



## Baron Winds Project

Case No. 15-F-0122

1001.28 Exhibit 28

Environmental Justice

## EXHIBIT 28 ENVIRONMENTAL JUSTICE

### (a) Impact on Environmental Justice Areas

Section 1001.28 of the Article 10 regulations requires the Applicant to provide sufficient information for the New York State Department of Environmental Conservation (NYSDEC) and others to assess the potential impact of the Facility on environmental justice (EJ) communities. The intent of an EJ evaluation is to enhance public participation and review of environmental impacts of proposed facilities in EJ communities and reduce disproportionate impacts to already overburdened communities. 6 NYCRR § 487.1(b).

In assessing impacts on EJ communities, the Applicant must first identify the “impact study area,” which is defined as “the geographic study area of at least a one-half mile radius around the location of the . . . facility in which the population is likely to be affected by at least one potentially significant adverse environmental impact resulting from the construction and/or operation of the facility that is different in type, scope or magnitude compared to the population located in the broader geographic area surrounding the facility.” 6 NYCRR § 487.3(o). With respect to fossil fuel-fired electric generation sources, the primary environmental impact of concern in EJ communities is typically air impacts. As previously indicated, the Facility is a wind powered electric generation facility that will not result in any emissions or air quality impacts (see Exhibit 17).

For the purposes of the EJ evaluation, and based on the criteria set forth in 6 NYCRR § 487.4, the Applicant defined the Impact Study Area in the Public Involvement Program (PIP) plan and Public Scoping Statement (PSS) to consist of a 0.5-mile radius around each of the Facility components.

Based on data obtained from the NYSDEC’s Geospatial Information System (GIS) Tools for Environmental Justice website ([www.dec.ny.gov/public/911.html](http://www.dec.ny.gov/public/911.html)), and as reported in the Facility’s PIP plan and PSS, the nearest potential EJ area to the Facility is approximately 4.3 miles from the nearest proposed turbine location (which is 3.8 miles outside of the Impact Study Area), based on the final layout presented in this Application. There are three distinct potential EJ areas located within the City of Hornell city limits and all occur within 5 miles of the Facility. Approximately 31.73%, 30.94%, and 27.00% of the population of each census block group have a household income below the federal poverty level. The next closest EJ area is located in the Towns of Alfred and Ward in Allegany County, approximately 11.1 miles from the nearest proposed turbine (10.6 miles outside of the Impact Study Area). See Figure 28-1 of this Application for a map of these potential EJ areas.

As previously noted, the Applicant provided information on the above EJ areas in the PIP and the PSS, and, to date, no comments have been received regarding potential impacts to these areas or the need to revise/enlarge the Impact Study Area.

Moreover, because the Facility is sited several miles from the potential EJ areas and will not result in emissions or air quality impacts, the Facility will not have an impact on these or any other potential EJ areas. The full EJ analysis outlined in 6 NYCRR § 487.6 is therefore not required.