



# **WATKINS GLEN SOLAR ENERGY CENTER**

**Case No. 17-F-0595**

**1001.28 Exhibit 28**

**Environmental Justice**

## Contents

Exhibit 28: Environmental Justice.....	1
28(a) Environmental Justice Analysis .....	1
28(b) Environmental Justice Area Map .....	3

## Tables

Table 28-1. Low-Income and Minority Populations in the Watkins Glen Energy Center Project Area.....	2
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## Figures

Figure 28-1. Census Block Groups in the Vicinity of the Project	
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## Exhibit 28: Environmental Justice

This Exhibit will track the requirements of Stipulation 28, dated February 21, 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 Watkins Glen Solar Energy Center (the Watkins Glen Solar Energy Center or the Project) will not generate air emissions during operation. Nevertheless, based on the criteria set forth in 6 NYCRR § 487.4, the Watkins Glen Solar Energy Center, LLC (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 contained almost entirely within Census Block Group 3, Census Tract 9504 in Schuyler County, New York. A small portion of the Impact Study Area (buffer) is located within Census Block Group 2, Census Tract 9503. According to the most current data from the U.S. Census Bureau’s American Community Survey<sup>3</sup>, Block Group 2, Tract 9504 has a low-income population of 9.8 percent and a minority (non-white and/or non-

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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 \$25,465. For more information, see <https://www.census.gov/content/dam/Census/library/publications/2019/demo/p60-266.pdf>.

<sup>3</sup> Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates.

Hispanic) population of 3.5 percent. Block Group 2, Tract 9503 has a low-income population of 19.4 percent with a minority population of 7.2 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 State of New York. A review of New York State Department of Environmental Conservation’s mapped Potential Environmental Justice Areas<sup>4</sup> indicates that the Project is not located in a Potential Environmental Justice Area and no such Areas are found in Schuyler County.

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 Watkins Glen Energy Center Project Area**

<b>Block Group</b>	<b>Low-income Population</b>	<b>Minority Population (non-white and/or Hispanic)</b>
<b>Project Area and Impact Study Area</b>		
Block Group 3, Tract 9504	9.8%	3.5%
<b>Impact Study Area (Buffer) Only</b>		
Block Group 2, Tract 9503	19.4%	7.2%

*Source: U.S. Census Bureau, 2014-2018 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, 9.8 percent of the population is below the poverty level and 3.5 percent of the population is non-white and/or Hispanic (minority population).

In summary, (a) the proposed Impact Study Area is not in a Potential Environmental Justice Area, as defined by 6 NYCRR §487.6; (b) there will be no air emissions during operation; and (c) any vehicle/equipment emissions during construction will not affect any Environmental Justice areas due to distance, the Project will not negatively any Environmental Justice areas. Therefore, the Environmental Justice Analysis provided by 6 NYCRR § 487.6 is not required.

<sup>4</sup> See: <https://www.dec.ny.gov/public/911.html>.

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

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

## 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 January 2, 2020.

U.S. Census Bureau. 2019. *2014-2018 American Community Survey 5-Year Estimates*. <https://data.census.gov/cedsci/>. Accessed January 2, 2020.

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