

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



RECIPIENT: 1-Inflation Reduction Act (IRA) of 2022 - 50123 - State-Based Home Energy Efficiency Contractor Training Grant Program Recipients with a DOE executed Historic Preservation Programmatic Agreement*

STATE: Mult

PROJECT TITLE : Inflation Reduction Act (IRA) of 2022 - 50123 - State-Based Home Energy Efficiency Contractor Training Grant Program

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| Funding Opportunity Announcement Number | Procurement Instrument Number | NEPA Control Number | CID Number |
| IRA-ALRD-50123-001 | | GFO-IRA-ALRD 50123-001 | |

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:

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.)

A11 Technical advice and assistance to organizations

Technical advice and planning assistance to international, national, state, and local organizations.

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.

B2.2 Building and equipment instrumentation

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).

Rationale for determination:

Section 50123 of the Inflation Reduction Act (IRA) authorizes the Department of Energy to administer the State-Based Home Energy Efficiency Contractor Training Grants Program (CTG) Administrative and Legal Requirements Document (ALRD). The ALRD also refers to this program as Training for Residential Energy Contractors (TREC). In accordance with 2 CFR Part 910.126 and DOE Program Rule 10 CFR Part 420, eligibility for these awards is restricted to State Energy Offices, referred to as "States". A State may use the funds received through this grant to: (1) reduce the cost of training contractor employees; (2) provide testing and certification of contractors training and educated under a State program; and (3) partner with nonprofit organizations to develop and implement a State program. All awards made under this program shall comply with applicable laws and regulations including, but not limited to, 2 CFR Part 200 as amended by 2 CFR Part 910 and Section 50123 of the Inflation Reduction Act.

This NEPA determination is specific to the 55 CTG Recipients* with a DOE executed Historic Preservation Programmatic Agreement for activities that are funded by the State-Based Home Energy Efficiency Contractor Training Grants Program ALRD. The CTG Recipient without a DOE executed Historic Preservation Programmatic Agreement has a separate NEPA determination: GFO-IRA-ALRD-50123-002.

DOE has determined the following activities that are funded by the State-Based Home Energy Efficiency Contractor Training Grants Program ALRD, 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 placement of a slab for heating and/or cooling units adjacent to the foundation of a building. 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. Review by a DOE NEPA Specialist and approval from DOE is required prior to initiating activities reviewed on a Historic Preservation Worksheet.

Allowable Activities:

Administrative, organizational, planning and outreach efforts, including:

a. Residential Energy Workforce Needs Assessment

i. Provide a statement of need that clearly articulates the current supply of qualified skilled energy efficiency workers compared to the projected future demand. (DOE encourages States to partner with State Workforce Agencies to conduct a gap analysis to identify the labor supply needed to meet the labor demands.)

ii. Indicate the program(s) for which the State will use CTG funds to prepare a skilled energy efficiency workforce.

Programs could include the following:

1. Inflation Reduction Act Home Energy Performance- Based, Whole House Rebate Program (HOMES); and/or
2. Home Electrification and Appliance Rebate Program (HEAR); and/or
3. Other existing or planned federal, state-, and utility-funded incentives and financing programs, as resources exist.

iii. Identify existing programs, within a state's jurisdiction, that meet residential energy contractor and worker needs, including a list of organizations currently provide training, credentialing, and/or wrap around services; and

iv. Present labor market information produced by federal or state departments of labor, as well as other sources, including current rates of employment in key occupations and forecasts of growing or declining industries and wage distributions across relevant occupations.

v. Provide at least one of the following:

1. An assessment of residential and commercial energy auditor availability and readiness.
2. A skills assessment report in existing education and training programs, such as on new energy technologies, latest best practices, or newly launching programs.

b. Participant Outreach, Engagement, and Service Plan

i. Outline how the funds will be used to serve participants from at least one of the following audience(s):

1. New workers, especially from disadvantaged communities, for recruitment and training;
2. Incumbent workers for upskilling and retraining;
3. New or existing residential energy contractors for training on leadership, entrepreneurship, business management, financial management, responsible contracting, and/or other relevant skills;

ii. Identify what methods were used to determine the need to target the selected audience(s); and

iii. List the organizations that will be involved in identifying and recruiting potential participants, including labor and community-based groups.

c. Partnership Collaboration / Business Services and Employer Engagement / Labor Organization Plan

i. Identify potential partners that can create and support the program activities, including contributing leveraged resources; recruiting participants; creating new curriculum and/or utilizing already established curriculum; training participants; offering on-to-job training; providing credentialing; offering wrap around services among other applicable activities. Potential partners can include the following, but they are not limited to:

1. Workforce investment boards
 2. Community-based organizations
 3. Qualified service and conservation corps
 4. State and local veterans' agencies
 5. Small businesses and their associations
 6. Utilities and their associations
 7. Coalitions
 8. Labor organizations
 9. Veterans service organizations
 10. State service commissions
 11. Workforce development providers
 12. Faith-based Organization
 13. Non-Profit Organizations
 14. Educational institutions, including but not limited to:
 - a. Accredited, two-year, public community colleges and four-year, universities
 - b. Accredited, public two- and four-year historically black colleges and universities; Hispanic-serving-institutions; and accredited tribally controlled colleges and universities
 - c. Short-term career training providers
 - d. Vocational schools
 - ii. Obtain a signed commitment from partners in the form of a memorandum of understanding which formalizes the relationship between each party including the operating budget and each partners contributions to meet the match requirement.
 - iii. Establish subaward to successfully operate the grant.
 - iv. Describe the methods that were used to allocate indirect costs.
 - v. Explain how applicant engages in employer-driven partnerships of industry, education and training, and other stakeholders that focus on the workforce needs of key industries in a regional labor market to develop sector strategies.
 - vi. Provide action plan to maintain effective communication and equal participation between partners.
- d. Administrative Activities
- i. Develop three to five strategic objectives that aligns program funds to identified workforce needs; (At least one or more objectives must focus on how program funds benefit workers and businesses in disadvantaged communities.)
 - ii. Define the metrics used to measure performance of strategic objectives;
 - iii. Explain activities that will incentivize workers and/or employers to pursue skills development and integration of applicable skills into existing workflows; and
 - iv. Describe the plan for meeting workforce training needs after CTG funding is expended.
 - v. Administrative activities associated with management of the designated State Energy Office and management of programs and strategies in support of CTG activities.
 - vi. Development and implementation of outreach strategies to encourage CTG participation.
 - vii. Development and implementation of programs and strategies to encourage CTG participation such as policy development and stakeholder engagement.
- e. Program implementation: Train and certify energy efficiency contractors to deliver commercially available energy efficiency or electrification upgrades. Training would include classroom and field work, for activities listed below being completed in homes and are limited to:
- i. Residential energy assessments and audits
 - ii. Residential energy efficiency and electrification measures—limited to those funded by the Home Energy Rebate programs (IRA Sections 50121 and 50122) and defined below. This includes 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, and are installed in existing buildings, without ground disturbance beyond placement of a slab for heating and/or cooling units adjacent to the foundation of a building, do not require structural reinforcement, no trees are removed or trimmed, are appropriately sized, and are limited to:
 1. Insulation applied to building structures, ducts, hot water heater tanks, and heating pipes.
 2. Installation of air sealing materials, weather stripping and/or other weather sealing materials on building structures and/or ducts.
 3. Installation of new or improvement to existing ventilation systems.
 4. Installation of programmable and smart thermostats.
 5. Installation of energy efficient lighting.
 6. Upgrading, retrofitting, tuning, repairing, and/or replacing of existing heating, ventilation, and air conditioning (HVAC) equipment.
 7. Repairing and/or replacing water heating system equipment.
 8. Installation of energy or water monitoring and control systems.
 9. Retrofitting, repairing, and/or replacing of windows and doors, including installation of energy efficient storm windows and energy-saving window attachments.
 10. Installation of new appliances or replacement of existing home appliances with more efficient appliances that are

powered through either the same fuel source or electric power.

11. Electric load service center/electric panel upgrades.

12. Electric wiring upgrades to accommodate home electrification and electric load service center/electric panel upgrades.

The Recipient is required to review the DOE PowerPoint trainings on NEPA and Historic Preservation for the above activities prior to commencing work. The training is available at www.energy.gov/node/4816816. The recipient is responsible for contacting NEPA with any NEPA or historic preservation questions at GONEPA@ee.doe.gov.

The Recipient is 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 CFR Part 1021, Appendix B) relating to any proposed activities.

Recipients shall adhere to the restrictions of their DOE executed Historic Preservation Programmatic Agreement. DOE executed historic preservation programmatic agreements are available on the website: <https://www.energy.gov/scep/historic-preservation-executed-programmatic-agreements>.

DOE is required to consider floodplain management and wetland protection as part of its environmental review process (10 CFR 1022). As part of this required review, DOE determined requirements set forth in Subpart B of 10 CFR 1022 are not applicable to the activities described in "Allowable Activities" above that would occur in the 100-year floodplain (hereinafter "floodplain") or wetland because the activities would not have short-term or long-term adverse impacts to the floodplain or wetland. These activities are administrative or minor modifications of existing facilities to improve environmental conditions. All other integral elements and environmental review requirements are still applicable.

For activities requiring additional NEPA review, Recipients must complete the environmental questionnaire (found at <https://www.eere-pmc.energy.gov/NEPA.aspx>) for review by DOE.

Most activities listed under "Allowable Activities" are more restrictive than the Categorical Exclusion. The restrictions must be followed for the Allowable Activity to be applicable.

*Recipients with a historic preservation programmatic agreement: AL, AK, AS, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MP, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and VI.

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 IRA 50123 State-Based Home Energy Efficiency Contractor Training Grants Program Administrative and Legal Requirements Document, and to activities that fit within the restriction of the "Allowable Activities". 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 IRA 50123 State-Based Home Energy Efficiency Contractor Training Grants Program Administrative and Legal Requirements Document, or 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 IRA 50123 State-Based Home Energy Efficiency Contractor Training Grants Program Administrative and Legal Requirements Document.

2. Activities not listed under "Allowable Activities" including ground disturbing activities beyond placement of a slab for heating and/or cooling units adjacent to the foundation of a building, tree removal and tree trimming, 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 and approved by the Contracting Officer prior to initiating the project or activities.
3. 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.
4. Recipients 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.
5. 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 website: <https://www.energy.gov/scep/historic-preservation-executed-programmatic-agreements>.
6. Activities on tribal lands or tribal properties are restricted to homes/buildings less than forty-five (45) years old and without ground disturbance beyond placement of a slab for heating and/or cooling units adjacent to the foundation of a building. 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. Review by a DOE NEPA Specialist and approval from DOE is required prior to initiating activities reviewed on a Historic Preservation Worksheet.
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 responsible for reviewing the online NEPA and Historic preservation PowerPoint trainings at www.energy.gov/node/4816816 and contacting NEPA with any questions 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 – Community Energy Programs (Workforce Training Programs)
This NEPA Determination requires legal review of the tailored NEPA provision.
NEPA review completed by Diana Heyder, 03/22/2024

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.

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: Matthew Blevins Date: 3/25/2024
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: _____ Date: _____
Field Office Manager