

PMC-EF2a

(2.0 (02)

**U.S. DEPARTMENT OF ENERGY
EERE PROJECT MANAGEMENT CENTER
NEPA DETERMINATION**



RECIPIENT: The Comptrollers Texas State Energy Conservation Office

STATE: TX

PROJECT TITLE : TEXAS SEP ARRA - ALTERNATIVE FUELS AND TECHNOLOGY PROGRAM - SEP

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0000052	EE0000116	GFO-09-198-002	EE116

Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Order 451.1A), I have made the following determination:

CX, EA, EIS APPENDIX AND NUMBER:

Description:

- B5.1** Actions to conserve energy, demonstrate potential energy conservation, and promote energy-efficiency that do not increase the indoor concentrations of potentially harmful substances. These actions may involve financial and technical assistance to individuals (such as builders, owners, consultants, designers), organizations (such as utilities), and state and local governments. Covered actions include, but are not limited to: programmed lowering of thermostat settings, placement of timers on hot water heaters, installation of solar hot water systems, installation of efficient lighting, improvements in generator efficiency and appliance efficiency ratings, development of energy-efficient manufacturing or industrial practices, and small-scale conservation and renewable energy research and development and pilot projects. The actions could involve building renovations or new structures in commercial, residential, agricultural, or industrial sectors. These actions do not include rulemakings, standard-settings, or proposed DOE legislation.
- B2.5** Safety and environmental improvements of a facility, including replacement and upgrade of facility components, that do not result in a significant change in the expected useful life, design capacity, or function of the facility and during which operations may be suspended and then resumed. Improvements may include, but are not limited to: Replacement/upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors; addition of structural bracing to meet earthquake standards and/or sustain high wind loading; and replacement of aboveground or belowground tanks and related piping if there is no evidence of leakage, based on testing that meets performance requirements in 40 CFR part 280, subpart D (40 CFR part 280.40). This includes activities taken under RCRA, subtitle I; 40 CFR part 265, subpart J; 40 CFR part 280, subparts B, C, and D; and other applicable state, Federal and local requirements for underground storage tanks. These actions do not include rebuilding or modifying substantial portions of a facility, such as replacing a reactor vessel.

Rational for determination:

The State of Texas's SEP Grant for their Alternative Fuels and Technology Program will enable new equipment purchases and installations of CNG, LNG, E-85, and Bio-Diesel tanks within existing fueling stations on previously disturbed/public owned lands. The goal of the program is to create an alternative fuel infrastructure for city, county, and state owned vehicles. The program will also provide funding for the conversion of existing vehicles and/or funding for the incremental cost of the upgrade to a new Alt. Fuel vehicle, enabling them to run on ethanol, natural gas, and/or bio-diesel. This program will create or retain jobs, reduce greenhouse gas emissions and decrease our dependence on foreign oil.

Retrofit and refueling projects will be reimbursed at the following levels:

- Existing refueling facilities.
- Up to 80% of the incremental cost of hybrid electric vehicles as compared to conventional OEM vehicles.
- Up to 80% of the incremental cost of an Alternative Fuel Vehicle (AFV) purchase price is eligible for funding. AFVs are defined as light and heavy-duty vehicles that operate on CNG, LNG, LPG, or electricity. Original Equipment Manufacturer and EPA certified conversions are eligible.
- Diesel retrofits technologies that have been verified or certified by the U.S. EPA, CARB or other such boards/agencies are eligible for funding. Diesel retrofits include: engine re-powering (with alt fuel use), after-burn technologies but does not include fuel additives.
- Up to 80% of the cost of alternative fuel refueling infrastructure may be reimbursed. The value of land and existing related equipment may be considered as part of the required 20% match. Fair market land value must be stated when used as cost share. Old, outdated refueling infrastructure may not be used as cost share. Only equipment that will be directly used in the proposed project, like the value of an existing underground storage tank to store E85 that will be dispensed through refueling equipment is eligible to be used as cost share.

*-The alternative fuel refueling infrastructure is restricted to existing fueling facilities

In the performance of work in all program areas, grantees will be required to comply with all applicable federal, state and local laws, regulations and standards, including but not limited to the handling, storage, transportation and

disposal of waste. If a grantee proposes work that may affect an historic property or archaeological resource listed in or determined to be eligible for the National Register of Historic Places, the grantee will be required to comply with the requirements of Section 106 of the National Historic Preservation Act.

This project comprises actions to conserve energy and the upgrading of an existing facility's components; therefore they are CX'd under B5.1 and B2.5.

NEPA PROVISION

DOE has made a conditional NEPA determination for this award, and funding for certain tasks under this award is contingent upon the final NEPA determination.

Insert the following language in the award:

You are restricted from taking any action using federal funds, which would have an adverse affect on the environment or limit the choice of reasonable alternatives prior to DOE/NNSA providing either a NEPA clearance or a final NEPA decision regarding the project.

Prohibited actions include:

*-The "Alternative Fuel Refueling Infrastructure (Program)" is restricted to existing fueling facilities.

The installation of new Underground Storage Tanks is RESTRICTED from this determination; no construction, installation, and/or excavation (for a UST) is permitted without further NEPA review.

This restriction does not preclude you from:

"The Alternative Fuel and Technology Program"

If a UST is being used to replace an existing UST in the exact location then no further NEPA review is required. Tank conversions are allowable under this determination however all state and federal guidelines must be followed. For all tank replacements and/or conversions all applicable permits must be obtained before any action is taken.

If you move forward with activities that are not authorized for federal funding by the DOE Contracting Officer in advance of the final NEPA decision, you are doing so at risk of not receiving federal funding and such costs may not be recognized as allowable cost share.

Note to Specialist :

None Given.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____

NEPA Compliance Officer

Date: _____

Feb 9/10

FIELD OFFICE MANAGER DETERMINATION

Field Office Manager review required

NCO REQUESTS THE FIELD OFFICE MANAGER REVIEW FOR THE FOLLOWING REASON:

- Proposed action fits within a categorical exclusion but involves a high profile or controversial issue that warrants Field Office Manager's attention.
- Proposed action falls within an EA or EIS category and therefore requires Field Office Manager's review and determination.

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____

Field Office Manager

Date: _____