

S.F. No. 466 – Cumulative Pollution Impacts Must Be Considered Prior to Issuance of Pollution Control Agency Permits (A-1 Delete Everything Amendment)

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Sections 1 through 7 [Definitions] define “commissioner,” “compelling public interest,” “cumulative impacts,” “environmental and public health stressors,” “environmental justice,” “environmental justice area,” and “major source” for purposes of Minnesota Statutes Chapter 116.

Section 8 [Cumulative Impacts Analyses] authorizes the commissioner of the Pollution Control Agency (PCA) to require an applicant for a permit required under chapters 115 or 116 to conduct an analysis of anticipated cumulative impacts to affected environmental justice areas.

Requires a permit applicant complete a cumulative impacts analysis where:

- The facility would exceed public health benchmarks established in rules;
- A petition is signed by at least 100 individuals who reside or own property in Minnesota or by at least 25 individuals in the affected environmental justice area; or
- The applicant is applying for a major source permit.

Section 9 [Public Meeting Required] requires a permit applicant who is required to conduct a cumulative impacts analysis to hold at least one public meeting in the affected environmental justice area prior to the permit issuance decision. Notice of the meeting must be published in a newspaper of general circulation in the affected environmental justice area at least 30 days before the public meeting.

The permit applicant is required to provide the PCA with notice of the meeting and a copy of the cumulative impacts analysis at least 45 days prior to the public meeting. The permit applicant is also required to submit to the PCA a copy of all comments received by the applicant at the meeting within 30 days.

The commissioner is required to consider the comments received at the public meeting in the commissioner's permitting decision and is required to wait 30 days after the public meeting before making a permit decision.

This section also authorizes the commissioner to require a permitted facility in an environmental justice area to hold periodic meetings to share information and discuss community concerns.

Section 10 [Permit Decisions] requires the commissioner to deny the permit if the commissioner finds that granting the permit would contribute to adverse cumulative environmental or public health stressors in the environmental justice area unless the applicant and the community-based organizations representing community residents enter into a community benefit agreement and there is a compelling public interest for issuing the permit.

If the permit is issued, the permittee must provide information to the community outlining health risks that their facility poses to the community.

This section also requires the commissioner to publish on its website a list of environmental justice areas and cumulative impact analysis undertaken pursuant to this law.

Section 11 [Rulemaking] requires the commissioner to adopt rules implementing the bill and includes provisions requiring that the rulemaking process include robust stakeholder engagement.