

**U.S. DEPARTMENT OF ENERGY  
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY  
NEPA DETERMINATION**



**RECIPIENT:** Vermont Department of Public Service (VDPS)

**STATE:** VT

**PROJECT TITLE:** Sustainable Energy in Schools and Public Buildings

<b>Funding Opportunity Announcement Number</b>	<b>Procurement Instrument Number</b>	<b>NEPA Control Number</b>	<b>CID Number</b>
Congressionally Directed Projects under the Omnibus Appropriations Act, 2022	DE-EE0010167	GFO-0010167-001	GO10167

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

**CX, EA, EIS APPENDIX AND NUMBER:**

Description:

- A9 Information gathering, analysis, and dissemination** Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.)
- B1.31 Installation or relocation of machinery and equipment** Installation or relocation and operation of machinery and equipment (including, but not limited to, laboratory equipment, electronic hardware, manufacturing machinery, maintenance equipment, and health and safety equipment), provided that uses of the installed or relocated items are consistent with the general missions of the receiving structure. Covered actions include modifications to an existing building, within or contiguous to a previously disturbed or developed area, that are necessary for equipment installation and relocation. Such modifications would not appreciably increase the footprint or height of the existing building or have the potential to cause significant changes to the type and magnitude of environmental impacts.
- B5.1 Actions to conserve energy or water** (a) Actions to conserve energy or water, demonstrate potential energy or water conservation, and promote energy efficiency that would not have the potential to cause significant changes in the indoor or outdoor concentrations of potentially harmful substances. These actions may involve financial and technical assistance to individuals (such as builders, owners, consultants, manufacturers, and designers), organizations (such as utilities), and governments (such as state, local, and tribal). Covered actions include, but are not limited to weatherization (such as insulation and replacing windows and doors); programmed lowering of thermostat settings; placement of timers on hot water heaters; installation or replacement of energy efficient lighting, low-flow plumbing fixtures (such as faucets, toilets, and showerheads), heating, ventilation, and air conditioning systems, and appliances; installation of drip-irrigation systems; improvements in generator efficiency and appliance efficiency ratings; efficiency improvements for vehicles and transportation (such as fleet changeout); power storage (such as flywheels and batteries, generally less than 10 megawatt equivalent); transportation management systems (such as traffic signal control systems, car navigation, speed cameras, and automatic plate number recognition); development of energy-efficient manufacturing, industrial, or building practices; and small-scale energy efficiency and conservation research and development and small-scale pilot projects. Covered actions include building renovations or new structures, provided that they occur in a previously disturbed or developed area. Covered actions could involve commercial, residential, agricultural, academic, institutional, or industrial sectors. Covered actions do not include rulemakings, standard-settings, or proposed DOE legislation, except for those actions listed in B5.1(b) of this appendix. (b) Covered actions include rulemakings that establish energy conservation standards for consumer products and industrial equipment, provided that the actions would not: (1) have the potential to cause a significant change in manufacturing infrastructure (such as construction of new manufacturing plants with considerable associated ground disturbance); (2) involve significant unresolved conflicts concerning alternative uses of available resources (such as rare or limited raw materials); (3) have the potential to result in a significant increase in the disposal of materials posing significant risks to human health and the environment (such as RCRA hazardous wastes); or (4) have the potential to cause a significant increase in energy consumption in a state or region.
- 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.

**B5.19 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.

#### Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to administer Congressionally Directed Spending to the Vermont Public Service Department (VPSD) to install renewable and clean energy technology and systems such as solar PV, advanced wood heating (wood pellet or dry wood chip), air-sourced heat pumps and certain ground-sourced heat pumps on, or in, schools and municipal buildings located within low-income communities across Vermont. Furthermore, technical support, partnership, and outreach activities would be conducted to ensure the success of the proposed program.

Participants and locations have not been identified, but technologies would be selected from those listed within the conditions of this NEPA Determination (ND). In order to expedite NEPA review, project activities which are identified within, and meet the conditions of this ND 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) that relate to a funded project. If proposed activities are not identified within the conditions of this ND or do not meet the conditions outlined, additional NEPA review will be required including the possible submission of an Environmental Questionnaire 1 form (EQ1). The VPSD would not initiate any activities without approval from the DOE Contracting Officer.

DOE has determined the terms of the DOE-executed Historic Preservation Programmatic Agreement (PA) with the State of Vermont apply to the proposed projects. The VPSD shall adhere to the restrictions and requirements of the PA. The VPSD is required to review the PowerPoint presentations on NEPA and historic preservation prior to commencing work on the proposed projects. The presentations are available at [www.energy.gov/node/4816816](http://www.energy.gov/node/4816816). The VPSD is responsible for contacting the DOE NEPA division with any NEPA or historic preservation questions at [GONEPA@ee.doe.gov](mailto:GONEPA@ee.doe.gov). The VPSD is required to submit an annual Historic Preservation Report via the Performance and Accountability for Grants in Energy system (PAGE) at [www.page.energy.gov](http://www.page.energy.gov). The VPSD is required to submit a quarterly NEPA log for all projects involving ground disturbance. Sample NEPA logs can be found at: [www.energy.gov/node/4816816](http://www.energy.gov/node/4816816). NEPA logs must be submitted to [GONEPA@ee.doe.gov](mailto:GONEPA@ee.doe.gov) and your DOE Project Officer.

Minimal air emissions may result from the use of diesel-powered vehicles and equipment during the installation activities. However, significant air impacts are not anticipated as emissions would be temporary and intermittent. Operation of wood heating systems including woody biomass pellets or dried chip fuel (cord wood and green chip fueled systems are not eligible for this program) would emit emissions of particulates and criteria air pollutants. Such installations would be required to install and operate Best Achievable Control Technology (BACT), obtain required permits, and comply with all applicable federal, state, and local requirements and regulations.

All proposed installations would obtain required permits, certifications, approvals, variances, and maintain compliance with all permit and regulatory requirements. Installation of upgrades may involve the use of power tools, machinery, scaffolding and lifts, working with electricity, and potential exposure to lead-based paint and asbestos. Potential hazards would be mitigated through adherence to established government and corporate health and safety policies and procedures. The VPSD would adhere to all applicable federal, state, and local health, safety, and environmental regulations. No change in the use, mission, or operation of existing facilities would arise out of this effort. DOE has considered potential impacts on resources of concern and does not anticipate adverse impacts on these resources.

#### NEPA PROVISION

DOE has made a conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

This NEPA Determination only applies to activities funded by this Congressionally Directed Spending award (DE-EE0010167) to the Vermont Public Service Department (VPSD), in compliance with the DOE executed Historic Preservation Programmatic Agreement with the State of Vermont.

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

This NEPA Determination does not apply to any activities not funded by this Congressionally Directed Spending award (DE-EE0010167) to the Vermont Public Service Department (VPSD), or activities not compliant with the DOE executed Historic Preservation Programmatic Agreement with the State of Vermont.

Include the following condition in the financial assistance agreement:

1. This NEPA Determination only applies to activities funded by the Congressionally Directed Spending provided for Sustainable Energy in Schools and Public Buildings for the Vermont Public Service Department.
2. DOE has determined the following list of activities would not require additional review; provided the projects adhere to the Vermont DOE executed Historic Preservation Programmatic Agreement (PA):
  - a. Technical support, developing partnerships, and outreach activities.
  - b. Installation of solar PV that would not require the removal or trimming of trees, would not be visible from the public right of way, if roof mounted: would not require building reinforcement, if ground mounted: installed within the boundaries of an existing facility (defined as an already disturbed area due to regular ground maintenance), would not be visible from general public views, and would not affect character-defining features of the building.
  - c. Installation of advanced wood heating (wood pellet or dry wood chip) and supporting storage silos; provided that projects adhere to the PA, are located in a previously disturbed area, do not require tree removal or tree trimming, do not require structural reinforcement, install and operate Best Achievable Control Technology (BACT), and obtain and comply with required permits.
  - d. Installation of air source heat pumps
  - e. Installation of ground sourced heat pumps provided that projects adhere to the PA, are limited to horizontal/ vertical, closed-loop systems with a capacity of 5.5 tons or smaller, are within previously disturbed areas (defined as areas adjacent to the structure that are actively maintained and manicured), do not require tree removal or tree trimming, and do not require structural reinforcement.
3. The Recipient shall adhere to the restrictions and requirements of the DOE-executed Historic Preservation Programmatic Agreement. The agreement is available at <https://www.energy.gov/scep/historic-preservation-executed-programmatic-agreements>.
4. The Recipient is required to review the PowerPoint presentations on NEPA and historic preservation prior to commencing work on the above activities. The presentations are available at [www.energy.gov/node/4816816](http://www.energy.gov/node/4816816).
5. The Recipient is required to submit an annual Historic Preservation Report via the Performance and Accountability for Grants in Energy system (PAGE) at [www.page.energy.gov](http://www.page.energy.gov).
6. The VPSD is required to submit a quarterly NEPA Log for all projects involving ground disturbance. Sample NEPA logs can be found at: [www.energy.gov/node/4816816](http://www.energy.gov/node/4816816). NEPA Logs must be submitted to [GONEPA@ee.doe.gov](mailto:GONEPA@ee.doe.gov) and your DOE Project Officer.
7. Solar PV installations proposed for buildings within two miles of an airport operating an air traffic control tower shall contact DOE NEPA division at [GONEPA@ee.doe.gov](mailto:GONEPA@ee.doe.gov) for a solar glare analysis prior to installation.
8. In the event activities in a proposed project are not listed in or do not meet these conditions, the Recipient would work with their DOE Project Officer to request an individual NEPA review for their proposed project. For activities requiring individual NEPA review, an Environmental Questionnaire (EQ1) (found at <https://www.eere-pmc.energy.gov/NEPA.aspx>) must be submitted for review by the DOE.

Notes:

Building Technologies Office (BTO)

This NEPA determination requires legal review of the tailored NEPA provision.

**FOR CATEGORICAL EXCLUSION DETERMINATIONS**

The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal.

The proposed action has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional NEPA review.

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

NEPA Compliance Officer Signature:  Electronically Signed By: Casey Strickland Date: 7/10/2023  
NEPA Compliance Officer

**FIELD OFFICE MANAGER DETERMINATION**

- Field Office Manager review not required
- Field Office Manager review required

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

Field Office Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Field Office Manager