

July 13, 2015

Mr. Ned Brooks
Environmental Justice Coordinator
Minnesota Pollution Control Agency
520 Lafayette Road N
St. Paul, MN 55155-4194

Re: COMMENTS ON MPCA'S DRAFT ENVIRONMENTAL JUSTICE FRAMEWORK

Dear Mr. Brooks,

The City of Minneapolis submits these comments to the Minnesota Pollution Control Agency (MPCA) on its draft Environmental Justice (EJ) Framework. These comments were formally adopted by the Minneapolis City Council on July 10, 2015. A major effort in Minneapolis is addressing equity and how existing policies and processes disproportionately impact certain communities and exacerbate disparities. The City's Vision and Values, adopted in 2014, reflect the desire to address these issues:

- The City's Vision is "Minneapolis is a growing and vibrant world-class city with a flourishing economy and **a pristine environment, where all people are safe, healthy and have equitable opportunities** for success and happiness"
- The City's Values are **equity, safety, health**, vitality, connectedness and growth.

Overall, the MPCA's EJ Framework is thoughtful, detailed and systematic. The City commends the leadership of the MPCA to recognize its role in impacting environmental health disparities and environmental justice and working deliberately to remedy current and prevent future disproportionate impacts. Additionally, the City appreciates the time MPCA and partners invested in this effort. The development of the EJ Framework has taken nearly two years and many hours of meetings, review of agency operations, and thoughtful language development.

While realizing that this is a high level policy document, Minneapolis encourages the MPCA to provide more concrete details on actions it will take to implement the EJ Framework, while recognizing the Agency has the discretion to make modifications over time. In that vein, Minneapolis has the following questions on the EJ Framework:

- a. Small businesses are called out on page 9, in addition to residents. Is this an additional group of concern, and how are these defined and/or identified? Are there any other groups of concern?

- b. Minneapolis understands that MPCA wants to address livability, but how does the MPCA propose to address “non-chemical stressors,” such as road safety and parks and open space (ref. page 8)? How do these connect back to its mission to address clean air, clean water, and unpolluted land? Any indicators must be quantifiable and necessitate a transparent formula if they are to be included in screening for Areas of Potential EJ Concern.
- c. Why are contaminated land sites (i.e., VIC (voluntary investigation and cleanup)) not included in the environmental variables for screening (ref. the implementation plan and Strategy #1 on page 12)? Are plumes included in groundwater measures?
- d. Is the MPCA considering ways to address non-point source pollution (e.g., automobile traffic – which accounts for 28% of air pollution emissions – and dispersed burning of natural gas) within its regulatory and administrative authority in addition to the assistance, grants, education, outreach, and collaborative work identified in the draft EJ Framework?
- e. Would MPCA consider a citizen-science program in EJ communities? Or training to foster educated participation (e.g., to understand relative risk of permitted sites)?
- f. How will the MPCA develop the equity analysis referred to on page 10, and how will it be implemented?
- g. Regarding the implementation steps, is there a proposed timeline for the completion of any of these? Also, it would be helpful to provide a summary of the implementation steps on page 16, at least in terms of the overall timeline and scope.

Minneapolis would like to offer the following suggestions for improving and/or clarifying the Framework:

- a. Consider adding a terms/definitions addendum, including but not limited to the following terms: “areas of concern,” “non-chemical stressor,” “overburdened area” (clarify how ‘historically’ and ‘potentially’ overburdened areas are different), “area of concern,” “meaningful involvement,” “enhanced review area,” “additional review,” “barriers” (specifically in *Public participation, outreach and engagement* section, page 12), “pollution” (include a list of the types covered, e.g., air, groundwater, noise, etc., and note any types of pollutions outside MPCA’s jurisdiction in this context), etc.
- b. For the definition of Areas of Potential EJ Concern, consider using a methodology that identifies areas some percentage above the geographical statistical average, rather than a set percentage. Relatively speaking, Minnesota is not a diverse place and therefore limiting the Areas of Potential EJ Concern to above 50% people of color will limit the areas of work, especially in Greater Minnesota.
- c. The strategies for community engagement are impressive and it is commendable that MPCA is taking a more active role. However, Minneapolis is generally concerned about MPCA’s ability to implement the Framework, specifically regarding staffing and resource allocations that would allow the MPCA to follow through on an ongoing basis. What additional resources will the MPCA be dedicating toward meaningful community

engagement, as well as additional inspections and outreach to businesses? And, where are the resources coming from? Minneapolis offers the following ideas for consideration:

- i. Evaluate options for increasing capacity for community engagement. One option is building partnerships with groups that are already good at outreach and engagement with residents and businesses where MPCA can facilitate and play the role of supporting technical support and regulatory information. Another option is appointing point-people for community engagement, either geographically based, like MPCA has for inspections staff who are assigned to specific areas of the City and state, or assigning extra staff to the identified 'areas of concern' and/or 'overburdened communities' to help with proactive enforcement work described in the Framework.
 - ii. Focus on improving engagement in the Agency's core regulatory work to increase transparency and clarity in the public comment and review process. Accessibility in terms of language and overcoming cultural barriers is critical.
 - iii. Engage the community and local agency staff as early as possible in any regulatory or proactive process.
 - iv. Ensure that community engagement involves more than just informing the impacted communities, and offers opportunities for empowerment. Consider the following additions to "meaningful involvement" on page 4: those affected should: 1) have input in the design of how they participate, 2) be told how their input was used, and 3) understand how their input did or did not affect the decisions and outcomes. Consider adding a strategy on importance of reporting back to residents what was heard and done in the Public Participation, Outreach and Engagement strategies on pages 12-13.
 - v. Consider face to face communication in addition to fact sheets, FAQ, etc. to ensure inclusivity of underrepresented groups (ref. Strategy #1 on page 11). Additionally, videos also are good strategy to reach multiple groups and they can be translated into multiple languages and shown in cultural organizations and at community meetings (ref. Measuring and Reporting Progress, on page 16, where communication with stakeholders is addressed).
- d. Minneapolis encourages the MPCA to consider how to balance the regulatory nature of its work with businesses to protect community health and the importance of building trusting relationships with businesses. When existing facilities in Areas of Potential EJ Concern are inspected/have current permits approved/renewed, ensure that the businesses have the opportunity to engage with residents and build collaborative relationships based on everyone's needs. Similar to the previous point, the MPCA could play a strong role as facilitator of meetings between businesses and residents. On a related note, consider referring to businesses as something other than "Regulated Parties" in the Framework to foster trust and promote a more positive connotation.

The City of Minneapolis appreciates the opportunity to submit these comments and urges the MPCA to take these comments under consideration. Please contact Kelly Muellman, City of Minneapolis Sustainability Program Coordinator at kelly.muellman@minneapolismn.gov or 612-673-3014 if you have any questions regarding the comments submitted.

Sincerely,

Spencer Cronk

City Coordinator