

Rachel Johnson

Do the following categories adequately provide for the types of benefits that you would like to see in a community benefit agreement?

- facility implements measures at its facility to avoid contributing to stressors
- facility implements measures at its facility to minimize contributions to stressors
- facility implements measures in the community to reduce stressors to which the facility will contribute
- facility implements measures in the community to reduce stressors to which the facility will not contribute
- facility implements measures to provide a net environmental benefit

These comments are submitted by APEX, a private sector led economic development organization dedicated to fostering economic growth and development in northeast Minnesota.

At APEX, we believe it's important to clearly define what we mean by "stressor," especially when it comes to air permits. We think stressors should be directly related to the permittee and their operations. The current air permitting process is thorough and designed to protect public health and the environment. If the Minnesota Pollution Control Agency (MPCA) supports both the permit and compliance activities well, the need for a community benefit agreement (CBA) should be rare.

If a CBA is needed, we suggest focusing on actions directly related to the permittee's air emissions. We support ensuring that all permittees follow environmental regulations to avoid or minimize direct impacts on the community, which aligns with the first two categories. However, other categories have the potential to exceed the permittee's area of control and may quickly become too expansive. Industrial permittees play a crucial role in ensuring their operations don't negatively impact surrounding communities but expecting them to address all stressors in an Environmental Justice community, especially those they don't directly cause, isn't practical.

The MPCA is considering prioritizing the following categories (the same categories from the previous question) based on their ability to offset environmental and public health stressors in a community. Would you support this approach?

- facility implements measures at its facility to avoid contributing to stressors
- facility implements measures at its facility to minimize contributions to stressors
- facility implements measures in the community to reduce stressors to which the facility will contribute

- facility implements measures in the community to reduce stressors to which the facility will not contribute
- facility implements measures to provide a net environmental benefit

As mentioned in the previous comment, APEX supports prioritizing categories with direct connection to the facility operations.

Who should represent communities in a community benefit agreement?

The MPCA should consider using existing processes in cities and counties affected by this rulemaking for community representation. For example, when a permittee wants to build or expand operations, they go through several steps and approvals, including local, state, and federal permits, environmental reviews, planning and zoning decisions, and city or county approvals. Each step often includes opportunities for public input and conditions based on that input. Creating specific advisory committees or groups may not fit every community and could lead to conflicting requirements. The parties to a CBA should be limited to the permittee and MPCA to avoid confusion. CBAs could be open for public comments during the air quality permit's public comment period.

What methods should be required for holding public meetings? What information is most important to include in a public meeting notice?

Public meetings should be flexible to fit the specific situation and community. A list of options for meeting formats and designs could be developed, and specific plans can be created through discussions between the MPCA and the permittee.

What methods should be required for taking public comments and communicating back what was heard?

The MPCA should consider publicizing the CBA along with the air permit. The standard process for responding to individual comments or comment themes would apply. APEX appreciates the opportunity to comment on this important rulemaking effort and looks forward to the next steps in the process.