

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



RECIPIENT: Linde Engineering North America

STATE: CT

PROJECT TITLE : High Rate LH2 Fueling for HD Rail

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
DE-FOA-0002920	DE-EE0011105	GFO-0011105-001	GO11105

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.)

B3.6 Small-scale research and development, laboratory operations, and pilot projects

Siting, construction, modification, operation, and decommissioning of facilities for smallscale research and development projects; conventional laboratory operations (such as preparation of chemical standards and sample analysis); and small-scale pilot projects (generally less than 2 years) frequently conducted to verify a concept before demonstration actions, provided that construction or modification would be within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible). Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to provide federal funding to Linde Engineering North America (Linde) to design and fabricate a liquid hydrogen (LH2) high flowrate fueling system developed for HD rail (hydrogen locomotives).

Award activities would be conducted at Linde Inc. in Ontario, CA and Danbury, CT; Linde Engineering in Germany; Linde Engineering North America in Tonawanda, NY; Wabtec in Erie, PA; Sandia National Lab in Albuquerque, NM; and the University of Buffalo in Amherst, NY.

The proposal would be spread over three budget periods (BP) and 3 tasks. Project tasks include, project management, architecture design and optimization, engineering design and fabrication, and fill system integration and testing. Task 1 would focus on optimization of LH2 system process design, in Task 2 a prototype would be developed from process design, and Task 3 would consist of commissioning and operation of the prototype.

Proposed activities at Linde Inc. in Ontario, CA., would include ground disturbance from installation of a 400 square foot concrete pad for installation of new equipment and access for vehicles, which would also include an extension tie-in to an LH2 supply line to supply LH2 to the pad location. The area surrounding Linde Inc. is a developed industrial area.

Additional award activities, apart from testing activities outlined in the preceding paragraph, would occur entirely within existing research and development facilities that are purpose-built for the type and scale of activities being proposed. No change in the use, mission, or operation of existing facilities would arise out of this effort.

Award activities would involve handling and use of various hazardous materials including, gaseous and liquid hydrogen, and pressurized gases. Project activities involving hazardous materials pose no risk to the public. Hazardous materials would be utilized, managed, stored, and disposed of in accordance with applicable federal, state, and local environmental regulation. Existing lab, and governmental health and safety policies and procedures would be followed, including employee training, proper protective equipment, engineering controls, monitoring, and internal assessments.

DOE has considered the scale, duration, and nature of the proposed activities to determine potential impacts on

sensitive resources, including those of an ecological, historical, cultural, and socioeconomic nature, and found no effects that would be expected to result from the proposed project activities.

Any work proposed to be conducted at a federal facility may be subject to additional NEPA review by the cognizant federal official and must meet the applicable health and safety requirements of the facility.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

If any site other than the Linde, Inc. Ontario, CA location is selected for Task 3 (Fill System Integration & Testing) activities, the Recipient is required to consult with the DOE prior to initiating those activities in order to determine whether additional NEPA review is required.

Notes:

Hydrogen and Fuel Cell Technologies Office (HFTO)
This NEPA Determination requires legal review of the tailored NEPA provision.
NEPA review completed by Dustin Hill, 2/8/2024

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.

DOE has determined that work to be carried out outside of the United States, its territories and possessions is exempt from further review pursuant to Section 5.1.1 of the DOE Final Guidelines for Implementation of Executive Order 12114; "Environmental Effects Abroad of Major Federal Actions."

The proposed action is categorically excluded from further NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature:



Electronically Signed By: Casey Strickland

Date: 2/9/2024

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: _____
Field Office Manager

Date: _____