



SOMERSET SOLAR, LLC

MATTER NO. 22-00026

§900-2.20 Exhibit 19

Environmental Justice

CONTENTS

EXHIBIT 19 ENVIRONMENTAL JUSTICE	1
19(a) Environmental Justice Analysis Methodology	1
19(b) Significant and Adverse Disproportionate Environmental Impacts	1
19(c) Effectiveness of Avoidance, Mitigation and Offset Measures	2
19(d) Summary of Environmental Justice Analysis	2
References	3

LIST OF FIGURES

Figure 19-1. Potential Environmental Justice Areas

ACRONYM LIST

§	Section
AES	The AES Corporation, Inc.
Facility	Somerset Solar Facility
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
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 696 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>), 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. There are no anticipated Facility-related environmental impacts that would extend to that distance.

Neither the Facility's construction nor operation and maintenance will result in significant and adverse disproportionate effects on PEJA populations from impacts to noise (Exhibit 16), 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. The Facility will not result in significant and adverse disproportionate environmental impacts on any PEJAs as there are no PEJAs within the 0.5-mile study area established around the Project Site for the purposes of this review. 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 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 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 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.