

Minutes for the Payne-Phalen Community Meeting

Tuesday, July 23rd, 2024, 6:00 – 8:00 p.m.

Arlington Hills Recreation Center, 1200 Payne Avenue

Welcome: Introductions and Review of the Agenda

6:06 pm

Attendance:

Board Members in Attendance– Sidney Pisano, Rebecca Nelson, Anna-Marie Foster, Janey Atchison, Patricia Enstad, Ramona Banks, Damian Schaab

Not in Attendance: Jessica Haley, Seanne Thomas, Lynette Harris, Emma De Vera, Reier Erickson, Marci Exsted, Ismail Khadar, Justine LaCroix-Martin

PPCC Staff – Jack Byers (Executive Director) & Robin Horkey (Outreach & Admin Assistant)

Community Members – Kent Mori and CJ McCormick with Climate Justice Committee, Mel Lorentz, Mai Kou Vu, Gabby Menomin with Wakan Tipi

Rebecca: Shorter meeting today

Business items:

6:05 pm

- **Couldn't approve without a Quorum** Approval of minutes from May 2024 meeting (Marci Exsted, Secretary)
- Financial Reports for June 2024 (Janey Atchison, Treasurer)
 - Janey: We will have to approve all minutes from May and June and the Financials at our next meeting when we have Quorum.
- District Plan: Progress Report
 - Jack: Update on executive committee discussion around the district plan. Have been working on organizing the district plan and creating a preliminary draft as items for discussion and board participation to be finalized as we go and have some
- Rebecca: We're planning to skip the closed meeting portion (item #6) due to the missing board members, we will set up a special time to meet later in order to discuss. Shorter meeting today.

Community conversation:

6:10 pm

Agenda Items:

Northern Iron and Machine:

- Updates on MPCA/NIM administrative legal process
- Updates, insights, next steps: East Side Environmental Justice Group

- Updates from MPCA
- Updates from Lawton Standard
- Considerations for going forward on community knowledge, engagement, and public health considerations

- Mel Lorentz: Update about what's happened with Northern Iron, met with Alex Lawton, before that happened MPCA ordered Northern Iron to reduce their hours and amount of scrap metal they melt from 30 tons to 10 tons, this was determined by MPCA to keep within National Ambient Air Quality Standards. MPCA then had a meeting in May showing where the emissions are extending to - both particulate matter and lead. MPCA administrative order was issued in April, NI contested that and brought forward their own compliance plan, Alex Lawton talked about this briefly at the PPCC meeting in April. The contesting piece is still going on in court, in the meantime NI asked for a temp injunction (like an emergency order) stating that they need to be allowed to operate as normal while the court is figuring it out. The judge agreed they can install pollution control equipment but need to adjust the kind of metals they melt, going to be another hearing August 22nd, the judge will now consider arguments by MPCA that this can't be in court at all - the alt. compliance plan
- Janey: Are alternative compliance plans common?
 - Mel: I'm not sure if it's something people try to do but it's not clear in the law
- Mel: This is a way MPCA is trying to reinstate the order stating the alt compliance plan shouldn't be heard in court in the first place. There's a review hearing on Sept. 16th - by this time NI will have to have shown that their pollution control equipment is reducing their emissions to an acceptable level. If they can't then this will continue until they can come into compliance; there may be an appeal at some point. The trial for Ramsey county _____.
- Rebecca: What are they using to test the emissions? (Modeling?)
- Mel: It's a computer program, they are fighting about the way the modeling works. One test was from the stacks - the purple air monitors take a small snapshot of one specific spot but doesn't tell you where exactly it's coming from.
- Patricia: Is some of the conversation around the accuracy of modeling?
- Mel: it's about the "emissions factor" that you put into the model and they're arguing about what is the correct one.
- Patricia: so they are not in total agreement about how that gets calculated
- Kent Warry: I thought there was no acceptable level of lead?
- Mel: There's not by scientific standards
- Patricia: They said they put monitors on workers to test lead and they said it was safe (at the court hearing on July 12th) and part of what's difficult is this came back as safe by OSHA standards (northern irons attorney shared this) did not say for how long this test was run. The court room was also full of Northern Iron workers. The MPCA said they didn't consider that to be a harm.
 - Jack: Was there anyone from the community side besides Ryan?
 - Patricia: there were a lot of people besides Ryan and Nelsie Yangs' LA,

- Janey: As it stands now are they operating at the same hours with lower levels of lead metals?
- Mel: Yes
- Jack: My understand from the MPCA - NI has to report to them every 30 days
- Patricia: There's no real verification,
- Jack: After MPCA released the info about Judge Castros decision, I called and spoke to Alexa Golemo community specialist at MPCA says - NI has to apply to update their Air Permit by Sept. 13th at that point MPCA will review it to determine if its adequate for public consideration then it will go to public for 30 day review. They don't expect that to happen before October or November. Alexa said she will give PPCC ample notice to know about the permit commenting period. On the monitoring - MPCA thinks that Castro ruled against them because they based their case on modeling not on actual data - the purple air monitors are not considered legally durable data. The MPCA needs a monitor that will give them the kind of data that is admissible. They didn't have consistent electrical feed for the monitor but they're looking for feedback from the community for location in 1 block of the facility on the NW or SE side , and they can't put it on NI property.
- Patricia: Why can't Northern Iron put it off the property
- Mel: Standard _____.
- Anna Marie: I'll ask my sister!
- Jack: I've brainstormed 10 ideas - figuring out how people might be billed, if its on the ground it needs 5x5ft fenced or could be on a building, thought about the charging stations - asked Russ Stark to work with Public Works to figure that out. EV station, YMCA, Sun World. Asked questions so we can put out the word, my feeling is MPCA is eager to get monitors up _____.
- Janey: YMCA, Arch Diocese
- Jack: Some locations they'll have to work with the building owner
- Anna Marie: The place by my house was an apt. turning into a kind of shelter.
- CJ: Why don't the purple monitors count as durable data?
- Mel: They're not good monitors (purple air), they're relatively cheap.
- Jack: I check and see them going up at night sometimes but however overall they're going down. I said to Alexa, I don't know if these are actually coming down?
- Kent Warry: Did she have an idea to why the quality was showing better?
- Jack: She wasn't sure about that. As of 6 weeks ago there was 1 monitor but now there are 8. She didn't know where the other 7 came from. Assuming those came from Northern Iron.
- Patricia: Some of the problem with basing it all on monitoring is if this should be something we should look into, and why they haven't installed the one good monitor.
- Jack: I have been comparing the quality around Smith and around Northern Iron. When I check all of them NI's are never as high. While each individual reading might not be really valid, there are patterns.
- Patricia: This area is high risk for heat island and lacking tree cover, I feel like we're not hearing much from the city.

- CJ: The thing we noticed about green zones - all the most heavily polluted areas in Mpls have their own green zones and councils - seems like a nominal claim as opposed to something that's honored, and the city will sometimes be offended that you remember they ever said anything about it at all.
- Mel: The zonings aren't really set up to be enforced.
- Patricia: We've seen this with Arcade - we haven't seen this yet with the city where they could change the policy
- Mel: For NI the city can't do a whole lot
- Kent: What could they do?
- Patricia: The city said they didn't have capacity to maintain green spaces on Arcade, so MnDOT can't do anything the city of St. Paul won't sign an agreement on.
- CJ: Attended the MPCA Cumulative Impacts meeting - was mostly breakout groups and not exactly stating a plan of action.
- Janey: How long is this legal battle going to be? Can they drag this out for years?
- Mel: Probably not, if you add the appeal on it can take a while. It was somewhat finite. Smith was an EPA enforcement action - which didn't start for a very long time. Theoretically could drag on for a while. Courts can issue an emergency order while the court proceedings are playing out.
- Janey: Does the court have to get done before the permitting process starts?
- Mel: Yeah, they have to submit the application but that could get dragged out too in court. I wouldn't count on it happening when they're saying, but it could.
- Jack: Thinking about how we can gather community stories to get those into the court record to give that beyond
- Damian: Companies doing many things wrong - weren't meeting the minimum threshold for their industry. Maybe there are other avenues to pursue - What else shows Northern Iron (or other bad actors in community) aren't in compliance. Looking for what could lead to shut downs? Are there other building codes that are in violation?
- Janey: Can you get them on a different violation that stops their operations at this moment?
- Damian: Maybe they're too close to a protected water source that is about to reveal itself?
- Mel: That we wouldn't be able to do - facilities are grandfathered in
- Jack: Can't do it YET! Could work on it next session
- Patricia: This is something we can advocate for
- Kent: One thing we might want to do is go to the Unions, we know that Smith was fined for OSHA violations. To illustrate the point, that all of these Govt. Agencies are starting to look at this stuff because there was a lot of neighborhood mobilization. - NI attorney said "you wouldn't be doing this if it wasn't for Smith foundry" We see it as going back and forth both ways.
- Janey: US Steel Workers Union worker was there and said a rep did come in and say they have to get testing done.
- Patricia: One good thing is Peter Rachleff has a lot of connections to unions - which is an important perspective. The judge brought up a letter from 2012 that MPCA missed.
- CJ: Basically MPCA wasn't aware about an entire shop that wasn't documented.

- Patricia: We're going to be having our second meeting July 30th at ESFL - looking at what is our process of consensus building how are we forming a coalition with neighborhood groups and talking about the updates about Northern Iron. Possibly hearing from someone who did air quality work tracking both indoor and outdoor air quality processes. We don't have any definitive answers about what's the impact on the community directly - some of what we may talk about (would be good to talk with the city as well) some addressing of the increased risk for people directly in that corridor. We should be doing something for families and children living in that area. Let's see Lawton have one less expensive lawyer on their team and instead buy air filters for everyone nearby! Testing soil and blood doesn't actually do anything. Nor do air monitors change the air. We're going to talk about the impact beyond monitoring and testing.
- Jack: I'm recalling back to the program in the 90's when in Minneapolis they started to sound-proof and insulate houses because it was more affordable than moving the entire airport out to Rosemount.
- Patricia: The city has had money for weatherization for years, this would be a great neighborhood to start doing weatherization due to air quality impacts that should come to the East Side. Do we feel like the MPCA is representing the community in the court?
- Anna Marie: The only thing I've been thinking of is people have been going over the curb on Duchess - people drive over the median to get to Wells. We should put a pylon and we could put the monitor there to prevent that problem and keep it close to the NI. There's space towards the intersection of Forest and Wells. That could be something we bring up to the MPCA to solve for both issues. If it's a police car they sometimes go over that area too. Unless MPCA has a good plan for how to fit this on someone's property and electricity compensation this might be a good alternative. - There is also space around the area on Wells that is just a green corner that could be large enough
- Jack: Could be city right of way and probably has access to electricity.
- Ramona: I know a couple doctors who could come up with a list/graph about lead iron and particulate matter. Connecting with them to be able to share some information. I know there isn't a way you can say "that's not enough to cause something" Trying to pull this together to see what happens
- Rebecca: I know a family that lives in that area that one of the family members has asthma that's been exacerbated in the past 5 years, and 2 others have developed asthma
- Kent: That's similar to Smith - I've heard that Asthma in that area is the most concentrated in the state in that area.
- Ramona: Bad weather can contribute to that experience of an asthma attack
- Janey: Where did you get that information?
- CJ: We got it from the state health dashboard and on the state health dashboard around Northern Iron it's around 30-40% higher rates around COVID times the actual proportion could theoretically be higher. The Little Earth community has really high asthma rate especially little kids - formative years next to industrial pollution
- Jack: Please ask people go to next weeks ESEJ meeting to have more community members telling more community members - People had experiences where that never dawned on them

- Mel: We're thinking about how we can bring people together and develop a vision _____.
- Gabby: (MSP LTER) Long term ecological research program - they have a broad reach and might be good to connect with to see if they can do long term research collection and some kind of social science, what I'm hearing is that there is a data collection need that isn't reactive - my tribal community has been tracking air quality and shut down a coal plant - having those resources and connections - MPCA is very reactive instead of proactive. Having the data being collected now can help influence future permitting processes. They're also helpful with gathering funding and additional resources for the research to get done - will connect Jack and PPCC with the MSP LTER group - would know what kind of data should be collected to hold up in a court as opposed to the purple air monitoring
- Jack: I was frustrated by folks from County and MN public health who came to the April meeting offered to help but haven't heard back from them.
 - Jack: Another update, MPCA put out a call for communities to apply for grant money to create community air monitoring - PPCC has signed on to apply with the Great Plains Institute with many of the DC's in Saint Paul. Also NI has hired a community relations firm that offered us to tour the facility and eat pizza with them. Tierney and Alex Lawton - we responded can you advise us of the public health concerns if we enter the facility - wear hard shoes, and n95 masks, and goggles. Is there interest?
 - Patricia, Ramona, Robin, Damian, Anna Marie
- Janey: Would they do an open community tour - beyond the board?
- Jack: I'll ask, they want to form a community working group to put into their record.
- Patricia: Who is Velocity?
 - Jack: Velocity is the PR firm for Northern Iron
- Mel: We essentially have to respond, but it's good to ask for more information.
- Jack: Andrew Hazzard got a quote from Tierney about having open communication and providing information with the community. - they organized it August 4th from 4-5pm
- Janey: If they give the tour is the workers going to be there?
- Patricia: MPCA said their job was to trust and verify - I hope with all these foundries this is a sea change. Has to come from community - it's up to us to partner together and say this is not acceptable. – at least they responded to the decision from Castro with more of a forceful response.
- Janey: The issue is they can verify themselves
- Damian: the increase in knowledge and awareness makes it hard to also trace particulate matter to different sources - saying we don't have the ability to prove it was them.
- Patricia: I have hope for the Cumulative Impacts assessment to build more awareness
- CJ: As far as responding to NI, it's good to keep everything in writing, ask for everything in a sympathetic way, it's reasonable to say the community would like to pick a day that works best for the community.
- Janey: No need for a motion to adjourn

ADJOURN

7:52 pm