

Cumulative impacts

Community benefit categories - DRAFT

A community benefit agreement (CBA) – developed with active community input and participation – is a legal and enforceable contract between the MPCA and the permit applicant. A CBA will only be required if a facility's cumulative impacts assessment identifies substantial adverse impacts resulting from a proposed project.

The State of New Jersey has rules that address the review and analysis of contributions to environmental and public health stressors by facilities in overburdened communities. The five benefit categories below are based upon language from New Jersey's rule. (The actual rule language can be found on the back of this page.)

1. measures to avoid facility contributions to stressors
2. onsite measures to minimize facility contributions to stressors
3. offsite measures to reduce stressors to which the facility will contribute
4. offsite measures to reduce stressors to which the facility will not contribute
5. offsite measures to provide a net environmental benefit

The MPCA expects to address categories 1 and 2 in a separate section of the cumulative impacts rule. Example benefits for each category above are provided in a table on the back of this page. The benefit categories would be what is considered when drafting a CBA.

The MPCA will still need to vet benefit categories or benefits included in rule language as well as benefits included in a draft CBA between the MPCA and a permit applicant to determine whether they could be enforced by the MPCA through a CBA.

Questions

- Do categories 3, 4, and 5 adequately provide for the types of benefits that you would like to see in a community benefit agreement?
- The MPCA is considering prioritizing benefit options based on their ability to offset environmental and public health stressors in communities. Would you support this approach?
- If a specific benefit is not included in the table on the back of this page, would it be included under one of the five benefit categories above?

Benefit examples by potential rule category

The table below illustrates how different benefits could fit into broader categories of benefits that MPCA could include in the cumulative impacts rule. This is not meant to be a complete list of benefits that could fall within the five categories and be considered in the creation of a CBA under this rule.

Specific benefit	Category 1	Category 2	Category 3	Category 4	Category 5
Use alternative materials	X	X			
Increase stack height or change stack location	X	X			
Install control equipment	X	X			
Limit operating hours	X	X			
Varying emission limits/curtail production	X	X			
Public health services			X	X	
Facility traffic restrictions			X		X
Tree plantings/Creation of green space			X	X	X
Water and/or soil test kit/services			X	X	
Cost of living/subsidies			X	X	
Payout/Create community fund				X	
Community revitalization				X	
Restoration of local habitat and/or wetlands				X	X
Install local watershed protection				X	X
Solar power installations for local energy production				X	X
Subsidize recycling and waste reduction services				X	X

New Jersey rule benefit categories

1. All feasible measures to avoid facility contributions to environmental and public health stressors;
2. For any contribution that cannot feasibly be avoided, all feasible onsite measures to minimize facility contributions to environmental and public health stressors;
3. All feasible offsite measures within the overburdened community to reduce environmental and public health stressors to which the facility will contribute;
4. All feasible offsite measures within the overburdened community to reduce adverse environmental and public health stressors to which the facility will not contribute, with preference for the reduction of stressors from highest to lowest percentile in relation to the geographic point of comparison;
5. All feasible offsite measures within the overburdened community to provide a net environmental benefit to the overburdened community.