

1.1 moves to amend H.F. No. 168 as follows:

1.2 Page 1, line 18, strike "a permit" and insert ", renew, or approve a major amendment"
1.3 and after "facility" insert "permit that potentially increases pollution levels or the toxicity
1.4 of emissions in an environmental justice area" and after "considering" insert a colon

1.5 Page 1, line 19, before "the" insert "(1)"

1.6 Page 1, line 20, strike everything after the second "the"

1.7 Page 1, strike line 21 and insert "environmental justice area, including mobile sources
1.8 and toxic chemicals contaminating soils; and (2) the demographic, social, and economic
1.9 characteristics of the exposed population in the environmental justice area that affect their
1.10 sensitivity to exposure to additional pollution, as required under subdivision 4l."

1.11 Page 2, lines 9 and 10, delete the new language

1.12 Page 2, line 10, strike the period

1.13 Page 2, after line 24, insert:

1.14 "(g) A permit application must indicate whether or not the permit action sought is likely
1.15 to impact the environment or the health of residents of an environmental justice area, and
1.16 must include the data used by the applicant to make that determination.

1.17 (h) The agency must review the applicant's determination made under paragraph (g),
1.18 and is responsible for determining whether a proposed permit will impact the environment
1.19 or health of an environmental justice area. The agency must determine the geographical
1.20 boundaries of an environmental justice area.

1.21 (i) The agency's determination of the geographic boundaries of an environmental justice
1.22 area may be appealed by the filing of a petition signed by at least residents filed with
1.23 the commissioner that contains evidence that one or more census blocks meet the definition

2.1 in paragraph (l). The commissioner may, after reviewing the petition, amend the boundaries
2.2 of an environmental justice area.

2.3 (j) The agency must ensure that residents of an environmental justice area are notified
2.4 about all steps in the permitting process and the progress of the analysis required to be
2.5 conducted under this subdivision and subdivisions 4l and 4m. Notification should include,
2.6 but not be limited to, postings on the agency's website, and direct delivery of written materials
2.7 to environmental justice area residents, in applicable languages in areas where English
2.8 proficiency is limited. The agency must also hold public meetings in the environmental
2.9 justice area at regular intervals to allow for questions, comments, and recommendations
2.10 from residents.

2.11 (k) The agency's reasonable costs of complying with this subdivision are to be reimbursed
2.12 by the permit applicant.

2.13 (l) For the purposes of this subdivision and subdivisions 4l and 4m, the following terms
2.14 have the meaning given:

2.15 (1) "census block" means the smallest geographical unit for which the United States
2.16 Census Bureau tabulates decennial census data; and

2.17 (2) "environmental justice area" means one or more census blocks in Minnesota:

2.18 (i) in which, based on the most recent data published by the United States Census Bureau:

2.19 (A) 40 percent or more of the population is nonwhite;

2.20 (B) 35 percent or more of the households have an income at or below 200 percent of the
2.21 federal poverty level; or

2.22 (C) 40 percent or more of the population over the age of five have limited English
2.23 proficiency; or

2.24 (ii) within Indian country, as defined in United State Code, title 18, section 1151."

2.25 Page 2, delete line 26 and insert "applies to an application for a new permit, permit
2.26 renewal, or major permit amendment filed with the agency"

2.27 Page 2, after line 27, insert:

2.28 "Sec. 2. Minnesota Statutes 2020, section 116.07, is amended by adding a subdivision to
2.29 read:

2.30 Subd. 4l. **Demographic analysis.** (a) A permit applicant subject to subdivision 4a,
2.31 paragraph (c), is required to provide the information listed in this paragraph in its permit

3.1 application. The information is designed to indicate the exposed population's heightened
3.2 sensitivity to exposure to the incremental pollution emitted from the facility seeking the
3.3 permit or permit amendment and the exposed population's ability to withstand, respond to,
3.4 or recover from exposure to additional pollution. This information must include, but is not
3.5 limited to:

3.6 (1) racial and ethnic characteristics;

3.7 (2) income and poverty levels;

3.8 (3) the age distribution;

3.9 (4) the birth rate;

3.10 (5) education levels;

3.11 (6) the incidence of and hospital admission rates for respiratory disease, pulmonary
3.12 disease, cancer, diabetes, asthma, high levels of blood lead concentrations, compromised
3.13 immune systems, and other conditions that may be exacerbated by exposure to pollution;

3.14 (7) the incidence of substandard housing conditions;

3.15 (8) the proportion of the population without access to health insurance and medical care;

3.16 (9) the proportion of the population receiving public assistance and medical assistance;

3.17 (10) the incidence of poor nutrition;

3.18 (11) biomonitoring data indicating body burdens of environmental pollutants;

3.19 (12) the presence of subpopulations that may be particularly sensitive to exposure to
3.20 additional pollutants, including workers exposed to toxic chemicals in the workplace and
3.21 subsistence fishers and hunters;

3.22 (13) microclimate or topographical factors of the area that affect exposure levels;

3.23 (14) other environmental stressors, including but not limited to noise, that impact the
3.24 area population; and

3.25 (15) how the factors examined under this paragraph may interact to increase the likelihood
3.26 of portions of the population sustaining an adverse effect from exposure to the incremental
3.27 pollution.

3.28 (b) A permit applicant must provide the data required under this subdivision to the
3.29 commissioner in a format and at a level of quality and completeness required by the
3.30 commissioner.

4.1 (c) The costs of complying with this subdivision must be paid by the permit applicant.

4.2 **EFFECTIVE DATE.** This section is effective the day following final enactment and
4.3 applies to an application for a new permit, permit renewal, or major permit amendment filed
4.4 with the agency on or after that date.

4.5 Sec. 3. Minnesota Statutes 2020, section 116.07, is amended by adding a subdivision to
4.6 read:

4.7 Subd. 4m. **Permits; environmental justice area.** (a) Notwithstanding the provisions
4.8 of any other law, the agency must, after reviewing the permit application, the agency's
4.9 analysis of cumulative pollution conducted under subdivision 4a, paragraph (c), the permit
4.10 applicant's demographic analysis under paragraph 4l, and any additional relevant information,
4.11 including testimony and written comments received at a public hearing, determine whether
4.12 the incremental environmental impacts that would result in an environmental justice area
4.13 from approval of the permit will, in conjunction with the cumulative pollution impacts and
4.14 the heightened sensitivity to additional pollution of residents of the environmental justice
4.15 area, cause or contribute to increased levels of environmental or health impacts compared
4.16 with denying the permit.

4.17 (b) If the agency determines that issuing the permit would cause or contribute to increased
4.18 levels of environmental or health impacts compared with not issuing the permit, the
4.19 commissioner must:

4.20 (1) deny the permit; or

4.21 (2) place conditions on the permit that eliminate any contribution to increased levels of
4.22 environmental or health impacts from the permitted facility in an environmental justice
4.23 area.

4.24 (c) The agency shall maintain on its website a list of all environmental justice areas that
4.25 undergo the analysis required under this subdivision.

4.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and
4.27 applies to an application for a new permit, permit renewal, or major permit amendment filed
4.28 with the agency on or after that date.

4.29 Sec. 4. Minnesota Statutes 2020, section 116D.04, is amended by adding a subdivision to
4.30 read:

4.31 Subd. 2c. **Demographic analysis.** (a) An environmental assessment worksheet and
4.32 environmental impact statement that indicates that a proposed project increases pollution

5.1 levels or the toxicity of emissions in an environmental justice area must contain demographic
5.2 analysis of the population exposed to the proposed project's impacts as required under
5.3 section 116.07, subdivision 4l.

5.4 (b) For the purposes of this subdivision, "environmental justice area" has the meaning
5.5 given in section 116.07, subdivision 4a.

5.6 **EFFECTIVE DATE.** This section is effective the day following final enactment and
5.7 applies to an environmental assessment worksheet that has been determined by a responsible
5.8 governmental unit to be complete on or after that date and to an environmental impact
5.9 statement determined by a responsible governmental unit to be adequate on or after that
5.10 date."

5.11 Amend the title accordingly