



Mill Point
SOLAR I PROJECT

ConnectGen Montgomery County LLC

Mill Point Solar I Project

Matter No. 23-00034

§ 900-2.20 Exhibit 19

Environmental Justice

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Glossary Terms

- Applicant:** ConnectGen Montgomery County LLC (ConnectGen), a direct subsidiary of ConnectGen LLC, is 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 (NYS) Executive Law.
- Facility:** The proposed components to be constructed for the generation, collection and distribution of energy for the Project will include: photovoltaic (PV) solar modules and their rack/support systems; direct current (DC) and communications cables connecting the panels to inverters; the inverters, with their support platforms, control electronics, and step-up transformers; buried alternate current (AC) medium voltage collector circuits; fencing and gates around each array of modules; access roads; temporary laydown/construction support areas; a medium voltage-to-transmission voltage substation with associated equipment and fenced areas; a new 3-breaker ring bus point of interconnection (POI) switchyard; two adjacent approximately 305 foot-long 345 kV transmission line segments to interconnect the new POI switchyard to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; and an operations and maintenance (O&M) building with parking/storage areas as well as any other improvements subject to ORES jurisdiction.
- Facility Site:** The tax parcels proposed to host the Facility, which collectively totals 2,665.59 acres.
- Point of Interconnection (POI) or POI Switchyard:** A new 3-breaker ring bus point of interconnection switchyard will be constructed adjacent to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; the substation will tie into the new POI switchyard via an overhead span and deliver power produced from the Facility onto the electric grid through two overhead spans tapping the National Grid-owned Marcy – New Scotland 345-kV transmission line. The POI switchyard is located off Ingersoll Road in the northeastern portion of the Facility Site.

Limits of Disturbance (LOD):	The proposed limits of clearing and disturbance for construction of all Facility components and ancillary features are mapped as the LOD. The LOD encompasses the outer bounds of where construction may occur for the Facility, including all areas of clearing, grading, and temporary or permanent ground disturbance. This boundary includes the footprint of all major Facility components, defined work corridors, security fencing, and proposed planting modules, and incorporates areas utilized by construction vehicles and/or personnel to construct the Facility.
Project or Mill Point Solar I	Collectively refers to permitting, construction, and operation of the Facility, as well as proposed environmental protection measures and other efforts proposed by the Applicant.
Study Area:	In accordance with the Section 94-c Regulations, the Study Area for the Facility includes a radius of five miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses 96,784.84 acres, inclusive of the 2,665.59-acre Facility Site.
Impact Study Area	Based on the criteria set forth in Section 900-2.20 of the Section 94-c Regulations, the “Impact Study Area” for Environmental Justice consideration consists of a 0.5-mile radius around the Facility Site.

Acronym List

AC	Alternating current
BMP	Best Management Practices
CJWG	Climate Justice Working Group
CLCPA	Climate Leadership and Community Protection Act
DAC	Disadvantaged Community
dBA	A-weighted decibel
DC	Direct current
EPA	Environmental Protection Agency
HDD	Horizontal Directional Drilling
kV	Kilovolt
LOD	Limits of Disturbance
MW	Megawatt
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
O&M	Operations and Maintenance
ORES	Office of Renewable Energy Siting
PEJA	Potential Environmental Justice Area
POI	Point of Interconnection
PV	Photovoltaic
VIA	Visual Impact Assessment
VIMMP	Visual Impacts Minimization and Mitigation Plan
VSA	Visual Study Area
WHO	World Health Organization

EXHIBIT 19 ENVIRONMENTAL JUSTICE

19(a) Environmental Justice Analysis Methodology

The purpose of the Environmental Justice evaluation is to identify and evaluate significant and adverse impacts of the Mill Point Solar I Facility (Facility) on defined communities or populations. As set forth in Section 900-2.20 of the Section 94-c Regulations, the Applicant has defined the “Impact Study Area” for Environmental Justice consideration to consist of a 0.5-mile radius around the Facility Site. Although utility-scale solar generation facilities do not generate pollution nor result in adverse impacts to public health or the environment, the Applicant has analyzed if Environmental Justice areas are present in the Impact Study Area, and if potential adverse impacts from the Facility exists within them.

A Potential Environmental Justice Area (PEJA) is defined by New York 6 New York Codes, Rules and Regulations (NYCRR) Section 487.3¹ as an area with a population that meets 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 statistical analysis of American Community Survey data (NYSDEC 2021). The 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; or
- 26.28 percent or more of the population in a rural area reported themselves to be members of minority groups;² or
- 22.82 percent or more of the population in an urban or rural area had household incomes below the federal poverty level.³

¹Official 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/Ie9f1255ef2ab11e1837f0000845b8d3e?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/Ie9f1255ef2ab11e1837f0000845b8d3e?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

² *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.

³ The annual thresholds for the federal poverty level vary with household size and composition. In 2022, the poverty level for a family of four related persons with two children under age 18 was \$ 29,678. For more information, see <https://www2.census.gov/programs-surveys/cps/tables/time-series/historical-poverty-thresholds/thresh22.xlsx>

The Impact Study Area is contained within four block groups in Montgomery County (Figure 19-1).

Table 19-1 below presents the low-income and minority populations for the block groups containing the Impact Study Area.

Table 19-1. Demographics

Block Group	Low-income Population	Minority Population (non-white and/or Hispanic)	Potential EJ Area
Montgomery County			
BG 3, Tract 722	16.7%	2.7%	No
BG 4, Tract 722	8.7%	6.7%	No
BG 1, Tract 727 (Host)	11.0%	8.9%	No
BG 2, Tract 727(Host)	24.4%	3.9%	Yes

Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates. (U.S. Census Bureau 2024)
 Note: Host block groups are ones in which Project facilities are located.

Based on the review of the minority and low-income population of these block groups, the Impact Study Area, which included a 0.5-mile buffer around the Facility Site, includes one PEJA (Block Group 2, Tract 727), as defined by NYSDEC. Members of the Amish community live on Logtown Road, south of the Facility Site in the PEJA. Outreach efforts to the Amish community are summarized in Exhibit 2, Sections 2(a) and 2(b).

The Impact Study Area consists of 9,263.04-acres, which is inclusive of the 2,665.59-acre Facility Site. The Impact Study Area was evaluated to determine the presence of Disadvantaged Communities (DACs), as identified by the New York Climate Justice Working Group (CJWG). DACs are communities (Census tracts) that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households. The Climate Leadership and Community Protection Act (CLCPA or Climate Act) required the CJWG to establish criteria to identify DACs statewide. The CJWG has released DAC criteria maps based on the criteria adopted in March 2023. As shown in Figure 19-2, the Impact Study Area is located inside two DACs (NYCJWG 2024). Census tracts 722 and 727 are both designated DACs under the CJWG criteria.

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 Site, found that one PEJA is present, based on the revised thresholds established by the NYSDEC (Figure 19-1). The portion of the PEJA within the Impact Study Area totals approximately 5,682.21 acres (61.3 percent of total Impact Study Area acreage). The Impact Study Area contained is within two DACs, with Tract 727 including the Facility and Tract 722 including the buffer only⁴. A review of potential Project impacts to noise (Exhibit 7. Noise and Vibration), visual resources (Exhibit 8. Visual Impacts), and transportation (Exhibit 16. Effects on Transportation) to the PEJA is detailed in the following sections.

Noise and Vibration

A detailed analysis of the potential sound impacts associated with the Facility's construction and operation was conducted (see Exhibit 7. Noise and Vibration). Construction noise modeling was performed for the main phases of construction and from activities at the proposed laydown areas. Two areas within the Facility Site were chosen to evaluate construction sound levels: the area closest to the solar array panels (Area 1) and the area in the vicinity of the closest Horizontal Directional Drilling (HDD) entry point (Area 2).⁵ For Area 1 in the PEJA and in DACs, the highest sound levels at non-participating receptors are 60 A-weighted decibels (dBA) during site preparation and grading (which has a duration of 3 months), 62 dBA during trenching and road construction (which has a duration of 3 months), 61 dBA during equipment installation (which has a duration of 1 year), and 26 dBA during commissioning (which has a duration of 2 months). For Area 2 in the PEJA and in DACs, the highest sound level at non-participating receptors is 67 dBA during HDD (which has a duration of 2 months). Sound levels during construction between 60 and 65 dBA are approximately the sound level of a business office (Yale University Environmental Health and Safety 2024) and therefore, no significant adverse impacts are expected to occur. Noise impacts associated with construction will be temporary and only occur during daytime hours throughout the expected 12–18-month construction timeline.

⁴ Census Tract 722 is further from the Facility's construction and operations; therefore, ambient impacts will be lower than those occurring in Census Tract 727, which includes the PEJA.

⁵ Sound Receptors in the PEJA are included for Area 1 in Figure 7-j.1 and Area 2 in 7-j.2. Worst Case Totals for Non-Participating Receptors in the PEJA are included for Area 1 in Table 7-6.1 and Area 2 in Table 7-6.2

Sound impacts during worst-case operation of the inverters and substation were also calculated. The highest mitigated sound level at residential receptors in the PEJA under worst-case operation (daytime) is 31 dBA for non-participating receptors. In DACs, the highest mitigated sound level at residential receptors is 32 dBA. Both sound levels are below the requirements as set forth in Section 900-2.8(b)(2) of the 94-c Regulations. For comparison, sound levels at 40 dBA are approximately the sound level of a suburban area at night (Yale University Environmental Health and Safety 2024). The noise levels during Facility operation will comply with Section 94-c noise level requirements. As a result, minimal noise impacts are associated with Facility operation, with minimal noise impacts to the PEJA and the DACs.

Visual

As described in Exhibit 8. Visual Impacts, a solar array viewshed analysis was conducted to assess visual impacts from the Facility within the Visual Study Area (VSA). The VSA is established as a two-mile radius around the fence perimeter of the proposed Facility in accordance with Section 900.2.9 of the 94-c regulations. The solar array viewshed analysis presented in Figure 4 of the Visual Impact Assessment (VIA) in Exhibit 8, Appendix 8-1 indicates that some visibility of the proposed solar arrays and supporting infrastructure is expected within the VSA. These data suggest that less than one percent of predicted visibility may occur in sensitive locations, such as developed areas (villages, residential, commercial, etc.), open areas (parks, cemeteries, greenspace, etc.), and rivers (Mohawk River and Schoharie Creek). Overall, less visibility will occur on non-participating properties than on participating properties. Additionally, a Glare Analysis (Exhibit 8, Appendix 8-1, Attachment 6C) was conducted to evaluate the potential effects of solar array glint and glare. According to the results of the Glare Analysis, residences and roadways in vicinity to the Facility will not be impacted. Overall, the results from VIA indicate that, although nearby locations are anticipated to have moderately strong views of the Facility, the Facility will not detract from any significant unique or scenic visual landscape. Moreover, the VIA indicates that, at locations where the existing landscape has moderate scenic quality, the Facility's visual contrast is not expected to detract from existing views. Therefore, the Applicant does not anticipate significant impacts to visual resources within the PEJA or the DACs.

Transportation

As described in Exhibit 16. Effects on Transportation, potential transportation-related impacts from Facility construction will largely be from proposed routes for construction vehicles. These haul routes are shown in Exhibit 16, Figure 16-1. The operational phase will not include heavy

vehicle traffic. Further, the operational phase workforce will not affect traffic around the Facility Site and is not anticipated to have an added impact to adjacent roadways. During construction, equipment delivery via heavy vehicles to the Facility Site will be primarily via New York State Route 30A directly to internal Facility access roads serving the Facility Site. A total of 1,425 loaded trips are expected to transport equipment required for Facility construction. Access roads within the PEJA are anticipated to be off of: Mary's Lane, Van Epps Road, Mile Level Road, Ingersoll Road, New York State Route 30A, Auriesville Road, Egleston Road, and Fisher Road. Travel on these roads will mainly be near the participating parcels. Other roads in PEJA are not expected to be impacted, including roads which are more heavily populated. Based on staffing requirements, as discussed in Exhibit 18. Socioeconomic Effects, little to no transportation effects are anticipated within the PEJA or the DACs (see Exhibit 16. Effects on Transportation).

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

As required under Section 94-c, the Applicant has prepared the relevant and appropriate studies and analyses to inform the completion of the exhibits which demonstrate that the Applicant has designed the Facility to minimize, mitigate, and avoid impacts to the maximum extent practicable in the Impact Study Area and, by extension, the PEJA and DACs. These analyses were performed within the Facility Site and associated specified Study Area distances in accordance with Section 94-c (five-mile radius of Facility Site unless otherwise noted). To mitigate impacts to the PEJA and DAC within the Facility Site, the Applicant is committed to coordination and communication with the community.

The Applicant will communicate with the public to provide notification at the commencement of construction in accordance with the requirements of 94-c. Most of the construction will occur at significant distances to sensitive receptors, such as schools, daycare centers, hospitals, eldercare facilities, parks, and houses of worship.⁶ There are a few locations where construction will be adjacent to non-participating residences within the PEJA and DAC (Census Tract 727).⁷ Construction noise will be minimized in the PEJA and DACs and throughout the Impact Study Area using best management practices (BMPs) as described in Exhibit 7. Noise and Vibration. in

⁶ Based on review of sensitive receptors locations as identified by U.S. Environmental Protection Agency's Environmental Justice Screening and Mapping Tool (EJScreen 2.2). (EPA 2024)

⁷ Full information concerning non-participating residences and other receptors in proximity of the Project can be seen in Figure 7-j.1, Figure 7-j.2, and Table 7.

addition, the Applicant will have a Complaint Resolution Plan in place to address complaints. These BMPs include, but are not limited to:

- Limiting HDD to daytime hours.
- Utilizing construction equipment fitted with exhaust systems and mufflers that have the lowest associated noise and maintaining functioning mufflers on all transportation and construction machinery.
- Maintaining equipment and surface irregularities on construction sites to prevent unnecessary noise.
- Configuring construction in a manner that keeps loud equipment and activities as far as possible from noise-sensitive locations.
- Using back-up alarms with a minimum increment above the background noise level.
- Developing a staging plan that establishes equipment and material staging areas away from sensitive receptors.
- Using approved haul routes to minimize noise at sensitive noise receptors.

The operational noise emitted by the solar arrays is limited to daytime periods. The Project will use sound barrier walls at the substation and select inverters to minimize noise. Additional mitigation includes a quieted substation transformer with a noise level 10 dB below the National Electrical Manufacturers Association's industry standard for transformers. With mitigation, the highest sound level during operations (daytime) is modeled to be 32 dBA at a non-participating residence which is located outside of the PEJA but within the DAC in Census Tract 727.⁸ Within the PEJA, the highest modeled sound level during operations at a non-participating residence is 31 dBA. The Applicant will coordinate with the local school districts to avoid impacts and delays to bus routes throughout the construction process. Local school districts will be advised in advance of any road closures so that alternatives routes can be developed. It is expected that overall impacts to the local school districts busing program will be minimal and no significant mitigation exceeding ongoing coordination is recommended. Similar coordination will be performed with the appropriate Public Transportation bus providers.

⁸ The World Health Organization (WHO) recommends that noise exposure levels should not exceed 70 dB over a 24-hour period, and 85 dB over a 1-hour period to avoid hearing impairment. (CDC 2024).

The Applicant has and will continue to coordinate with local emergency service providers throughout the construction period, so that they are aware of any sporadic road closures that may impact their routing decisions during the duration of the closure. They will also be kept informed of expected site work and number of workers so that emergency response can be planned in advance. It is expected that overall impacts to the local emergency service providers will be minimal and no significant mitigation exceeding ongoing coordination is recommended. Under a Road Use and Restoration Agreement with the relevant authority (State, County, or Town, as applicable), the Applicant will repair damage to roads caused by heavy equipment or construction activities related to the Facility thereby restoring the affected roads to a condition equal to or better than documented by a pre-construction survey. Roads will be maintained in good working order during construction and operation.

To mitigate visual impacts from the Facility to the PEJA, the Applicant has created a Visual Impacts Minimization and Mitigation Plan (VIMMP) (Exhibit 8, Appendix 8-1, Attachment 6) that includes the following proposed mitigation alternatives:

- The Project will use panels that are light sensitive on both sides (which generate more electricity than single-sided panels), minimizing the Facility's visible footprint while still meeting the required megawatt (MW) capacity.
- Single axis trackers will be used in lieu of fixed-tilt panels contributing to a lower height profile and reduction in potential glare.
- A camouflage effect will be employed through selection of component placement, design, and color.
- Transmission structures facilitating the Point of Interconnection (POI) shall have a non-glare, dark brown or green weathered steel finish.
- Where available, Facility components are sited behind existing perimeter vegetation. At locations where existing vegetation is not available, such as in open agricultural fields, the Applicant has proposed a robust landscaping plan for a screening effect.
- The Facility will not host any lighting fixtures aside from at the substation and POI switchyard. Lighting has been designed to provide an average of at least 2 foot-candles to eliminate unnecessary light trespass beyond the substation and switchyard, and light fixtures will be mounted at a height not to exceed 30 feet and will not be illuminated during unoccupied periods. The full Lighting Plan for the substation and the POI switchyard is

included in Exhibit 5, Appendix 5-3, Sheets MPS-E-210-21 and MPS-E-210-22, respectively. Additionally, an abbreviated Lighting Plan (Plan 6B) is included in Attachment 6 of the VIA (Exhibit 8, Appendix 8-1).

- During construction, dust control measures are proposed as referenced in the guidelines provisioned in the Civil Notes of General Environmental Restrictions in Appendix 5-1 of Exhibit 5. Design Drawings.

Based on the location of the PEJA and DACs relative to the Facility, visual resources for residences in the PEJA will be minimally impacted by the Facility and mitigated during construction and operations through appropriate measures.

19(d) Summary of Environmental Justice Analysis

A review of the Facility Site and its 0.5-mile buffer found that there is one PEJA present, according to the thresholds established by NYSDEC. Additionally, the Impact Study Area includes two DACs, according to the CJWG mapping. Based on the analyses detailed above, no significant and adverse disproportionate effects on populations in PEJAs or DACs are expected to arise from the construction and operation and maintenance of the Facility. The Applicant will avoid and/or minimize any significant and adverse disproportionate environmental impacts of the Project should they arise, to the maximum extent practicable for all local communities.

19(e) References

Center for Disease Control (CDC). 2024. Loud Noise Can Cause Hearing Loss: Public Health and Scientific Information. Available at: https://www.cdc.gov/nceh/hearing_loss/public_health_scientific_info.html. Accessed January 2024.

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Yale University Environmental Health and Safety. 2024. Decibel Level Comparison Chart. Available at: <https://ehs.yale.edu/noise-hearing-conservation>. Accessed January 2024.