



South Ripley
SOLAR PROJECT

ConnectGen Chautauqua County LLC

South Ripley Solar Project
Matter No. 21-00750

900-2.20 Exhibit 19

Environmental Justice

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EXHIBIT 19 ENVIRONMENTAL JUSTICE

Section 900-2.20 of the ORES regulations implementing Section 94-c requires the Applicant to identify and evaluate significant and adverse impacts of the Facility that may be disproportionately experienced by communities meeting the criteria of potential Environmental Justice (EJ) areas.¹ Although solar-powered generation facilities do not typically result in adverse impacts to public health or the environment, conditions outlined in 6 NYCRR § 487.9(b)(4), the Applicant has reviewed applicable data to determine if EJ areas are present and evaluated the potential adverse impacts of the Facility on the EJ areas, as applicable. The intent of an EJ evaluation is to determine if air quality and associated health impacts from energy generation are disproportionately affecting certain communities or populations already overburdened by pollution, and to ensure adequate public outreach and engagement where such communities stand to be impacted by a major electric generating facility.

(a) Identification and Evaluation of Potential Impact

Consistent with the criteria set forth in 6 NYCRR § 487.10 and the requirements of Section 900-2.20 of ORES regulations, the Applicant has defined the “Impact Study Area” for the Facility (i.e., the EJ Study Area) as the area within a 0.5-mile radius of the Facility Site. The nature, scope, and magnitude of the environmental impacts anticipated as a result of the construction and operation of the Facility guided the selection of this study area. There are no identified site-specific factors or considerations associated with the impact of solar construction and operation that would necessitate a larger study area.

Based on 2015-2019 American Community Survey (ACS) data and on data obtained from the NYSDEC’s Geospatial Information System (GIS) Tools for Environmental Justice website², there are no potential EJ areas within the EJ Study Area. The nearest EJ area is Census Tract 365, Block Group 3, which is located approximately 8.6 miles from the Facility Site within the Village of Westfield (see Figure 19-1). This block group was designated an EJ area because significant portions of the population have household incomes below the federal poverty level (United States Census Bureau, 2020). Considering the distance between the Facility Site and the nearest EJ area, the Facility is not expected to impact any EJ areas in New York State.

¹ As established in NYSDEC Commissioner Policy 29 on Environmental Justice and Permitting, a minority or low-income community is defined by U.S. Census block groups that have populations that meet or exceed at least one of the following statistical thresholds:

1. At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or
2. At least 33.8% of the population in a rural area reported themselves to be members of minority groups; or
3. At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty levels.

Potential environmental justice areas are minority or low-income communities at risk to disproportionate adverse environmental impacts.

² <https://www.dec.ny.gov/public/911.html>

The Pennsylvania Department of Environmental Protection (PADEP) also monitors potential EJ communities and developed the Environmental Justice Public Participating Policy to increase engagement in EJ Areas and ensure EJ communities have the opportunity to participate in the permitting process when regulated activities are proposed in their neighborhoods. The policy defines an EJ community as any census tract where 20% or more individuals live at or below the federal poverty line, and/or 30% or more of the population identifies as non-white minority, based on data from the U.S. Census Bureau and the federal guidelines for poverty. Based on a review of the PADEP EJ Areas map viewer (PADEP, 2015), the nearest potential EJ area is Census Tract 116, Block Group 3, which is located approximately 3.3 miles northwest of the Facility Site in the North East Township. Considering the distance between the Facility Site and the nearest EJ area, the Facility is not expected to impact any EJ areas in the State of Pennsylvania.

The Applicant provided information on potential EJ areas within New York State in the Preliminary Scoping Statement (PSS), filed on May 22, 2020. Several comments from the Town of Ripley and the Ripley Cemetery Association were received regarding potential impacts to EJ areas. Given the significant distance between these communities and the Facility and given that the Facility is a solar energy generating facility that will not result in negative air quality impacts, no disproportionate impacts to EJ Areas are anticipated. Therefore, the EJ analysis outlined in 6 NYCRR 487.10 is not required and will not be provided in the Application.

Table 19-1. Census Tract Groups within the 0.5-Mile Study Area

Block Group (BG)	Low-income Population	Minority Population (non-white and/or Hispanic)	Potential EJ Area
BG 2, Census Tract 366	11.5%	4.2%	No
BG 3, Census Tract 366	6.1%	5.7%	No
BG 2, Census Tract 365	14.0%	3.6%	No

Source: U.S. Census Bureau 2015-2019 American Community Survey data

(b) Proposed Impact Avoidance, Minimization, and Mitigation Measures

The Project is not anticipated to cause significant adverse environmental impacts on sensitive environmental or social resources. Further, no EJ areas occur in the Facility Site or the EJ Study Area and the separating distance between the closest identified potential EJ areas and the proposed Facility Site ensures that EJ areas will not experience significant adverse disproportionate environmental impacts. Therefore, no specific avoidance, minimization, and mitigation measures were deemed necessary.

For a detailed analysis of potential environmental and social impacts associated with the Project, please refer to the following exhibits:

- Exhibit 3: Location of Facilities and Surrounding Land Use
- Exhibit 6: Public Health and Safety
- Exhibit 7: Noise and Vibration
- Exhibit 8: Visual Impacts
- Exhibit 9: Cultural Resources
- Exhibit 12: Water Resources and Aquatic Ecology
- Exhibit 14: Wetlands
- Exhibit 16: Effect on Transportation
- Exhibit 18: Socioeconomic Effects

(c) Analysis of the Suitability of Proposed Impact Avoidance, Minimization and Mitigation Measures

A qualitative analysis demonstrating the proposed avoidance, minimization, and mitigation measures associated with Facility construction and operation is not applicable because there are no EJ areas within the Impact Study Area and construction and operation of the Facility will not result in significant, adverse, and disproportionate environmental impacts to any EJ areas.

(d) Final EJ Analysis

Based on a review of known EJ areas and minority and low-income populations in the region, the Facility Site and associated 0.5-mile EJ Study Area contain no EJ areas. The nearest potential EJ area in New York is located 8.6 miles from the Facility in the Village of Westfield. The nearest potential EJ area in Pennsylvania is located 3.3 miles from the Facility Site in the North East Township. Given there are no EJ areas in the impact study area, the large distance to the nearest EJ areas, and the low impact development of solar facilities, EJ areas will not be adversely impacted from Project construction or operation and a final EJ analysis is not required. The Applicant will avoid and/or minimize any significant and adverse disproportionate environmental impacts of the Project should they arise, to the maximum extent practicable for all local communities.

REFERENCES

Pennsylvania Department of Environmental Protection. 2015. Environmental Justice Areas Viewer. Available at: <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/PA-Environmental-Justice-Areas.aspx>. Accessed March 2021.

United States Census Bureau. 2020. *How the Census Bureau Measures Poverty*. Available at: <https://www.census.gov/topics/income-poverty/poverty/guidance/poverty-measures.html>. Accessed December 2020.