

A. INTRODUCTION

This chapter relies on the analysis from the Fresh Kills Park Final Generic Environmental Impact Statement (FGEIS) and summarizes the conclusions drawn from that analysis. No additional analysis was warranted for this SEIS as it pertains to Chapter 27, “Environmental Justice.”

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 project. The need for 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 (DEC), have developed their own policies for incorporating environmental justice concerns into environmental review. This EJ analysis follows DEC’s guidance and methodology for incorporating environmental justice concerns into environmental review. On March 19, 2003, DEC issued *Commissioner’s Policy (CP)-29 Environmental Justice and Permitting* (the Policy), to address environmental justice concerns and ensure community participation in the DEC environmental permit review process and the DEC 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 DEC in addressing any adverse impacts on minority and low-income communities.

This EJ analysis has been prepared as a way to assess if the proposed project could cause disproportionate adverse impacts on minority or low-income populations. It can be applied in this SEIS in support of the state and federal permits that are required for the project.

B. METHODOLOGY

As set forth in the DEC policy regarding environmental justice analyses, “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 DEC guidance, this EJ analysis involved identifying the area that may be potentially affected by adverse environmental impacts from the proposed project (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), as discussed in greater detail below.

DELINEATION OF STUDY AREA

The study area for this EJ analysis was defined to include all census block groups substantially within a half-mile of the proposed project, or the area where any potential impacts resulting from the project could occur.

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. In accordance with DEC’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 Staten Island and New York City 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:* DEC’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 DEC 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 only urban areas, as established by the U.S. Census Bureau. Therefore, any census block group with a minority population equal to or greater than 51.1 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.

C. CONCLUSIONS ON DISPROPORTIONATE ADVERSE IMPACTS

In summary, the study area as a whole is not considered a potential environmental justice area and there are no block groups within the study area that exceed DEC thresholds for minority or low-income communities. Approximately 80 percent of the study area is comprised of non-minority populations, and 94 percent is made up of non-low-income populations. Therefore, the proposed project is not expected to result in any disproportionate significant adverse impacts on minority or low-income populations. *