



modification would not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources.

**B5.16 Solar photovoltaic systems**

The installation, modification, operation, and removal of commercially available solar photovoltaic systems located on a building or other structure (such as rooftop, parking lot or facility, and mounted to signage, lighting, gates, or fences), or if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

**B5.17 Solar thermal systems**

The installation, modification, operation, and removal of commercially available smallscale solar thermal systems (including, but not limited to, solar hot water systems) located on or contiguous to a building, and if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

**B5.18 Wind turbines**

The installation, modification, operation, and removal of a small number (generally not more than 2) of commercially available wind turbines, with a total height generally less than 200 feet (measured from the ground to the maximum height of blade rotation) that (1) are located within a previously disturbed or developed area; (2) are located more than 10 nautical miles (about 11.5 miles) from an airport or aviation navigation aid; (3) are located more than 1.5 nautical miles (about 1.7 miles) from National Weather Service or Federal Aviation Administration Doppler weather radar; (4) would not have the potential to cause significant impacts on bird or bat populations; and (5) are sited or designed such that the project would not have the potential to cause significant impacts to persons (such as from shadow flicker and other visual effects, and noise). Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices. Covered actions include only those related to wind turbines to be installed on land.

**B5.19 Ground source heat pumps**

The installation, modification, operation, and removal of commercially available smallscale ground source heat pumps to support operations in single facilities (such as a school or community center) or contiguous facilities (such as an office complex) (1) only where (a) major associated activities (such as drilling and discharge) are regulated, and (b) appropriate leakage and contaminant control measures would be in place (including for cross-contamination between aquifers); (2) that would not have the potential to cause significant changes in subsurface temperature; and (3) would be located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

**B5.20 Biomass power plants**

The installation, modification, operation, and removal of small-scale biomass power plants (generally less than 10 megawatts), using commercially available technology (1) intended primarily to support operations in single facilities (such as a school and community center) or contiguous facilities (such as an office complex); (2) that would not affect the air quality attainment status of the area and would not have the potential to cause a significant increase in the quantity or rate of air emissions and would not have the potential to cause significant impacts to water resources; and (3) would be located within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

**B5.22 Alternative fuel vehicle fueling stations**

The installation, modification, operation, and removal of alternative fuel vehicle fueling stations (such as for compressed natural gas, hydrogen, ethanol and other commercially available biofuels) on the site of a current or former fueling station, or within a previously disturbed or developed area within the boundaries of a facility managed by the owners of a vehicle fleet. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

**B5.23 Electric vehicle charging stations**

The installation, modification, operation, and removal of electric vehicle charging stations, using commercially available technology, within a previously disturbed or developed area. Covered actions are limited to areas where access and parking are in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

**Rationale for determination:**

The U.S. Department of Energy (DOE) administers the annually appropriated State Energy Program as authorized by Title III, Energy Policy and Conservation Act, as amended. All grant awards made under this program shall comply with applicable laws and procedures including regulations contained in 10 CFR Part 420 and other procedures applicable to this regulation as DOE may prescribe for the administration of financial assistance. The goal of the State Energy Program is to provide leadership to maximize the benefits of energy efficiency and renewable energy through communications and outreach activities, technology deployment, and accessing new partnerships and resources.

Under Program Year 2017 Formula Awards Administrative Legal Requirements Document, (ALRD), SEP-ALRD-2017,

DOE would provide approximately \$39M in formula-based awards to all 50 States, Territories, and the District of Columbia (hereinafter "States"). Estimated individual State allocations are included in the administrative legal requirements document. As matching funds to each award, States must contribute an amount no less than 20% of their total federal allocation; for the Territories the cost match requirement is waived.

DOE has determined the following bounded categories of activities that are funded by SEP-ALRD-2017 are categorically excluded from further NEPA review, absent extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with "integral elements" (as contained in 10 C.F.R. Part 1021, Appendix B) as they relate to a particular project:

**Bounded Categories:**

1. Administrative activities associated with management of the designated State Energy Office and management of programs and strategies to encourage energy efficiency and renewable energy, including energy audits. (A9)
2. Development and implementation of programs and strategies to encourage energy efficiency and renewable energy. (A9)
3. Funding energy efficiency upgrades, provided that projects apply the restrictions of each State's programmatic agreement with SHPO, and are limited to (B5.1):
  - o installation of insulation;
  - o installation of energy efficient lighting;
  - o HVAC upgrades (to existing systems);
  - o weather sealing;
  - o purchase and installation of ENERGY STAR appliances (such as but not limited to; furnaces and air conditioners);
  - o replacement of windows and doors; and
  - o high efficiency shower/faucet upgrade.
4. Development, implementation, and installation of onsite renewable energy technology from renewable resources, provided that projects are limited to:
  - a. Solar Electricity/Photovoltaic - appropriately sized system or unit on existing rooftops and parking shade structures; or a 60 kW system or smaller unit installed on the ground within the boundaries of an existing facility. (B5.16)
  - b. Wind Turbine - 20 kW or smaller. (B5.18)
  - c. Solar Thermal (including solar thermal hot water) - system must be 20 kW or smaller. (B5.17)
  - d. Ground Source Heat Pump - 5.5 tons of capacity or smaller, horizontal/vertical, ground, closed-loop system. (B5.19)
  - e. Combined Heat and Power System - boilers sized appropriately for the buildings in which they are located. (B5.14)
  - f. Biomass Thermal - 3 MMBTUs per hour or smaller system with appropriate Best Available Control Technologies (BACT) installed and operated. (B5.20)
5. Development, implementation and installation of energy efficient or renewable energy-powered (dependent on technology) emergency systems (lighting, cooling, heat, shelter) installed in existing buildings and facilities. (B5.1) (B2.2)
6. Installation of alternative fueling pumps and systems for fuels such as compressed natural gas, hydrogen, ethanol and other commercially available biofuels, (but not storage tanks) installed on the site of a current or former fueling station, or within a previously disturbed or developed area within the boundaries of a facility managed by the owners of a vehicle fleet (B5.22).
7. Purchase of alternative fuel vehicles. (B5.1)
8. Installation of electric vehicle charging stations installed on existing facilities (B5.23).
9. Development and implementation of training programs. (A9)
10. Development and implementation of building codes and inspection services, and associated training and enforcement of such codes in order to support code compliance and promote building energy efficiency. (A11)
11. Implementing financial incentive programs such as rebates and energy savings performance contracts for existing facilities or for energy efficient equipment, provided that the incentives are not so large that they would be deemed to be grants that create projects that would not otherwise exist. (For example, giving a wind farm that cost \$100 million a sum of \$50 million and calling it a rebate would not fall within this Bounded Category).

Some Bounded Categories are more restrictive than the CX referenced. The restrictions must be followed for the bounded category to be applicable.

**NEPA PROVISION**

DOE has made a final NEPA determination for this award

Insert the following language in the award:

If the Recipient intends to make changes to the scope or objective of this project, the Recipient is required to contact the Project Officer, identified in Block 15 of the Assistance Agreement before proceeding. The Recipient must receive notification of approval from the DOE Contracting Officer prior to commencing with work beyond that currently approved. If the Recipient moves forward with activities that are not authorized for Federal funding by the DOE Contracting Officer in advance of a final NEPA decision, the Recipient is doing so at risk of not receiving Federal funding and such costs may not be recognized as allowable cost share.

Insert the following language in the award:

You are required to:

The State is responsible for informing DOE of any extraordinary circumstances, cumulative impacts, or connected actions that may lead to significant impacts on the environment, or any inconsistency with the "integral elements" (as contained in 10 C.F.R. Part 1021, Appendix B) as they relate to a particular Project.

States shall adhere to the restrictions of the programmatic agreement with their State Historic Preservation Office (SHPO). Additionally, documentation of the above reviews for NEPA and Section 106, must be available for DOE review at all times.

For activities/projects requiring additional NEPA review, States must complete the environmental questionnaire (<https://www.eere-pmc.energy.gov/NEPA.aspx>).


Some bounded categories are more restrictive than the CX referenced. The restrictions must be followed for the bounded category to be applicable.

This NEPA determination applies only to projects funded by SEP-ALRD-2017. Contact your Project Officer for the NEPA determination on projects funded under previous ALRD's.

Note to Specialist :

Weatherization & Intergovernmental Programs Office (SEP)

**SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.**

NEPA Compliance Officer Signature:  Casey Strickland Date: 12/21/2016  
NEPA Compliance Officer

**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: \_\_\_\_\_ Date: \_\_\_\_\_  
Field Office Manager