

## **A. INTRODUCTION**

### **OVERVIEW**

This environmental justice (EJ) analysis has been prepared to identify and address any potential disproportionate adverse impacts on minority or low-income populations that could result from the proposed transmission line (i.e. Direct Route Alternative). The concept of performing an environmental justice analysis is related to the establishment of Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations* (February 11, 1994). Certain state agencies, such as the New York State Department of Environmental Conservation (NYSDEC), have developed their own policies for incorporating environmental justice concerns into environmental review. This EJ analysis has been prepared as a conservative measure in response to community concerns raised during the project's ongoing public outreach and participation process concerning the project's potential to cause disproportionate adverse impacts on minority or low-income populations.

### **METHODOLOGY**

This EJ analysis follows NYSDEC's guidance and methodology for incorporating environmental justice concerns into environmental review. On March 19, 2003, NYSDEC issued *Commissioner's Policy (CP)-29 Environmental Justice and Permitting* (the Policy), to address environmental justice concerns and ensure community participation in the NYSDEC environmental permit review process and the NYSDEC application of the State Environmental Quality Review Act. The Policy is intended to encourage meaningful public participation by minority or low-income communities in the environmental review process and to assist NYSDEC in addressing any adverse impacts on minority and low-income communities.

As set forth in the Policy, "Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences."

Following NYSDEC guidance, this EJ analysis involved identifying potential adverse environmental impacts and the area to be affected (i.e., establishing a study area) and determining whether potential adverse environmental impacts are likely to affect a potential environmental justice area (i.e., assessing whether low-income and/or minority populations are present in the study area). In addition, in accordance with the Policy, existing sources of pollution or similar facility types in the study area were analyzed in order to establish the baseline conditions against which project impacts were assessed. Further, the assessment of potential impacts from the Direct Route Alternative involved a determination of whether those impacts in combination with existing environmental burdens in the study area would affect

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minority and low-income populations disproportionately. In addition, a summary of the project's public participation program to date is included at the end of this chapter.

### *DELINIATION OF STUDY AREA*

The study area for this EJ analysis was defined to include all census block groups substantially within one mile of the proposed transmission line corridor, or the area where any potential impacts resulting from the Direct Route Alternative could occur. Where census block groups were not substantially captured by the 1-mile study area, but included portions of the proposed transmission line corridor, those census block groups were also included in the analysis. As a result, the study area for this EJ analysis incorporates a substantially larger area than could actually be affected by the potential impacts of the Direct Route Alternative, but nevertheless serves as the basis for a conservative analysis. Figure 16-1 depicts the ten census block groups in the environmental justice study area for the Direct Route Alternative. These include Census Tract (CT) 1907.04 Block Group (BG) 1, CT 1907.04 BG 3, CT 1907.04 BG 4, CT 1907.06 BG 3, CT 1907.06 BG 4, CT 1907.07 BG 2, CT 1907.07 BG 3, CT 1908 BG 1, CT 1908 BG 2, and CT 1908 BG 4.

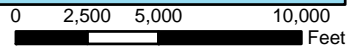
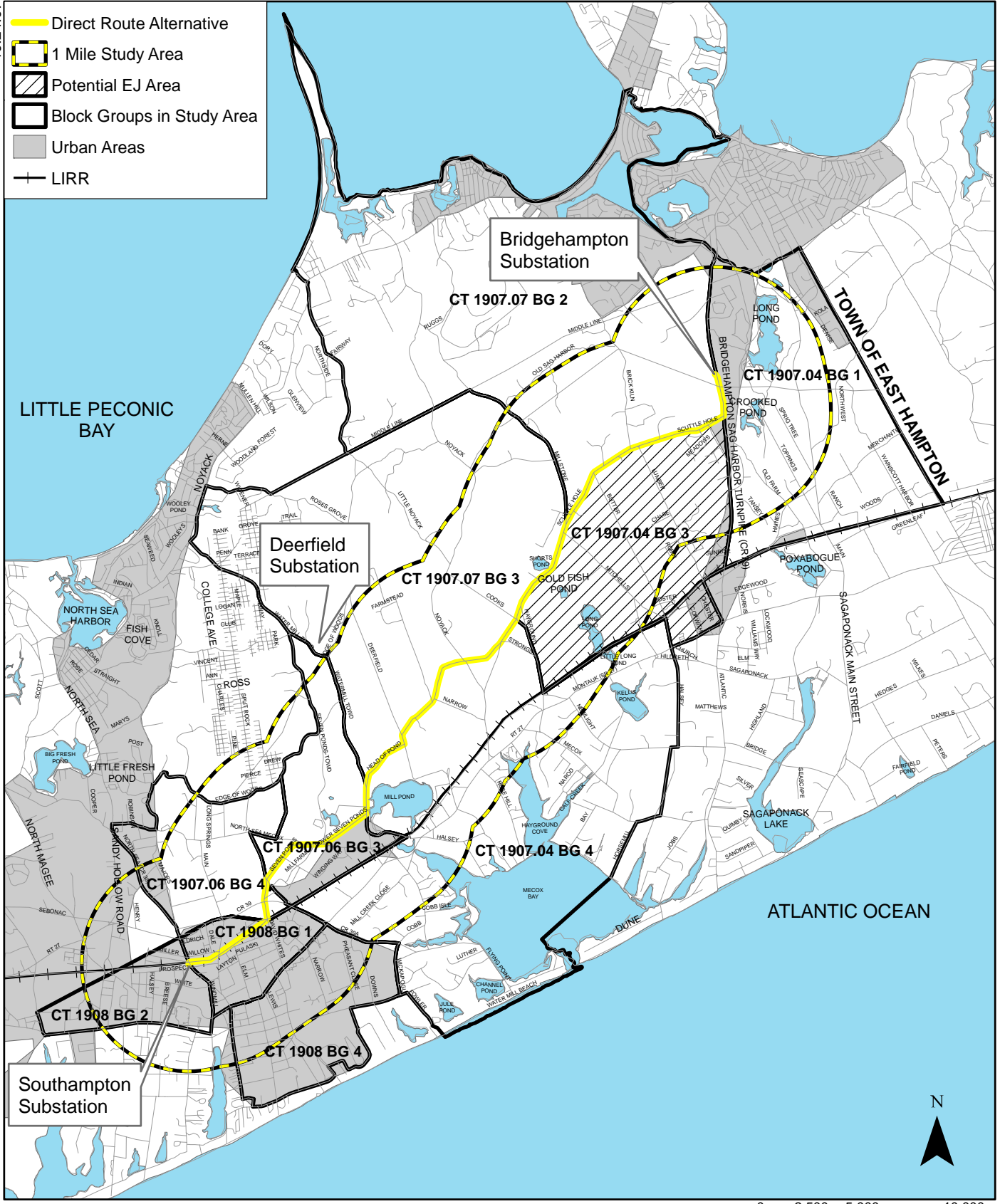
### *IDENTIFY POTENTIAL ENVIRONMENTAL JUSTICE AREAS*

The next step in the analysis was to determine whether low-income or minority communities ("potential environmental justice areas") are present in the study area. Following NYSDEC's methodology, to identify significant minority and low-income populations within the study area, demographic information was obtained from the U.S. Census Bureau's *Census 2000*. Demographic data such as total population, race and ethnicity, and poverty status were compiled at the census block group level for each census block group in the environmental justice study area. In addition, data were compiled for Southampton Town and Suffolk County as a whole to allow for a comparison of study area characteristics to a larger reference area.

According to the Policy, potential environmental justice areas include minority or low-income communities. Those communities are defined as follows:

- *Minority communities:* NYSDEC's policy defines minorities to include Hispanics, African-Americans or Black persons, Asian Americans and Pacific Islanders, and American Indians. This EJ analysis also considers minority populations to include Alaskan Natives as well as persons who identified themselves as being either "some other race" or "two or more races" in *Census 2000*. Following NYSDEC guidance, a minority community is a census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1 percent of the total population in an urban area and 33.8 percent of the total population in a rural area. The EJ study area includes both urban and rural areas, as established by the U.S. Census Bureau. Therefore, as a conservative measure, any census block group with a minority population equal to or greater than 33.8 percent was considered to be a potential environmental justice area.
- *Low-income communities:* The Policy defines a low-income population as a population with an annual income below the poverty threshold as defined by the U.S. Census Bureau. For each census block group in the study area, data were compiled on the percentage of persons living below the poverty threshold. The Policy defines a low-income community to be any area where the low-income population (i.e., persons living below the poverty threshold) is equal to or greater than 23.59 percent of the total population.

- Direct Route Alternative
- 1 Mile Study Area
- Potential EJ Area
- Block Groups in Study Area
- Urban Areas
- LIRR



**B. IDENTIFICATION OF POTENTIAL ENVIRONMENTAL JUSTICE AREAS WITHIN THE STUDY AREA**

Using the methodology described above, one census block group within the study area is considered a potential community of concern for environmental justice, as shown in Figure 16-1. CT 1907.04 BG 3 includes a minority population totaling 41.7 percent (see Table 16-1). This census block group is classified as both urban and rural as defined by the U.S. Census Bureau (see Figure 16-1). As discussed above, this EJ analysis conservatively identifies minority communities where the total minority population exceeds NYSDEC’s 33.8 percent threshold for identifying minority communities in rural areas.

**Table 16-1  
Study Area Population and Economic Characteristics**

Census Block Groups	Population (2000)												Economic Profile (1999)
	2000 Total	Race and Ethnicity*										Total Minority (%)	Individuals Below Poverty Level (%)**
		White	%	Black	%	Asian	%	Other	%	Hispanic	%		
CT 1907.04 BG 1	963	851	88.4	46	4.8	6	0.6	12	1.2	48	5.0	11.6	0.52
CT 1907.04 BG 3	521	304	58.3	183	35.1	2	0.4	12	2.3	20	3.8	41.7	14.44
CT 1907.04 BG 4	917	836	91.2	27	2.9	7	0.8	4	0.4	43	4.7	8.8	2.88
CT 1907.06 BG 3	406	394	97.0	4	1.0	4	1.0	1	0.2	3	0.7	3.0	20.51
CT 1907.06 BG 4	750	673	89.7	14	1.9	4	0.5	3	0.4	56	7.5	10.3	1.89
CT 1907.07 BG 2	2,774	2,571	92.7	25	0.9	22	0.8	25	0.9	131	4.7	7.3	3.83
CT 1907.07 BG 3	1,091	1,043	95.6	6	0.5	7	0.6	4	0.4	31	2.8	4.4	6.14
CT 1908 BG 1	1,513	1,056	69.8	210	13.9	11	0.7	28	1.9	208	13.7	30.2	9.60
CT 1908 BG 2	1,145	764	66.7	277	24.2	15	1.3	23	2.0	66	5.8	33.3	3.56
CT 1908 BG 4	774	713	92.1	6	0.8	5	0.6	9	1.2	41	5.3	7.9	6.35
Study Area	10,854	9,205	84.8	798	7.4	83	0.8	121	1.1	647	6.0	15.2	5.62
Southampton Town	54,712	45,212	82.6	3,491	6.4	454	0.8	855	1.6	4,700	8.6	17.4	8.31
Suffolk County	1,419,369	1,118,405	78.8	93,262	6.6	34,355	2.4	23,936	1.7	149,411	10.5	21.2	5.97

**Notes:**

\* The racial and ethnic categories provided are further defined as: White (White alone, not Hispanic or Latino); Black (Black or African American alone, not Hispanic or Latino); Asian (Asian alone, not Hispanic or Latino); Other (American Indian and Alaska Native alone, not Hispanic or Latino; Native Hawaiian and Other Pacific Islander alone, not Hispanic or Latino; Some other race alone, not Hispanic or Latino; Two or more races, not Hispanic or Latino); Hispanic (Hispanic or Latino; Persons of Hispanic origin may be of any race).

\*\* Percent of individuals with incomes below established poverty level. The U.S. Census Bureau’s established income threshold for poverty level defines poverty level.

**Bold** indicates greater than NYSDEC threshold for identifying minority communities.

**Source:** U.S. Census Bureau, Census 2000.

According to *Census 2000*, the study area has a total population of 10,854 residents, of which approximately 15.2 percent is minority—well below the 33.8 percent threshold and also lower than in Southampton Town (17.4 percent) and Suffolk County as a whole (21.2 percent). Except for CT 1907.04 BG 3, the block groups in the study area are not considered minority communities and have minority populations ranging from 3.0 percent to 33.3 percent. CT 1907.04 BG 3 has a minority population of 41.7 percent, making it a minority community according to the NYSDEC criteria.

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As shown in Table 16-1, about 5.62 percent of the residents in the study area live below the poverty level (compared to approximately 8.31 percent in Southampton Town and 5.97 percent in Suffolk County as a whole). The percentage of the total population living below the poverty threshold in each block group ranges from 0.52 percent to 20.51 percent. Therefore, the low-income population of the study area and of each of the study area's block groups does not exceed NYSDEC's 23.59 percent threshold for identifying low-income communities.

### **C. ANALYSIS OF EXISTING ENVIRONMENTAL BURDENS IN THE STUDY AREA**

In accordance with the Policy, existing sources of pollution or similar facility types in the study area should be considered in order to establish the baseline conditions against which project impacts are assessed.

An existing transmission line is located approximately one mile northwest of the proposed Direct Route Alternative. This line travels through non-minority and non-low-income communities.

As discussed in Chapter 10, "Hazardous Materials," a review of regulatory records indicated that the Direct Route Alternative corridor contains numerous Hazardous Waste Generators / Transporters, Hazardous Material Spills, underground storage tanks (USTs), and Petroleum Bulk Storage Sites. The complete Toxics Targeting Environmental Report is attached in Appendix F. The Phase I Environmental Site Assessment (ESA) identified various potential classes/sources of contaminated materials at various sites in the Direct Route Alternative corridor, including volatile organic compounds from former or current gasoline tanks; semi-volatile organic compounds from urban fill material or petroleum tanks; polychlorinated biphenyls in the subsurface from manufacturing and industrial operations; subsurface metal contamination from remnant ammunition and casings in the shooting areas at the Bridgehampton Substation property; pesticides, herbicides, and rodenticides from agricultural uses; aboveground or underground fuel oil or gasoline storage tanks; historic coal yards; fill material of unknown origin; asbestos and lead-based paint in older buildings; and the presence of rail road tracks, which have been known to contaminate surrounding soils. Overall, given the history of this area, wide spread contamination of the soil or the groundwater is unlikely.

There are no other similar types of facilities or existing sources of pollution in the study area that, when combined with the proposed transmission line, have the potential to result in cumulative adverse impacts on the potential environmental justice area. In summary, the study area is not considered to be overburdened by sources of pollution or types of uses similar to the one proposed.

### **D. ANALYSIS OF THE POTENTIAL FOR ADVERSE IMPACTS IN THE STUDY AREA**

The technical analyses included in the previous chapters of this EIS analyze the potential impacts of the Direct Route Alternative in combination with conditions expected in the surrounding area in the future without the proposed transmission line, including the existing environmental burdens presented above. These analyses therefore consider the cumulative, or combined, effects of the Direct Route Alternative together with the baseline condition, which includes other sources of pollution and similar facility types in the study area. This is consistent

with the requirements of NYSDEC’s environmental justice policy, which notes that under existing regulations, NYSDEC must consider other sources of pollution or similar facility types in order to establish the baseline conditions against which project impacts will be assessed.

The analyses performed for all impact analysis areas demonstrated that there would not be any potential significant adverse impacts from operation or construction of the proposed transmission line. As discussed in Chapter 10, “Hazardous Materials,” the potential for adverse impacts due to the presence of subsurface contamination would be avoided by ensuring that construction activities are performed in accordance with a series of protocols, including a Health and Safety Plan (HASP), a Remedial Action Plan (RAP), applicable Occupational Safety and Health Administration regulations, and all other applicable federal, state, and local requirements. With the implementation of these protocols, no significant adverse impacts related to hazardous materials would result from demolition and/or construction activities related to the Direct Route Alternative. Following construction, there would be no further potential for significant adverse impacts.

Further, potential impacts associated with construction would be temporary and therefore are not considered significant (see Chapter 15, “Construction”). Moreover, mitigation measures would be in place to minimize any potential impacts (see Chapter 17, “Mitigation”). Therefore, the Direct Route Alternative would not pose any additional significant burden on the minority and low-income populations within the study area.

## **E. CONCLUSIONS ON DISPROPORTIONATE ADVERSE IMPACTS**

In summary, the study area as a whole is not considered a potential environmental justice area. Approximately 85 and 94 percent of the study area is made up of non-minority and non-low-income populations, respectively. While the study area includes one minority community—CT 1907.04 BG 3 in the northeastern portion of the study area—this community would not be adversely affected by construction or operation of the proposed transmission line, based on a review of the other chapters included in this EIS. As noted above, the Direct Route Alternative would not result in significant adverse impacts on the surrounding communities during construction or operation. This conclusion considers the potential for cumulative impacts from the proposed transmission line in conjunction with other similar facilities located in the area. Therefore, the Direct Route Alternative is not expected to result in any disproportionate significant adverse impacts on minority or low-income populations. Moreover, as discussed below, the project includes an extensive public outreach program to the affected communities, including minority and low-income populations in the study area, providing these groups with ample opportunity to have any of their concerns addressed (see “Public Participation,” below).

## **F. PUBLIC PARTICIPATION**

In accordance with NYSDEC’S *CP-29 Environmental Justice and Permitting*, LIPA has conducted an extensive public and agency outreach and participation process in association with the Direct Route Alternative. Public participation has been actively sought from the potentially affected communities, including those with significant minority and low-income populations, throughout the environmental review process. The purpose of the public and agency outreach process was to encourage communication among all interested entities regarding the development of alternatives and configurations. As discussed in Chapter 1, “Project Description,” numerous meetings and outreach efforts related to the Direct Route Alternative have been conducted to date. In addition, LIPA utilized local and regional newspapers and direct mailings to notify interested entities of any public meetings. \*