



**BROOKSIDE SOLAR, LLC**

**Matter No. 21-00917**

**900-2.20 Exhibit 19**

**Environmental Justice**

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## Acronym List

AES	The AES Corporation, Inc.
GIS	Geographic Information System
NYCRR	New York Codes, Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
ORES	Office of Renewable Energy Siting
PEJA	Potential Environmental Justice Area
USCs	Uniform Standards and Conditions

## Glossary Terms

<b>Applicant</b>	Brookside Solar, LLC, a subsidiary of The AES Corporation, Inc. (AES), the entity seeking a siting permit for the Facility from the Office of Renewable Energy Siting (ORES) under Section 94-c of the New York State Executive Law.
<b>Facility</b>	The proposed components to be constructed for the collection and distribution of energy for the Brookside Solar Project, which includes solar arrays, inverters, electric collection lines, and the collection substation.
<b>Facility Site</b>	The parcels encompassing Facility components which totals 1,471 acres in the Towns of Burke and Chateaugay, Franklin County, New York (Figure 2-1).
<b>Study Area</b>	In accordance with the Section 94-c Regulations, the Study Area for the Facility includes a radius of 5 miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses 69,963 acres, inclusive of the 1,471-acre Facility Site.
<b>Impact Study Area</b>	Based on the criteria set forth in Section 900-2.20 of the Section 94-c Regulations, a 0.5-mile radius around the Facility Site used to identify Potential Environmental Justice Areas.

## Exhibit 19: Environmental Justice

This Exhibit provides information in accordance with the requirements of Section 900-2.20 of the Section 94-c Regulations.

### 19(a) Environmental Justice Analysis Methodology

The purpose of this Environmental Justice (EJ) evaluation is to determine if the proposed facility could potentially have a significant and adverse disproportionate environmental impact on defined communities or populations. As a solar-powered electric generation facility, the Brookside Solar Project (Facility) will not generate air emissions during operation. Based on the criteria set forth in Section 900-2.20 of the Section 94-c Regulations, the Applicant has defined the “Impact Study Area” for EJ consideration to consist of a 0.5-mile radius around the Facility Site, as shown in Figure 19-1.

Potential Environmental Justice Areas (PEJAs) are defined by 6 New York Codes, Rules and Regulations (NYCRR) Section 487.3<sup>1</sup> as areas with populations that meet one or more of the thresholds related to minority and low-income populations. The New York State Department of Environmental Conservation (NYSDEC) has updated these thresholds based on its statistical analysis of American Community Survey data (NYSDEC, 2021). The most current thresholds for identifying a PEJA are:

- 52.42 percent or more of the population in an urban area reported themselves to be members of minority groups;
- 26.28 percent or more of the population in a rural area reported themselves to be members of minority groups;<sup>2</sup> or

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<sup>1</sup> Official Compilation of Codes, Rules and Regulations of the State of New York Title 6. Department of Environmental Conservation Chapter IV. Quality Services Subchapter H Environmental Justice Part 487. Analyzing Environmental Justice Issues in Siting of Major Electric Generating Facilities Pursuant to Public Service Law Article 10. See:

[https://govt.westlaw.com/nycrr/Document/1e9f1255ef2ab11e1837f0000845b8d3e?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/1e9f1255ef2ab11e1837f0000845b8d3e?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

<sup>2</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.

- 22.82 percent or more of the population in an urban or rural area had household incomes below the Federal poverty level.<sup>3</sup>

The Facility Site, including the Impact Study Area, is wholly contained within the following in Franklin County:

- Census Tract 9501, Block Group 1;
- Census Tract 9501, Block Group 2;<sup>4</sup> and
- Census Tract 9501, Block Group 3.

Table 19-1 below presents the low-income and minority populations for the block group containing the Facility Site, including the Impact Study Area.

**Table 19-1. Low-Income and Minority Populations in the Brookside Solar Facility Site and Impact Study Area**

Block Group	Low-income Population	Minority Population (Non-white and/or Hispanic)	Potential EJ Area
Tract 9501, BG 1	21.3%	2.2%	No
Tract 9501, BG 2	16.4%	21.7%	No
Tract 9501, BG 3	15.1%	3.4%	No
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, neither the Facility Site nor the Impact Study Areas includes land that is part of a PEJA, as defined by the State of New York. A review of NYSDEC’s mapped PEJAs<sup>5</sup> indicates that the Facility is not located in a PEJA.

<sup>3</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/content/dam/Census/library/publications/2020/demo/p60-270.pdf>.

<sup>4</sup> Contains a portion of the buffer only.

<sup>5</sup> NYSDEC, 2021.

## **19(b) Significant and Adverse Disproportionate Environmental Impacts**

A review of the Impact Study Area, which included a 0.5-mile radius around the Facility, found that no PEJAs are present, based on the thresholds established by the NYSDEC. Neither the Facility's construction nor its operation and maintenance will result in significant or adverse disproportionate effects on PEJA populations from impacts to noise (Exhibit 7, Noise and Vibration), visual resources (Exhibit 8, Visual Impacts), or transportation (Exhibit 16, Effects on Transportation).<sup>6</sup> These resources, as well as others, are described in detail in their relevant exhibits. Resource-specific best management practices for these resources, as well as others, are described in the relevant exhibits throughout this Application (particularly Exhibits 7, 8, and 16). These practices include careful siting of facility components to minimize noise impacts, screening measures for visual resources, and coordination with for transportation-related effects. 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 Franklin County Public Transportation and the Chateaugay and Malone Central School Districts.

The Facility will not result in significant and adverse disproportionate environmental impacts on any PEJAs because there are no PEJAs within the Impact Study Area. Therefore, no impact avoidance measures, impact mitigation measures, or impact offset measures are required.

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

The Facility will not result in significant and adverse disproportionate environmental impacts on populations in any PEJAs. As described in 19(b) above, the Facility's construction and its operation and maintenance will not result in significant or adverse disproportionate effects on PEJA populations. Therefore, avoidance, mitigation, and offset measures are not required.

## **19(d) Summary of EJ Analysis**

A review of the Facility Site and the Impact Study Area found that there are no PEJAs present, according to the revised thresholds established by the NYSDEC. No significant and adverse

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<sup>6</sup> All resource evaluations were completed in a manner that is in accordance with the requirements for the contents of an 94(c) Application.

disproportionate effects on populations in PEJAs will arise from the construction and operation and maintenance of the Facility.

## **Conclusions**

A review of the Impact Study Area, which included a 0.5-mile radius around the Facility, found that no PEJAs are present, based on the revised thresholds established by 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 Section 900-2.20 and the Uniform Standards and Conditions (USCs) and impacts related to EJ have been avoided and minimized to the maximum extent practicable.



## References

- New York State Department of Environmental Conservation (NYSDEC). 2021 Maps and Geographic Information System (GIS) Tools for Environmental Justice: Potential Environmental Justice Areas. Retrieved October 27, 2021. Available at: <https://www.dec.ny.gov/public/911.html>.
- U.S. Census Bureau. (2021). 2015-2019 American Community Survey 5-Year Estimates. Retrieved October 27, 2021. Available at: <https://data.census.gov>.