
NORTH SENECA
SOLAR PROJECT

North Seneca Solar Project

ORES Permit Application No. 23-00036

900-2.20 Exhibit 19

Environmental Justice

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EXHIBIT 19 ENVIRONMENTAL JUSTICE

(a) Identification and Evaluation of Potential Impact

North Seneca Solar Project, LLC (the Applicant) proposes to construct and operate the North Seneca Solar Project, an up to 90-megawatt utility-scale solar electric generating facility in the towns of Junius and Waterloo, Seneca County, New York (the Facility). The Facility will be located on private land that is rural in nature and will encompass approximately 940 acres (Facility Site), of which approximately 390 acres will be occupied by facility infrastructure. The Applicant conducted an environmental justice (EJ) assessment to identify and evaluate the potential for significant and adverse disproportionate environmental impacts resulting from Facility construction and operation on potential EJ communities¹ in accordance with Title 19 New York Codes, Rules and Regulations (NYCRR) § 900-2.20. In general, solar facilities are safer than most other forms of electric generation and are not known to pose adverse impacts to public health or the environment (NC Clean Energy Technology Center, 2017).

To identify potential EJ areas that could be impacted by the construction and operation of the Facility, the Applicant defined an impact study area in accordance with 6 NYCRR § 487.4 and 19 NYCRR § 900-2.20(a)(1). Given the minimal nature, scope, and magnitude of anticipated public health and environmental impacts resulting from the construction and operation of the Facility, the impact study area was defined as a 0.5-mile radius around the Facility Site (the EJ Study Area) in accordance with 19 NYCRR §900-2.20 (a)(1). The EJ Study Area is approximately 5,100 acres in size and includes portions of three United States (U.S.) census block groups in the Towns of Junius and Waterloo (see Figure 19-1). Unlike conventional fossil fuel power plants, solar facilities generate electricity without emitting pollutants that damage air quality or harm public health (NYSEPB, 2015), thereby providing additional justification for the EJ Study Area radius.

The Applicant utilized the 2020 Potential EJ Areas dataset² published by the New York State Department of Environmental Conservation (NYSDEC), which relied on the 2014-2018 5-year American Community Survey (ACS) conducted by the United States Census Bureau, to evaluate all U.S. census block groups within the EJ Study Area. The U.S. census block groups within the EJ Study Area are summarized in Table 19-1 and depicted in Figure 19-1.

¹Potential environmental justice areas are defined by 19 NYCRR §900-1.2(u) as minority or low-income communities that may bear a disproportionate share of the negative environmental consequences resulting from the siting of a major renewable energy facility. As established in NYSDEC Commissioner Policy 29 on Environmental Justice and Permitting, a minority or low-income community is defined by U.S. Census block groups that have populations that meet or exceed at least one of the following statistical thresholds:

1. At least 52.42% of the population in an urban area reported themselves to be members of minority groups; or
2. At least 26.28% of the population in a rural area reported themselves to be members of minority groups; or
3. At least 22.82% of the population in an urban or rural area had household income below the federal poverty level.

² Available at: <https://www.dec.ny.gov/public/911.html>

Table 19-1. Demographic Data by Census Block Group within the EJ Study Area

Block Group ID	Percent Minority	Percent Households Below Poverty Line	Urban/Rural	Potential EJ Area?
Block Group 4, Census Tract 9505, Seneca County, New York	17.4%	10.6%	Rural	No
Block Group 3, Census Tract 9506, Seneca County, New York	2.1%	10.5%	Rural	No
Block Group 2, Census Tract 9501, Seneca County, New York	3.1%	11.4%	Rural	No

Source: NYSDEC, 2020.

As indicated by the U.S. census block data presented in Table 19-1 and Figure 19-1, there are no potential EJ areas within the Facility Site nor EJ Study Area. The nearest potential EJ area is Block Group 2, Census Tract 9506, Seneca County, New York which is located approximately 0.76 mile southeast of the Facility Site in the Town of Waterloo and outside of the EJ Study Area. Approximately 27.4% of households in Block Group 2, Census Tract 9506 are reported to be below the federal poverty line, which exceeds the NYSDEC threshold (NYSDEC, 2020). Given the distance between the closest EJ area and the Facility, and because solar energy generating facilities are not known to pose any significant health dangers to the public at large, or to properties in the vicinity of facilities (refer to Exhibit 6 for additional detail on health and safety), no significant and adverse disproportionate environmental or public health impacts to potential EJ areas are anticipated as a result of Facility construction or operation. Therefore, the EJ analysis outlined in 6 NYCRR § 487.10 is not required and will not be provided in this Application.

Please see Exhibit 17 for information regarding the Applicant’s review of the Climate Justice Working Group (2023) disadvantaged communities (DAC) criteria and interactive map to identify DAC within the vicinity of the Facility Site and evaluate potential impacts from the proposed Facility (see Figure 17-1). Exhibit 17 also includes information on how the Facility is consistent with the Climate Leadership and Community Protection Act’s goals of prioritizing and maximizing reduction of greenhouse gases and co-pollutants in DAC and to ensure DAC receive the benefits of transitioning to a clean energy economy.

(b) Proposed Impact Avoidance, Minimization, and Mitigation Measures

Given that the proposed Project is a renewable energy facility and that no potential EJ areas occur within the EJ Study Area, including within the Facility Site, EJ communities will not experience significant and adverse disproportionate environmental or public health impacts; therefore, no specific avoidance, minimization, and mitigation measures were deemed necessary. Construction and operation of the Facility will not create any significant and adverse disproportionate environmental impacts to potential EJ areas, given the distance of the nearest potential EJ area from the Facility (0.76 mile southeast) and the nature of the Facility. Furthermore, there are no proposed haul routes within potential EJ areas.

(c) Analysis of the Suitability of Proposed Impact Avoidance, Minimization and Mitigation Measures

Facility construction and operation will not result in significant and adverse disproportionate environmental impacts to any potential EJ areas; therefore, a qualitative analysis demonstrating proposed avoidance, minimization, and mitigation measures is not applicable.

(d) Final EJ Analysis Summary

As stated in Section (a), the Applicant conducted an assessment to identify and evaluate the potential for significant and adverse disproportionate environmental impacts resulting from Facility construction and operation on potential EJ communities in accordance with 19 NYCRR §900-2.20. To identify potential EJ areas that could be impacted by the construction and operation of the Facility, the Applicant established an appropriate 0.5-mile EJ Study Area and utilized the NYSDEC Potential EJ Areas dataset to evaluate all U.S. census block groups within the EJ Study Area. As indicated by the data presented in Table 19-1 and Figure 19-1, no potential EJ areas occur within the EJ Study Area, including within the Facility Site.

Therefore, construction and operation of the proposed Facility will not result in significant and adverse disproportionate environmental or public health impacts to any potential EJ area, and a final qualitative analysis is not applicable.

REFERENCES

Climate Justice Working Group (CJWG). 2023. List of Disadvantaged Communities [PDF]. Available at: <https://climate.ny.gov/resources/disadvantaged-communities-criteria/> (Accessed June 2023).

N.C. Clean Energy Technology Center. 2017. *Health and Safety Impacts of Solar Photovoltaics*. Available at: https://content.ces.ncsu.edu/static/publication/js/pdf_js/web/viewer.html?slug=health-and-safety-impacts-of-solar-photovoltaics (Accessed June 2023).

New York State Department of Environmental Conservation (NYSDEC). 2020. Potential Environmental Justice Areas. Available at: <https://www.dec.ny.gov/public/911.html> (Accessed June 2023).

New York State Energy Planning Board (NYSEPB). 2015. 2015 New York State Energy Plan: Vol 2 Impacts and Considerations. Available at: <https://energyplan.ny.gov/Plans/2015> (Accessed August 2021).