

Heritage Wind Project

Case No. 16-F-0546

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 NYSDEC and others to assess the potential impact of the Facility on potential 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 a proposed major electric generating 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). Therefore, for purposes of the EJ evaluation, the Applicant has defined the EJ Study Area as the area within a 0.5-mile radius of Facility components. Consistent with the criteria set forth in 6 NYCRR § 487.4, the potential impact of the Facility on EJ communities have been assessed within this area.

Based on 2014-2018 American Community Survey (ACS) census data obtained from the United States Environmental Protection Agency (EPA) Environmental Justice Screening and Mapping Tool (“EJSCREEN Tool”; <https://ejscreen.epa.gov/mapper/>), there are no potential EJ areas within the EJ Study Area (see Figure 28-1). Therefore, the Facility is not expected to have an impact on any EJ area and the full EJ analysis outlined in 6 NYCRR § 487.6 is not required, and has not, therefore, been provided as part of this Application.