

**DEP 24-1 Permitting and Disadvantaged Communities - Summary**

May 8, 2024

**Key Notes:**

- Projects subject to this policy include sources and activities of a continuing nature associated with any new emission sources, permit renewals, or permit modifications that would result in actual increases of GHG and co-pollutants.
- The affected area of the proposed action includes the facility itself and areas reasonably expected to experience off-site impacts from GHGs, and co-pollutants associated with operation of the facility. Off-site impacts are those that a proposed action may have at a distance from the site based upon modeling. For example, a natural gas fired power plant may impact the air quality of an adjacent or nearby disadvantaged community.
- If a disadvantaged community is identified and is located within the affected area as determined above, the proposed action is considered likely to affect the disadvantaged community and the remainder of these procedures will be incorporated into the review. Permit applications subject to this policy require enhanced public participation pursuant to 6 NYCRR 621.3(a)(13), following the procedural guidance for an enhanced public participation plan under CP-29. As part of the enhanced public participation plan, the applicant must solicit input from members of the disadvantaged community regarding the proposed project design considerations.
- Where an increase to the existing burden to the disadvantaged community is identified, proposed project design considerations including a description of actions to be taken to reduce or eliminate disproportionate burdens associated with GHG.
- Any project design measures that are used to support a final determination regarding disproportionate burden should result in measurable GHG emissions reduction, co-pollutant emission reduction that is in addition to actions already required by law or regulation and that lessen the burden on the community that has been initially identified to be disproportionately burdened.
- Some projects subject to Section 7(3) of the CLCPA will also be subject to Section 7(2). Information provided as part of the Section 7(2) analysis can be similarly used to identify project design measures, that also address Section 7(3), as part of the disproportionate burden analysis. In no specific order, examples of potential project design measures include, but are not limited to:
  - Use of electric powered equipment instead of fossil fuel powered equipment, including electric vehicles;
  - Use of lower emission technologies;
  - Use of alternative process technologies that would reduce or eliminate GHG emissions or co-pollutants;
  - Financial mitigation, such as providing funds for GHG or co-pollutant emissions reduction projects in the local disadvantaged community;
  - Operational mitigation, such as limitations on the amount of fossil fuel combusted at the project or the allowable hours of operation for the project;

- Designing truck travel routes that avoid, or minimize impact to, disadvantaged communities;
- Adding electric vehicle charging stations at the facility or in the local disadvantaged community; and
- Physical mitigation, such as the planting and upkeep of trees, green infrastructure, or other means of carbon sequestration.

