



TRELINA SOLAR ENERGY CENTER

Case No. 19-F-0366

1001.28 Exhibit 28

Environmental Justice

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Exhibit 28: Environmental Justice

This Exhibit will track the requirements of proposed Stipulation 28, dated June 19, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.28.

28(a) Environmental Justice Analysis

The purpose of an Environmental Justice evaluation is to determine if a facility could potentially have a significant and adverse disproportionate environmental impact on defined communities or populations. As a solar-powered electric generation facility, the Trelina Solar Energy Center (Project) will not generate air emissions during operation. Nevertheless, based on the criteria set forth in 6 NYCRR § 487.4, the Applicant has defined the “Impact Study Area” for Environmental Justice consideration to consist of a 0.5-mile radius around the Project Area.

Potential Environmental Justice Areas are defined by 6 NYCRR § 487.3 as areas with populations that meet one or more of the following thresholds:

- 51.1 percent or more of the population in an urban area reported themselves to be members of minority groups; or
- 33.8 percent or more of the population in a rural area reported themselves to be members of minority groups;¹ or
- 23.59 percent or more of the population in an urban or rural area had household incomes below the federal poverty level.²

The Project Area and the 0.5-mile Impact Study Area fall within multiple Census block groups in both Seneca County and Ontario County. Table 28-1 presents the low-income and minority populations for the block groups containing the Project Area.

¹ *Minority population* means a population that is identified or recognized by the U.S. Census Bureau as Hispanic, African-American or Black, Asian and Pacific Islander, or American Indian.

² The annual thresholds for the federal poverty level vary with household size and composition. In 2017, the poverty level for a family of four related persons with two children under age 18 was \$25,465. For more information, see <https://www.census.gov/content/dam/Census/library/publications/2019/demo/p60-266.pdf>.

Table 28-1. Low-Income and Minority Populations in the Trelina Solar Energy Center Impact Study Area

Block Group	Minority Population (non-white and/or Hispanic)	Low-income Population	Potential EJ Area
Project Area			
Seneca County			
Tract 9506, Block Group 3	2.1%	10.5%	No
Tract 9506, Block Group 4	8.4%	7.7%	No
Impact Study Area			
Seneca County			
Tract 9507, Block Group 1	6.4%	8.3%	No
Tract 9507, Block Group 3	0.0%	14.3%	No
Ontario County			
Tract 504, Block Group 2	5.9%	3.5%	No
Tract 515, Block Group 1	33.1%	21.5%	No
Tract 517, Block Group 2	64.0%	23.9%	Yes

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates.

Based on the review of the minority and low-income population of the Census block groups above, the proposed Project location is not in a Potential Environmental Justice Area as defined by the State of New York. Within the block groups containing the Project Area, less than 15 percent of the population is below the poverty level and less than 10 percent identifies as a minority (non-white and/or Hispanic). The Impact Study Area, however, does include a Potential Environmental Justice Area, Tract 517, Block Group 2, which has a minority population of 64.0 percent. The block group has 23.9 percent of residents below the poverty level.

A review of New York State Department of Environmental Conservation’s (NYSDEC’s) mapped Potential Environmental Justice Areas³ indicates that the Project is not located in a Potential Environmental Justice Area and no such Areas are found in Seneca County. However, the half

³ See: <https://www.dec.ny.gov/public/911.html>.

mile around the facility does extend into a portion of Ontario County that was identified as a Potential Environmental Justice Area, based on 2000 Census data.

The Project's operation and construction will not result in any significant and adverse disproportionate environmental impacts. As demonstrated in each respective Exhibits of the Application, there will be no significant adverse impacts to any community adjacent to the Project Area, and certainly not to Tract 517, Block Group 2, which is 0.23 mile from the Project Area boundaries, due to predicted Project traffic (Exhibit 25 Effects on Transportation), noise (Exhibit 19 Noise and Vibration), or visibility (Exhibit 24 Visual Impacts)⁴. All resource evaluations were completed in a manner that are in accordance with the requirements of the Article 10 regulations.

Accordingly the Project will not result in significant and adverse disproportionate environmental impacts on any Environmental Justice areas because: (a) there will be no air emissions during operation; (b) any vehicle/equipment emissions during construction and operation will not be significant and adverse and will not disproportionately affect any Potential Environmental Justice areas; and, (c) there will be no significant ,adverse traffic, noise, or visual impacts caused by the Project. Therefore, the full Environmental Justice Analysis provided by 6 NYCRR § 487.6 is not required.

28(b) Environmental Justice Area Map

Figure 28-1 presents the Census block groups and potential Environmental Justice Area in the vicinity of the Project.

⁴ See Exhibits noted for details on studies used in the evaluations of the resources listed. Study information includes the author and date.

References

New York State Department of Environmental Conservation. 2000. *Potential Environmental Justice Areas in Montgomery County, New York*. <https://www.dec.ny.gov/public/911.html>. Accessed April 29, 2020.

U.S. Census Bureau. 2020. *2014-2018 American Community Survey 5-Year Estimates*. <https://data.census.gov/cedsci/>. Accessed April 29, 2020.

Semega, Jessica, Melissa Kollar, John Creamer, and Abinash Mohanty, U.S. Census Bureau, Current Population Reports, P60-266, Income and Poverty in the United States: 2018, U.S. Government Printing Office, Washington, DC, 2019. <https://www.census.gov/content/dam/Census/library/publications/2019/demo/p60-266.pdf>. Accessed December 31, 2019.