High School, Rochester
 - 5:00pm - 7:30pm



Stay connected

Sign up for updates about the cumulative impacts rulemaking process and opportunities for public input.

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