

1.1 ..... moves to amend H.F. No. 278 as follows:

1.2 Page 1, line 21, after "and" insert ", except as provided in subdivision 1a,"

1.3 Page 2, after line 19, insert:

1.4 "Sec. 2. Minnesota Statutes 2020, section 216B.1691, is amended by adding a subdivision  
1.5 to read:

1.6 Subd. 1a. **Exception; solid waste incinerators.** (a) An energy recovery facility used to  
1.7 capture the heat value of mixed municipal solid waste or refuse-derived fuel from mixed  
1.8 municipal solid waste as a primary fuel is not an eligible energy technology, as defined in  
1.9 subdivision 1, if:

1.10 (1) air pollutants emitted by the facility are deposited in an environmental justice area,  
1.11 as determined by the commissioner of the Pollution Control Agency; and

1.12 (2) the facility has a permitted maximum capacity of 1,000 tons per day.

1.13 (b) For the purposes of this subdivision, "environmental justice area" means an area in  
1.14 Minnesota that, based on the most recent data published by the United States Census Bureau,  
1.15 meets one or more of the following conditions:

1.16 (1) 50 percent or more of the population is nonwhite;

1.17 (2) 40 percent or more of the households have an income at or below 185 percent of the  
1.18 federal poverty level; or

1.19 (3) is within Indian country, as defined in United State Code, title 18, section 1151.

1.20 **EFFECTIVE DATE.** This section is effective the day following final enactment."

1.21 Renumber the sections in sequence and correct the internal references

1.22 Amend the title accordingly