



# **GARNET ENERGY CENTER**

**Case No. 20-F-0043**

**1001.28 Exhibit 28**

**Environmental Justice**

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## Exhibit 28: Environmental Justice

This Exhibit will track the requirements of Stipulation 28, dated March 5, 2021, 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 Garnet 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 (PEJAs) 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, including the half-mile Impact Study Area around the site, is wholly contained within the following in Cayuga County:

- Census Tract 402, Block Group 4;<sup>3</sup>
- Census Tract 403, Block Group 1; and
- Census Tract 403, Block Group 2.

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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 2019, the poverty level for a family of four related persons with two children under age 18 was \$25,926. For more information, see <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>.

<sup>3</sup> Contains a portion of the buffer only.

Table 28-1 below provides the most current data from the U.S. Census Bureau’s American Community Survey regarding poverty level and minority populations. None of the Census block groups in the Study Area meet the criteria for a PEJA, as defined by the State of New York.

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

<b>Block Group</b>	<b>Low-income Population</b>	<b>Minority Population (non-white and/or Hispanic)</b>	<b>Potential Environmental Justice Area (PEJA)</b>
Tract 402, BG 4	8.0%	0.9%	No
Tract 403, BG 1	8.1%	2.4%	No
Tract 403, BG 2	10.8%	3.1%	No

*\*Contains a portion of the buffer only.*

*Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates*

Based on the review of the minority and low-income population of these Census Block Groups, the Project Area does not include any PEJAs, as defined by the State of New York (see Figure 28-1). A review of New York State Department of Environmental Conservation’s (NYSDEC’s) mapped PEJAs<sup>4</sup> indicates that the Project is not located in a PEJA.

The intent of an Environmental Justice evaluation is to determine if air quality and associated environmental impacts are disproportionately affecting certain communities or populations. The Project will not negatively impact any Environmental Justice area because: (a) the proposed Project Area and Impact Area do not contain a PEJA, as defined by 6 NYCRR §487.6; (b) there will be no air emissions during operation; and (c) and the nearest PEJA is more than 6 miles away from the Project Area.<sup>5</sup> Therefore, the Environmental Justice Analysis provided by 6 NYCRR § 487.6 is not required.

<sup>4</sup> New York State GIS Clearinghouse, 2021.

<sup>5</sup> *Ibid.*

## References

New York State Geographic Information Systems (GIS) Clearinghouse. 2021. Potential Environmental Justice Area Web Service: Public Web Service. Available online at: <https://gis.ny.gov/gisdata/inventories/details.cfm?DSID=1273>. Accessed June 9, 2021.

U.S. Census Bureau. 2021. 2015-2019 American Community Survey 5-Year Estimates. Available online at: <https://data.census.gov/cedsci/>. Accessed February 12, 2021.

U.S. Census Bureau. 2020. Poverty Thresholds by Size of Family and Number of Children. Available online at: <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>. Accessed December 2, 2020.