



SOMERSET SOLAR, LLC

MATTER NO. 22-00026

§900-2.20 Exhibit 19 Revised

Environmental Justice

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Figure 19-1. Potential Environmental Justice Areas

ACRONYM LIST

§	Section
AES	The AES Corporation, Inc.
DAC	disadvantaged communities
Facility	Somerset Solar Facility
GIS	Geographic Information System
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
ORES	Office of Renewable Energy Siting
PEJAs	Potential Environmental Justice Areas

Glossary Terms

Applicant	Somerset Solar, LLC, a subsidiary of The AES Corporation, Inc. (AES), the entity seeking a siting permit for the Facility Site from the Office of Renewable Energy Siting (ORES) under Section (§) 94-c of the New York State Executive Law.
Application	Application under §94-c of the New York State Executive Law for review by the ORES for a Siting Permit.
Facility	The proposed components to be constructed for the collection and distribution of energy for the Somerset Solar Facility, which includes solar arrays, inverters, electric collection lines, and the collection substation.
Facility Site	The limit of disturbance (LOD) that will be utilized for construction and operation of the Facility, which totals about 700 acres on the Project Parcels in the Town of Somerset, Niagara County, New York (Figure 2-1).
Project Parcels	The parcels that are currently under agreement with the Applicant and Landowner, totaling about 1,784 acres in the Town of Somerset, Niagara County, New York, on which the Facility Site will be sited (Figure 3-1).
Project Site	The acreage of the Project Parcels under agreement between the Applicant and the Landowner, consisting of approximately 1,396 acres, in which the Applicant has performed diligence, surveys and assessments in support of Facility design and layout.

EXHIBIT 19 ENVIRONMENTAL JUSTICE

This exhibit addresses the requirements specified in 19 New York Codes, Rules and Regulations (NYCRR) Section (§) 900-2.20 regarding environmental justice. A review of the site-specific study area, which included a 0.5-mile radius around the Facility, found that no Potential Environmental Justice Areas (PEJAs) are present, based on the revised thresholds established by New York State Department of Environmental Conservation (NYSDEC). Neither the Facility's construction nor its operation and maintenance will result in significant and adverse disproportionate effects on PEJA populations from impacts to noise, traffic, or visual resources. Therefore, no impact avoidance measures, impact mitigation measures, or impact offset measures are required. The Facility has been designed to comply with 19 NYCRR §900-2.20 and the Uniform Standards and Conditions (USCs) and no potential impacts related to environmental justice have been identified.

19(a) Environmental Justice Analysis Methodology

The purpose of this Environmental Justice evaluation is to determine if the proposed Facility could have a significant and adverse disproportionate environmental impact on defined communities or populations. As a solar-powered electric generation facility, the Somerset Solar Facility (Facility) will not generate air emissions during operations. Based on the criteria set forth in §900-2.20 of the §94-c regulations, Somerset Solar, LLC (Applicant) defined the impact study area for Environmental Justice to consist of a 0.5-mile radius around the Project Site, as shown in Figure 19-1.

Per the NYSDEC's Environmental Justice Policy CP-29, PEJAs include census block groups featuring populations that meet or exceed at least one of the following statistical thresholds:

- At least 52.42 percent (%) of the population in an urban area reported themselves to be members of minority groups;
- At least 26.28% of the population in a rural area reported themselves to be members of minority groups; or
- At least 22.82% of the population in an urban or rural area had household incomes below the federal poverty level (NYSDEC no date).

19(b) Significant and Adverse Disproportionate Environmental Impacts

Based on data obtained from the NYSDEC's Geographic Information System (GIS) Tools for Environmental Justice website (<https://www.dec.ny.gov/public/911.html>), NYS GIS Clearinghouse ([Potential Environmental Justice Area PEJA Communities | Potential](#)

[Environmental Justice Area PEJA Communities | NYS GIS Clearinghouse](#)), and ArcGIS data ([ArcGIS - My Map](#)) there are no PEJAs within a 0.5-mile radius the Facility Area (Figure 19-1). According to this data, the closest PEJAs to the Facility Area are approximately 12 miles southeast in the Village of Medina, 15 miles southeast in the Town of East Shelby, over 13 miles southeast in the Town of West Gaines, or 13 miles southwest in the City of Lockport.

The New York State (NYS) Climate Act requires NYS to invest or direct resources to ensure that disadvantaged communities (DAC) receive at least 35% (with a goal of 40%) of overall benefits of spending on clean energy and energy efficiency programs, which is one of several ways the Climate Act is focused on prioritizing climate justice. A review of NYS Climate Act DAC criteria and mapping ([Disadvantaged Communities Criteria - New York's Climate Leadership & Community Protection Act \(ny.gov\)](#)) the closest DAC to the Facility Site is the Village of Barker, located approximately 1.3 miles southeast of the Facility Site. The Village of Barker is located within Census Tract [06010](#) having an identified population of 2,646, an environmental burden of 85% higher [06010](#) tracks [06010](#) (NYS Climate Act 2023). This DAC has a low-income population of 55% for those living less than 100% below the federal poverty line, a minority population (non-white and/or Hispanic) of 83% (22% Asian, 5% Black or African American, 11% Latino/a or Hispanic and 45% Native American or Indigenous), and is not located within a PEJA.

The Facility's operation and maintenance will not result in significant and adverse disproportionate effects on PEJA or DAC populations from impacts to noise (Exhibit 7), visual resources (Exhibit 8), or traffic and transportation (Exhibit 16). These resources and resource-specific best management practices are described in detail in these and other relevant exhibits of this Application. Visual screening has been included in the Facility design to minimize visual impacts and coordination with the Town of Somerset and Barker Central School District has been conducted to minimize potential transportation-related effects.

During construction, truck routes will pass through or adjacent to PEJAs. PEJAs in Albion, Clarkson, and in Greece, New York are located along the truck route via NYS Route 104. PEJAs in Medina and East Shelby, New York are located along NYS Route 63. PEJAs in Lockport, New York are located along the truck route via NYS Route 78. Additional traffic volume along these routes will be periodic and temporary, limited to occurring throughout the construction phase. Truck routes are major arterials and will disperse traffic between the three truck routes for oversized and overweight loads, which will minimize impacts to adjacent PEJAs along these routes. Workers and regular truck traffic will utilize other routes further dispersing the traffic load to the Facility. A disproportionate percentage of traffic, dust, noise, glare, or other visual impacts

to PEJAs is not anticipated. None of the proposed construction vehicle traffic routes pass through the Village of Barker or the DAC (Appendix 16-A). Although road closures are not anticipated, should any local roadways need to be temporarily closed during construction for a short period of time, the contractor (or Applicant) will contact the appropriate local agencies to provide notifications to Niagara County or NYS Department of Transportation to identify any required mitigation. No impact to the Barker Central School District would occur as none of the construction routes pass through the Village of Barker where the school district is located. Potential impacts from construction and operation of the proposed Facility within and outside PEJAs are anticipated to be the same.

The Facility will not result in significant and adverse disproportionate environmental impacts on any DACs or PEJAs as there are no DACs or PEJAs within the 0.5-mile study area established around the Facility Site for the purposes of this review. Therefore, no impact avoidance measures, impact mitigation measures, or impact offset measures are required for the Facility.

19(c) Effectiveness of Avoidance, Mitigation and Offset Measures

No unavoidable impacts to PEJAs or DACs have been identified for the Facility. Although construction traffic routes are identified through and adjacent to PEJAs in the Facility region, impacts to these regions resulting from increased traffic volumes is not anticipated, as traffic increases will be spread out over the course of construction activities, and limited to the construction phase. No impacts from operations traffic are anticipated, as operations will only require a few trips to the Facility per year. Facility Substation laydown areas and access points, will result in short-term noise increases, however, as noted above, the Facility Site is not located within a PEJA or DAC. The increased noise associated with the Facility Substation and two inverter locations have been mitigated sufficiently through the incorporation of noise barriers (see Exhibit 7). No traffic mitigation is anticipated to be required as the Facility has 10 discrete development areas, each with their own (one or more) access points, and have been designed to accommodate and move construction traffic travelling in and out of the Facility Site to avoid roadway congestion. Potential dust impacts will be mitigated through the use of dust suppression measures identified in the Stormwater Pollution Prevention Plan provided as Appendix 13-B. As no PEJAs or DACs are located within 0.5 mile of the Facility Site, no PEJAs or DACs would experience a disproportionate percentage of noise, glare, or other visual impacts.

The Facility will not result in significant and adverse disproportionate environmental impacts on populations in any PEJAs or DACs. As described in section 19(b) of this exhibit, the Facility's construction and its operation and maintenance will not result in significant and adverse

disproportionate effects on PEJA or DAC populations. Therefore, avoidance, mitigation, and offset measures are not required.

19(d) Summary of Environmental Justice Analysis

A review of the Project Site and its 0.5-mile buffer found that there are no PEJAs present, according to the revised thresholds established by the NYSDEC. No significant and adverse disproportionate effects on populations in PEJAs will arise from the construction, operation or maintenance of the Facility.

References

New York State (NYS) Climate Act. 2023. Disadvantaged Communities Criteria. Available online at: [Disadvantaged Communities Criteria - New York's Climate Leadership & Community Protection Act \(ny.gov\)](#). Accessed August 4, 2023.

New York State Department of Environmental Conservation (NYSDEC). No date. Maps & Geospatial Information System (GIS) Tools for Environmental Justice. Available online at: <https://www.dec.ny.gov/public/911.html>. Accessed September 25, 2022.