



NORTH SIDE ENERGY CENTER

Case No. 17-F-0598

1001.28 Exhibit 28

Environmental Justice

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Exhibit 28: Environmental Justice

This Exhibit will track the requirements of Stipulation 28, dated February 10, 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 North Side 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 (the *buffer*) around the Project Area.

Potential Environmental Justice Areas (PEJA) 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, including a half-mile Impact Study Area around the site, is wholly contained within the following in St. Lawrence County:

- Census Tract 4902, Block Group 5;³
- Census Tract 4903, Block Group 5;
- Census Tract 4903, Block Group 6;⁴
- Census Tract 4906, Block Group 2; and

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 2018, 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>.

³ Contains a portion of the buffer only.

⁴ Contains a portion of the buffer only.

- Census Tract 4907, Block Group 2.

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 North Side Energy Center Project Area and Impact Study Area

Block Group	Low-income Population	Minority Population (non-white and/or Hispanic)	Potential EJ Area
Tract 4902, BG 5*	30.4%	23.7%	Yes
Tract 4903, BG 5	42.3%	31.9%	Yes
Tract 4903, BG 6*	4.7%	0.5%	No
Tract 4906, BG 2	13.5%	2.5%	No
Tract 4907, BG 2	14.3%	4.6%	No

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

*Included within the ½ mile buffer only.

Based on the review of the minority and low-income population of these Census Block Groups, the Project Area includes land in two PEJAs (Census Tract 4902, Block Group 5⁵ and Census Tract 4903, Block Group 5), as defined by the State of New York. A review of New York State Department of Environmental Conservation's (NYSDEC's) mapped PEJAs⁶ 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. As described in Exhibit 17 (Air Quality), the Project will not result in significant and adverse disproportionate environmental impacts related to air quality on any PEJA because: (a) there will be no air emissions during operation; and (b) any vehicle/equipment emissions during construction and operation will not be significant and adverse and will not disproportionately affect any PEJA.

As described in Exhibit 25 (Effects on Transportation), mass transit systems, aside from some bus routes, are limited in the Project Study Area. Project vehicle trips during operation will be extremely limited and will have no significant adverse impacts anywhere. During construction,

⁵ Includes a portion of the buffer only.

⁶ See: <https://www.dec.ny.gov/public/911.html>.

the Applicant will coordinate with local authorities to avoid any impacts to public bus routes as well as with school districts to avoid impacts and delays to bus routes throughout construction. Therefore, the Project will not result in significant, adverse, and disproportionate transportation-related impacts on the two identified PEJAs.

As described in Exhibit 19 (Noise and Vibration), the Applicant will communicate with the public to notify them of the beginning of construction of the Facility. Most of the construction will occur at significant distances to sensitive receptors. Therefore, noise from most phases of construction is not expected to result in high sound levels. Nonetheless, construction noise will be minimized through the use of best management practices such as those presented in Exhibit 19 and previously adopted by the Siting Board. Thus, no significant adverse impacts are expected anywhere. Sound levels during operation of the Facility will be minimized through careful siting of Facility components and will comply with Siting Board previously adopted sound limits. The noise emitted by a solar project is limited to daytime periods for the majority of components. If a source is identified as requiring noise control, a sound barrier may be installed around the source to reduce sound levels. Quieter equipment may also be considered, assuming it meets all technical requirements of the Project. Due to the limited sound emissions and the protective measures described above and in this Application, the Project will not result in significant, adverse, and disproportionate noise-related impacts on these PEJAs.

The results of the Glint and Glare Analysis presented in Exhibit 24 (Visual Impacts) indicate there is no predicted glare for the proposed arrays. The proposed racking systems are anticipated to consist of non-reflective metallic materials that will not result in glare. The viewshed analysis (Exhibit 24) concludes that only 2.7 percent of the land area within the five-mile Visual Study Area is expected to have some level of full or partial views of the Project. There would be some areas from which the Project would be in view and, in contrast, a multitude of areas from which it would not be seen. There are many tree groups surrounding the Project that will block views and the Project Area is relatively flat. There are also attributes of the design of this solar project and its relationship to its particular surroundings that would minimize the Project's impacts as discussed under Exhibit 24(a)(10). Refer to 24(a)(8) for a discussion on the nature and degree of visual change during operation of the Project.

Based on expected visibility of the Project as a result of the Appendix 24-1 Visual Impact Assessment, there is no visibility predicted within Tract 9402, Block Group 5, which is a PEJA. There is minor visibility predicted in the southeastern portion of Tract 9403, Block Group

5, a PEJA, in open areas along the southern border of the block group. More specifically, Project visibility within the block group is restricted to two general areas, both south of the NYPA's Massena-Moses 230-kV transmission line right-of-way (NYPA ROW). The first area of visibility is generally bound between Dump Road and Hammill Roads (west and east, respectively), Quinell Road to the south and the NYPA ROW to the north. Quinell Road marks the southern boundary of Tract 9403, Block Group 5 in this area. There are approximately four to five residences along Quinell Road that may experience views of the Project. As part of mitigation to screen and minimize views of the Project, vegetative landscape plantings have been proposed for the nearby residences with views of the solar arrays. Landscaping will consist of a variety of evergreen trees and shrubs that will provide year-round screening. The Landscape Plan can be found in Appendix 11-1 of Exhibit 11. The second general area of visibility occurs south of the NYPA ROW between County Road 37 (west and south boundary) and Carey Road to the east. Approximately six residences may experience views of the Project along the southern boundary of Tract 9403, Block Group 5 of County Road 37. This area of residents also has proposed landscape plantings to mitigate views of the Project. Based on the results of the viewshed analysis and the Glint and Glare Analysis, the Project will not result in significant, adverse, and disproportionate visual-related impacts on the two identified PEJAs.

The Project's operation and construction will not result in significant, adverse, and disproportionate impacts to any PEJA due to traffic (Exhibit 25 Effect on Transportation), noise (Exhibit 19 Noise and Vibration), or potential visibility of the Project (Exhibit 24 Visual Impacts).⁷ Therefore, the full Environmental Justice Analysis provided by 6 NYCRR § 487.6 is not required.

28(b) Environmental Justice Area Map

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

⁷ All resource evaluations were completed in a manner that is in accordance with the requirements for the contents of an Article 10 application contained in 6 NYCRR § 487.

References

- New York State Department of Environmental Conservation. 2000. Potential Environmental Justice Areas in St. Lawrence County, New York. Accessed August 25, 2020. Available online at: https://www.dec.ny.gov/docs/permits_ej_operations_pdf/stlawrenceej.pdf
- U.S. Census Bureau. 2019. 2014-2018 American Community Survey 5-Year Estimates. Accessed August 25, 2020. Available online at: <https://data.census.gov/cedsci/>
- U.S. Census Bureau. 2020. Poverty Thresholds by Size of Family and Number of Children. Accessed August 25, 2020. Available online at: <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>