

Cumulative impacts

Communities' role in community benefit agreements (DRAFT)

The MPCA will need to establish a process for developing and approving a community benefit agreement (CBA) between the permit applicant and the MPCA, with community input. As an example, we've included an overview of the community benefits ordinance (CBO) for the City of Detroit on the back of this handout.

Who should represent community?

How should the MPCA engage with the community/communities in the environmental justice area impacted by a facility's operations in order to elevate their community-specific interests?

What would you change or keep from the City of Detroit's community benefits ordinance?

- If the cumulative impacts rule included the creation of a group to offer community input for the development of a CBA, what would you recommend be replicated from the neighborhood advisory council (NAC) structure?
- How should members of a community group like the NAC be supported in order to participate?

Community benefit agreement development

The CBA will be a legal agreement between the MPCA and permit applicant, according to state law.

How should the permit applicant/holder and the MPCA work with the community to get community input on the community benefit agreement?

Implementing statutory requirements

It is important that people who live in an impacted environmental justice area get the opportunity to share their perspectives. The statute requires "active outreach to residents of the impacted environmental justice area designed to achieve significant community participation."

- In your community, what are some meaningful ways that a permit applicant/holder and/or the MPCA could reach out to and involve residents in the area/s?
- How effective would the following outreach methods (taken from New Jersey's environmental justice law) be in your community?
 - notice to the municipality (city, town, etc.)
 - public notice in at least two newspapers that will circulate within the environmental justice area, and one of which is a local non-English language paper, if applicable
 - written notice through certified mail to all properties within a certain radius of the facility in the most commonly spoken languages within the environmental justice area
 - physical signage on the site of the existing or proposed permitted facility posted and maintained throughout the CBA development and approval process
- What would it look like to achieve "significant community participation" in your community?

Disclaimer: This document is a working document. This document may change over time as a result of new information, further deliberation, or other factors not yet known to the MPCA.

Example as reference: City of Detroit

When projects trigger the community benefits ordinance (CBO) process, a neighborhood advisory council (NAC) is established with nine representatives from the project's impact area to work directly with the developer and establish community benefits, which are included in the final development agreement approved by the Detroit City Council.

When a project meets one or more requirement, the CBO process begins with the City's Planning and Development Department. The planning department reviews the project scope and defines the project's impact area. The impact area boundaries are set by census tract but can be expanded to include additional impacted residents to ensure all residents in the impact area have an equal voice in the process.

Then the city organizes community meetings over a three-month period to introduce the project to the impacted residents, determine potential impacts of the project and establish benefits for the community. The process takes five to six formal community meetings depending on the size of the project and the needs of the community.

The neighborhood advisory council is charged with advising the developer of concerns within the community impacted by a proposed development. They are the eyes and ears of community concerns on how development affects their well-being, convenience, and livelihood.

The NAC consists of nine members, who are selected as follows:

- two elected by residents of the impacted area
- four selected by the City of Detroit Planning and Development Department (with preference given to residents expected to be directly impacted by the project)
- two selected by the at-large council members
- one selected by the local district council member whose district contains the largest portion of the project

Neighborhood advisory council roles and responsibilities

Eligibility

- residents of the impacted area
- nominated by residents of the impacted area
- at least 18 years of age

Requirements

- attend all five scheduled meetings
- develop NAC impact list
- review community benefits report written by the Planning and Development Department
- develop a letter of consensus of the proposed community benefits
- compliance: review biannual compliance report to monitor progress and status of project
- compliance: attend annual meeting to discuss the status of the project

Responsibilities:

- cannot use this position for personal gain
- agrees to represent fellow residents
- agrees to provide feedback for the community
- agrees to work together with fellow NAC members to make official recommendations to mitigate any negative impacts of the project
- advises the City of Detroit and City Council on how best to mitigate impacts