



EAST POINT ENERGY CENTER

Case No. 17-F-0599

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 20, 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;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 around the Project Area are located within three Census Block Groups in Census Tract 7404 in Schoharie County, New York: Block Group 3, Block Group 4, and Block Group 5. The most current data from the U.S. Census Bureau’s American Community Survey³ were reviewed to evaluate the low-income and minority populations in the block groups containing the Project and the extended Project Impact Area. The results of this review are included in Table 28-1 below.

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

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

**Table 28-1. Low-Income and Minority Populations in the East Point Energy Center
Project Impact Area**

Block Group	Low-income Population	Minority Population (non-white and/or Hispanic)
BG 3, Tract 7404	14.4%	3.9%
BG 4, Tract 7404	12.2%	2.4%
BG 5, Tract 7404	18.2%	11.0%
Source: U.S. Census Bureau, 2013-2017 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 location is not in a Potential Environmental Justice Area. Within the block groups containing the Project Area, less than 20 percent of the population is below the poverty level.

The minority population ranges between 2.4 percent and 11.0 percent. The low-income populations of the two block groups in the Project Impact Area represent 7.1 percent or less of the total population. The minority populations are 11.4 percent and 12.6 percent. None of the block groups within the Project Impact Area meet the criteria of a Potential Environmental Justice Area. A review of the county-level Environmental Justice maps created by NYSDEC for Schoharie and Montgomery counties likewise shows no Environmental Justice Areas in the vicinity of the Project.

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 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.

References

- Dalaker, Joseph. (March 7, 2017). "An Introduction to Poverty Measures." *Congressional Record Service*. Retrieved August 12, 2017 from URL <https://fas.org/sqp/crs/misc/R44780.pdf>.
- New York State Department of Environmental Conservation (NYSDEC) (undated; data source: 2000). County Maps Showing Potential Environmental Justice Areas. Available at: https://www.dec.ny.gov/docs/permits_ej_operations_pdf/schoharieej.pdf and https://www.dec.ny.gov/docs/permits_ej_operations_pdf/montgomeryej.pdf.
- U.S. Census Bureau. (2019). *2013-2017 American Community Survey 5-Year Estimates*. Retrieved June 7, 2019 from URL <https://factfinder.census.gov>.