



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.

- B5.14 Combined heat and power or cogeneration systems** Conversion to, replacement of, or modification of combined heat and power or cogeneration systems (the sequential or simultaneous production of multiple forms of energy, such as thermal and electrical energy, in a single integrated system) at existing facilities, provided that the conversion, replacement, or 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.
- B5.17 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.
- B5.22 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.
- B1.24 Property transfers** Transfer, lease, disposition, or acquisition of interests in personal property (including, but not limited to, equipment and materials) or real property (including, but not limited to, permanent structures and land), provided that under reasonably foreseeable uses (1) there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment and (2) the covered actions would not have the potential to cause a significant change in impacts from before the transfer, lease, disposition, or acquisition of interests.
- B1.2 Training exercises and simulations** Training exercises and simulations (including, but not limited to, firing-range training, small-scale and short-duration force-on-force exercises, emergency response training, fire fighter and rescue training, and decontamination and spill cleanup training) conducted under appropriately controlled conditions and in accordance with applicable requirements.

**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 2014 State Energy Program Formula Grant Guidance, DOE would provide approximately \$39M in 56 formula-based awards to States, Territories, and the District of Columbia (hereinafter "States"). Estimated individual State allocations are included in the State Energy Program Notice 14-01, Attachment 1. 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 the State Energy Program Notice 14-01 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. (A9)
2. Development and implementation of programs and strategies to encourage energy efficiency and renewable energy. (A9)
3. Funding energy efficiency retrofits, provided that projects apply the restrictions of each state's programmatic agreement with SHPO, and are limited to (B5.1):
  - a. installation of insulation;
  - b. installation of energy efficient lighting;
  - c. HVAC upgrades (to existing systems);
  - d. weather sealing;
  - e. purchase and installation of ENERGY STAR appliances (such as but not limited to; furnaces and air conditioners);
  - f. replacement of windows and doors;
  - g. high efficiency shower/faucet upgrades; and
4. Installation of onsite renewable energy technology, such as solar powered appliances and biomass heating systems. (B5.16 and B 5.20, respectively)
5. Development, implementation, and installation of onsite renewable energy technology that generates electricity 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)
6. Development, implementation and installation of energy efficient (B5.1) or renewable energy-powered (dependent on technology) emergency systems (lighting, cooling, heat, shelter) installed in existing buildings and facilities.
7. Installation of alternative fueling pumps and systems (B5.22)(but not storage tanks) installed on existing facilities (other than a large biorefinery); purchase of alternative fuel vehicles. (B 1.24) (B5.1)
8. Development and implementation of training programs. (A9) (B1.2)
9. 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)
10. 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). (Dependent on technology for financial incentive programs).

States are responsible for:

- Identifying and promptly notifying DOE of 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; and
- Compliance with Section 106 of the National Historic Preservation Act (NHPA), as applicable. Additionally, documentation of the above reviews for NEPA and Section 106, must be available for DOE review at all times.

DOE has determined the proposed activities/projects funded by the State Energy Program Notice 14-01 within the bounded categories listed above are categorically excluded from further NEPA review. DOE is issuing a State Energy Program Notice 14-01 wide categorical exclusion under DOE categorical exclusions: A9 "information gathering, analysis, and dissemination," A11 "technical advice and assistance to organizations," B1.32 "traffic flow adjustments," B1.2 "training exercises and simulations," B 1.24 "property transfers", B1.35 "drop-off, collection, and transfer facilities for recyclable materials," B2.1 "workplace enhancements," B2.2 "building and equipment instrumentation," B5.1 "actions to conserve energy or water," B5.14 "combined heat and power or cogeneration systems," B5.16 "solar photovoltaic systems," B5.17 "solar thermal systems," B5.18 "wind turbines," and B5.19 "ground source heat pumps," B5.20 "biomass power plants," B5.22 "alternative fuel vehicle fueling stations," .

Activities/projects not within the bounded categories listed above are not included under this State Energy Program Notice 14-01 wide categorical exclusion and are subject to additional NEPA review and approval by DOE, prior to expenditure of funds.

## NEPA PROVISION

