Cumulative impacts

How should the MPCA know when to require a **DISCRETIONARY** cumulative impacts analysis? **(DRAFT)**

The MPCA can require a **discretionary** cumulative impact analysis when:

1. **The potential impacts of issuing a permit are all below the benchmarks that will be established in rule but the MPCA determines that a cumulative impacts analysis is necessary anyway;** OR
2. At least 100 people who reside or own property in the environmental justice area sign a petition requesting a cumulative impacts analysis.

In either case, this decision must be supported by material evidence. We want to hear from you about when a discretionary cumulative impacts analysis should be required.

Examples of programs with agency discretion and material evidence

Minnesota's environmental review program has discretionary reviews established in rule. The MPCA also uses air emissions risk analyses to evaluate health risks from air pollution. Both examples allow agencies to require facilities to do more analysis based on the unique circumstances of a proposed permit action such as its location, public interest, or other factors. See the other side of this handout for more information on discretionary environmental review and air emissions risk analyses.

Material evidence could include testimonials, newspaper articles, scientific research, or other relevant information about health or environmental impacts of a proposed permit action. It could also be information that demonstrates a potential adverse cumulative impact to the environmental justice area if the permit is issued.

Discussion questions

- What information or factors are important when determining whether to require a discretionary cumulative impact analysis?
- For material evidence:
  - What ideas do you have for how the MPCA could or should include lived experience?
  - What other types of material evidence should the MPCA consider?
  - What types of material evidence should MPCA **not** consider?
  - When should the MPCA consider the material evidence sufficient to require a cumulative impacts analysis?

MINNESOTA POLLUTION CONTROL AGENCY

Examples outside of the cumulative impact analysis process — for reference only

Environmental Review comparisons

Certain proposed projects based on their nature, size, location, or other factors must go through environmental review before any required permits or approvals are issued. Environmental reviews can be mandatory or discretionary, and established rule-based thresholds and decision-based determinations govern when environmental review is required. All parts of a project — or multiple projects that are connected — must be considered in total when compared to the thresholds.

A discretionary environmental review can be required in the following circumstances:

- When the governing agency determines that because of the location or nature of a project there may be potential for significant environmental effects
- When the project proposer wishes to initiate the review to determine if the project has significant environmental effects

Air emission risk analysis (AERA) comparisons

An air emission risk analysis (AERA) is a process that uses spreadsheets, computer models, and health benchmarks to estimate the potential human health risks from air pollution emitted by a facility. There is nothing formally codified in rule, but the MPCA has some general principles outlined on our website for when this analysis is required (https://www.pca.state.mn.us/aera). Generally, projects that require environmental review also require an AERA, but the MPCA can request an AERA when:

- the process might resolve substantive public comments received on the project
- significant public interest indicates a need for further analysis
- the facility may contribute to cumulative air pollution effects by adding to other nearby and background sources
- the facility's amount or types of emissions are of concern