EXHIBIT 23

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Department of Environmental Conservation

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The Environmental Justice Siting Law

The Environmental Justice Siting Law (EJ Siting Law) recognizes that as a result of the inequitable pattern of land use decisions and siting of environmental facilities, disadvantaged communities bear a greater environmental health burden due to the cumulative pollution exposure from multiple facilities. This nation leading law requires the consideration of impacts and existing burdens in disadvantaged communities to ensure no community bears a disproportionate pollution burden and seeks to actively reduce any such burden for all communities. Specifically, the EJ Siting Law amends articles 8 and 70 of the Environmental Conservation Law (ECL), the State Environmental Quality Review Act (SEQR), and the Uniform Procedures Act (UPA), respectively.

EJ Siting Law in SEQR

The EJ Siting Law requires agencies under SEQR to consider whether an action may cause or increase a disproportionate pollution burden on a disadvantaged community (DAC) <https://climate.ny.gov/resources/disadvantaged-communities-criteria/> as part of the determination of significance for a proposed action and include an evaluation of whether the proposed action causes or increases any disproportionate pollution burden in a DAC where an environmental impact statement is required.

In May 2026, DEC finalized SEQR regulations </regulatory/regulations/proposed-emergency-recently-adopted-regulations/state-environmental-quality-review-act-regulatory-revisions> (SEQR, 6 NYCRR 617) which incorporate these SEQR-related requirements of the EJ Siting Law. This includes changes to both the text of the SEQR regulations and to the environmental assessment forms (EAFs) to include additional questions focused on DACs. The regulations support lead agencies in fulfilling their requirement to identify the potential impact of an action on DACs when making a significance determination and, where required, in preparing an environmental impact statement. **The adopted amendments become effective June 12, 2026.**

The amendments also include a new Disadvantaged Community Assessment Tool (DACAT) <https://storymaps.arcgis.com/stories/7f0ffdde675e4e3788632c1b4cce6c0a>. The DACAT is intended to be an initial screening tool to identify DAC census tracts that may warrant further consideration, analysis, and community input based on existing cumulative scores of Environmental Burden and Population Vulnerability.

To read more about the amendments to SEQR under the EJ Siting Law or to comment on the proposal, you can visit the rulemaking page </regulatory/regulations/proposed-emergency-recently-adopted-regulations/state-environmental-quality-review-act-regulatory-revisions>.

EJ Siting Law in DEC Permitting

The EJ Siting Law requires DEC to enhance consideration of environmental justice when reviewing and making decisions regarding applicable Uniform Procedures Act (UPA) permits.

Specifically, the EJ Siting Law includes the following changes to UPA:

- Creates a new section 70-0118, titled “Disproportionate Impacts on Disadvantaged Communities.”

- Creates new requirements for certain DEC permits, called “applicable permits,” for new permits, modifications and renewals. General Permits are not included. An “applicable permit” is defined as DEC permits (excluding General Permits) that are applied for pursuant to the following provisions of the Environmental Conservation Law:
  - Title 15 of Article 15 [Water Withdrawal] for a facility withdrawing and using over 20 MGD of water for cooling purposes;
  - Art 17 [SPDES];
  - Art 19 [Air];
  - Title 17, Art 23 [LNG & Petroleum Gas];
  - Titles 3, 7, 9, or 11, Art 27 [Solid Waste – transport; solid waste & recycling facilities; siting of industrial hazardous waste]
- Requires DEC to consider as part of the permitting process existing burdens including whether an action may cause “de minimis” or a “significant increase” in existing disproportionate pollution burden on disadvantaged communities, whether the permit would serve an essential environmental, health, or safety need of the disadvantaged community for which there is no reasonable alternative, as well as any potential benefits of the project to the disadvantaged community. This analysis, and whether the permit application is for a new project or for a renewal or modification, will determine whether an existing burden report needs to be prepared.
- In the event that an existing burden report is required the report for certain applicable permits. The existing burden report must include an assessment of the following information:
  - (a) relevant baseline data on existing burdens, including from relevant criteria used to designate the particular disadvantaged communities pursuant to subdivision one of section 75–0111 of this chapter;
  - (b) the environmental or public health stressors already borne by the disadvantaged community as a result of existing conditions located in or affecting the disadvantaged community;
  - (c) the potential or projected contribution of the proposed action to existing pollution burdens in the community; and
  - (d) existing and potential benefits of the project to the community including increased housing supply, or alleviation of existing pollution burdens that may be provided by the project, including operational changes to the project that would reduce the pollution burden on the disadvantaged community.

Amendments to the UPA portion of the EJ Siting Law and scope for an existing burden report are in progress

More Information Related to Disadvantaged Communities

Disadvantaged Communities Criteria <https://climate.ny.gov/resources/disadvantaged-communities-criteria/>

DECinfo Locator </maps/interactive-maps/decinfo-locator>

DEP 24-1 - Permitting and Disadvantaged Communities </sites/default/files/2024-05/prgrmpolicy24dash1.pdf>

DEC’s Commissioner Policy on Environmental Justice and Permitting (CP-29) </regulatory/guidance-and-policy-documents/commissioner-policy-29-environmental-justice-and-permitting>

Disadvantaged Communities Assessment Tool (DACAT) <https://storymaps.arcgis.com/stories/7f0ffdde675e4e3788632c1b4cce6c0a>

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