

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



**RECIPIENT:** Commonwealth of Massachusetts Executive Office of the State of New Hampshire **STATE:**  
 Department of Energy State of Oklahoma New York State Maine State Housing **Mult**  
 Authority State of Minnesota Virginia, Commonwealth of

**PROJECT TITLE:** PY23 WAP Sustainable Energy Resources for Consumers (SERC) Grant

Funding Opportunity Announcement Number	Procurement Instrument Number	NEPA Control Number	CID Number
WAP Sustainable Energy Resources for Consumers (SERC) Grant Application Memorandum dated 10/22/2022	WAP-SERC-2023	GFO-WAP-SERC- 2023-001	

**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:**

- |  |  |
|--|--|
| <b>A9 Information gathering, analysis, and dissemination</b> | 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.)   |
| <b>A11 Technical advice and assistance to organizations</b>  | Technical advice and planning assistance to international, national, state, and local organizations.   |
| <b>B2.2 Building and equipment instrumentation</b>           | Installation of, or improvements to, building and equipment instrumentation (including, but not limited to, remote control panels, remote monitoring capability, alarm and surveillance systems, control systems to provide automatic shutdown, fire detection and protection systems, water consumption monitors and flow control systems, announcement and emergency warning systems, criticality and radiation monitors and alarms, and safeguards and security equipment).   |
| <b>B5.1 Actions to conserve energy or water</b>              | (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. |
| <b>B5.16 Solar photovoltaic systems</b>                      | 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.

#### Rationale for determination:

The U.S. Department of Energy's (DOE) Weatherization Assistance Program (WAP) is authorized per Title IV of the Energy Independence and Security Act of 2007 to use up to two percent of WAP funding for Sustainable Energy Resources for Consumers (SERC) Grants. The goal of WAP is to increase the energy efficiency of dwellings owned or occupied by low-income persons, reduce their total residential expenditures, and improve their health and safety. The WAP SERC Grant Application Memorandum dated October 22, 2022 (2022 SERC Memo), authorizes local weatherization providers to expand the WAP Program for "materials, benefits, and renewable and domestic energy technologies not currently covered," allowable activities are outlined below.

This NEPA determination is specific to the following WAP Recipients: Colorado Energy Office, Massachusetts Department of Housing and Community Development, Maine State Housing Authority, Minnesota Department of Commerce, Montana Department of Public Health and Human Services, New Hampshire Department of Energy, New York State Homes and Community Renewal, Ohio Department of Development, Oklahoma Department of Commerce, Tennessee Housing Development Agency, and Virginia Department of Housing and Community Development.

DOE has determined the following Allowable Activities that are funded by the 2022 SERC Memo 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 CFR Part 1021, Appendix B) as they relate to a specific activity.

Any activities on tribal lands or tribal properties are restricted to homes/buildings less than forty-five (45) years old and without ground disturbance beyond the installation of a concrete pad adjacent to the structure. Recipients may contact their Project Officer for a Historic Preservation Worksheet to request a review of activities that are listed below on tribal homes/buildings forty-five (45) years and older. Approval from DOE is required prior to initiating activities reviewed on a Historic Preservation Worksheet.

#### Allowable Activities:

##### 1. Administrative activities

- a. Provide client education on maintenance of new technologies installed in homes.
- b. Development of program evaluation reports and document lessons learned.

##### 2. Readiness activities

- a. Minor roof repair, as needed to accommodate solar photovoltaic installation.
- b. Assessment of electrical supply at each home and, where necessary, install a new electrical panel box with the appropriate amperage to support electrical upgrades being installed along with required breakers and/or wiring.

3. Funding commercially available energy or energy/water efficiency upgrades, provided that projects adhere to the requirements of the respective state's DOE executed Historic Preservation Programmatic Agreement, are installed in existing buildings, no ground is disturbed beyond the installation of a concrete pad adjacent to the structure, no trees are trimmed or removed, are appropriately sized, and are limited to:

- a. Replacement of existing hot water heaters with tankless/on-demand water heaters, or air source heat pump water heaters.
- b. Replacement of existing roof with a cool roof.
- c. Replacement of, or addition to, existing heating system with air source heat pump, ducted or ductless. This would require the installation of a concrete pad adjacent to the structure for the heat pump. This may also include the removal of heating oil or other fuel source and associated clean-up.
- d. Replacement of existing kerosene heating systems with other fuel heating systems. This would include the removal of the previous heating system and clean-up associated with changing fuels.
- e. Replacement of existing hot water heaters that utilize heating oil and other fuels with electric hot water heaters. This would include the removal of heating oil or other fuel source systems and associated clean-up.
- f. Installation of an energy recovery ventilation system— whole or single units.
- g. Replacement of existing windows with double or triple pane windows.

4. Design and installation of onsite renewable energy technology, provided that projects adhere to the requirements of the respective state's DOE executed Historic Preservation Programmatic Agreement, are installed in or on an existing structure, do not require structural reinforcement, no trees are trimmed or removed, are appropriately sized, and limited to:

- a. Solar photovoltaic (PV) panels- not to exceed 60 KWs. Additionally, homes with PV installations may also have

whole house electricity monitoring systems.

b. Battery storage, if applicable, would be attached to structure (e.g. inside a garage) and would not be visible from the public right of way.

c. Solar thermal (including hot water heating systems) would not exceed 200,000 BTU/HR.

Activities/projects not listed above, including ground disturbing activities beyond the installation of a concrete pad adjacent to the structure, and trimming or removal of trees, are not included under the ALRD categorical exclusion and are subject to additional NEPA review and approval by DOE. For activities/projects requiring additional NEPA review, states must complete the environmental questionnaire (EQ-1) found at <https://www.eere-pmc.energy.gov/NEPA.aspx> and receive notification from DOE that the NEPA review has been completed and approved by the Contracting Officer prior to initiating the project or activities.

All incidental measures relating to hazardous materials identified during the WAP activities would be managed in accordance with applicable federal, state, and local requirements.

Recipients shall adhere to the restrictions of their DOE executed Historic Preservation Programmatic Agreement.

Recipients are required to review the NEPA and Historic Preservation PowerPoint trainings prior to commencing work on the above activities. The PowerPoints are available at [www.energy.gov/node/4816816](http://www.energy.gov/node/4816816). Recipients are responsible for contacting NEPA with any NEPA or historic preservation questions at [GONEPA@ee.doe.gov](mailto:GONEPA@ee.doe.gov).

## 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 the WAP SERC Grant Application Memorandum dated October 22, 2022. Recipients must have a DOE executed Historic Preservation Programmatic Agreement.

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

This NEPA Determination does NOT apply to activities funded by sources other than the WAP SERC Grant Application Memorandum dated October 22, 2022, activities that do not fit within the restrictions of the Allowable Activities listed above, or to Recipients that do not have a DOE executed Historic Preservation Programmatic Agreement.

Include the following condition in the financial assistance agreement:

1. This NEPA Determination only applies to activities funded by the WAP SERC Grant Application Memorandum dated October 22, 2022.

2. Activities not listed under "Allowable Activities" including ground disturbing activities beyond the installation of a concrete pad adjacent to the structure, and tree trimming or removal, are subject to additional NEPA review and approval by DOE. For activities requiring additional NEPA review, Recipients must complete the environmental questionnaire found at <https://www.eere-pmc.energy.gov/NEPA.aspx> and receive notification from DOE that the NEPA review has been completed. A DOE Contracting Officer must provide approval prior to initiating the project or activities.

3. Any activities on tribal lands or tribal properties are restricted to homes/buildings less than forty-five (45) years old and without ground disturbance beyond the installation of a concrete pad adjacent to the structure. Recipients may contact their Project Officer for a Historic Preservation Worksheet to request a review of activities that are listed below on tribal homes/buildings forty-five (45) years and older. Approval from DOE is required prior to initiating activities reviewed on a Historic Preservation Worksheet.

4. This authorization does not include activities where the following elements exist: extraordinary circumstances; cumulative impacts or connected actions that may lead to significant effects on the human environment; or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to a particular project.

5. The Recipient must identify and promptly notify DOE of extraordinary circumstances, cumulative impacts or connected actions that may lead to significant effects on the human environment, or any inconsistency with the "integral elements" (as contained in 10 CFR Part 1021, Appendix B) as they relate to project activities.

6. Recipients must have a DOE executed Historic Preservation Programmatic Agreement and adhere to the terms and restrictions of its DOE executed Historic Preservation Programmatic Agreement. DOE executed historic preservation programmatic agreements are available on the Weatherization and Intergovernmental Programs website: <https://www.energy.gov/eere/wipo/historic-preservation-executed-programmatic-agreements>.

7. Most activities listed under "Allowable Activities" are more restrictive than the Categorical Exclusion. The restrictions listed in the "Allowable Activities" must be followed.

8. Recipients are required to review the NEPA and Historic Preservation PowerPoint trainings prior to commencing work. The PowerPoints are available at [www.energy.gov/node/4816816](http://www.energy.gov/node/4816816). Recipients are responsible for contacting NEPA with any NEPA or historic preservation questions at [GONEPA@ee.doe.gov](mailto:GONEPA@ee.doe.gov).

9. This authorization excludes any activities that are otherwise subject to a restriction set forth elsewhere in the Award.

Notes:

Office of State and Community Energy Programs - WAP

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

NEPA review completed by Diana Heyder, 08/08/23

#### 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:



Casey Strickland

NEPA Compliance Officer

Date: 8/14/2023

#### 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: