



# **HIGH RIVER ENERGY CENTER**

**Case No. 17-F-0597**

**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 August 26, 2019, and therefore, the requirements of 16 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 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 New York 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;<sup>1</sup> or
- 23.59 percent or more of the population in an urban or rural area had household incomes below the federal poverty level.<sup>2</sup>

The Project Area and the 0.5-mile Impact Study Area are wholly contained within Census Block Group 1, Census Tract 728 in Montgomery County, New York. According to the most current data from the U.S. Census Bureau’s American Community Survey<sup>3</sup>, the block group has a low-income population of 12.4 percent and a minority (non-white and/or non-Hispanic) population of 10.0 percent. Based on the review of the minority and low-income population of the Census Block Group, the proposed location is not in a Potential Environmental Justice Area, as defined by the

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<sup>1</sup> *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.

<sup>2</sup> 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 \$24,036. For more information, see <https://fas.org/sgp/crs/misc/R44780.pdf>.

<sup>3</sup> Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

State of New York. A review of New York State Department of Environmental Conservation’s (NYSDEC’s) mapped Potential Environmental Justice Areas<sup>4</sup> for Montgomery County indicates that the Project is not located in a Potential Environmental Justice Area.

Table 28-1 below presents the low-income and minority populations for the block group containing the Project Area.

**Table 28-1. Low-Income and Minority Populations in the High River Energy Center Project Area**

Block Group	Low-income Population	Minority Population (non-white and/or Hispanic)
<b>Project Area</b>		
BG 1, Tract 728	12.4%	10.0%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Based on the review of the minority and low-income populations of the Census block groups above, the proposed location is not in a Potential Environmental Justice Area. Within the block group containing the Project Area, 12.4 percent of the population is below the poverty level and 10.0 percent of the population is non-white and/or Hispanic.

In summary, (a) Potential Environmental Justice Areas are outside the required 0.5-mile Impact Study Area around the Project Area, (b) the closest Environmental Justice Area is approximately 1.5 miles from the Project Area, (c) there will be no air emissions during operation, and (d) any vehicle/equipment emissions during construction will not affect any Environmental Justice Areas. Therefore, the full Environmental Justice Analysis required by 6 NYCRR § 487.6 is not required.

**28(b) Environmental Justice Area Map**

Figure 28-1 presents the Census block groups in the vicinity of the Project.

<sup>4</sup> See: [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/montgomeryej.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/montgomeryej.pdf).

## References

Dalaker, Joseph. March 9, 2017. *An Introduction to Poverty Measures*. Congressional Record Service. <https://fas.org/sqp/crs/misc/R44780.pdf>. Accessed August 12, 2019.

New York State Department of Environmental Conservation. 2000. *Potential Environmental Justice Areas in Montgomery County, New York*. [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/montgomeryej.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/montgomeryej.pdf). Accessed August 12, 2019.

U.S. Census Bureau. 2019. *2013-2017 American Community Survey 5-Year Estimates*. <https://factfinder.census.gov>. Accessed June 7, 2019.