

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



RECIPIENT: New Mexico State University

STATE: NM

PROJECT TITLE : POTENTIAL OF BIOCHARS PRODUCED FROM PYROLYSIS OF WOOD WASTES AT LUMBER MILL FOR CARBON SEQUESTRATION AND WATER REMEDIATION

Notice of Funding Opportunity Number
N/A

Procurement Instrument Number
DE-EE0011432

NEPA Control Number
GFO-0011432-001

CID Number

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 administer Congressionally Directed Spending to New Mexico State University (NMSU) to determine the potential of woody biomass for use in a pyrolysis reactor to manage wastes and provide heat for kilning and power at Walatowa Timber Industries lumber mill (mill). The proposed project would characterize and evaluate the woody biomass availability, energy needs, stakeholder priorities, and pyrolysis system performance.

Award activities would involve an energy audit, collection of waste biomass samples, computer modeling, and laboratory experiments/research.

The proposed project would include five Tasks. This NEPA Determination (ND) only applies to Tasks 1, 2, 3.1, 3.2, and 4. Proposed activities would occur at NMSU (Las Cruces, NM) and the mill (Jemez Pueblo, NM) and would include an energy audit, collection of waste biomass samples, computer modeling, and laboratory research and pyrolysis experiments.

Proposed project activities in Tasks 3.3, 3.4, and 5 would include a pilot-scale biochar production test that would include collection of biomass from the mill, characterization and data collection on yield, emissions, and energy production. Additional activities would include preparation of a report of recommendations for the mill to improve energy efficiency and incorporate renewable energy produced from woody wastes through pyrolysis. Project activities would occur at NMSU, the mill, and an unknown location that would be determined in Task 3.1.

As award activities completed in Task 3.1 would further identify activities that would be completed in Tasks 3.3, 3.4, and 5, there is insufficient information available at this time to complete a thorough review of anticipated project activities identified. This ND applies only to Tasks 1,2, 3.1, 3.2, and 4; once the necessary details are submitted, DOE would complete an additional NEPA review for Tasks 3.3, 3.4, and 5.

Potential hazards in Tasks 1, 2, 3.1, 3.2, and 4 would involve the use and handling of metal salts (including those containing arsenic), acids, bases, compressed nitrogen gas, and production of smoke and tars. All hazardous materials handling would occur in the NMSU research lab. Hazardous materials are handled and disposed of in accordance with federal, state, and local environmental regulations and would pose no risk to the public. Collection of the biomass samples at the mill would include the potential for small amounts of wood dust and would be temporary.

Personnel would use personal protective equipment for collecting samples. All facilities are preexisting purpose-built facilities for the type of work to be conducted for this award. Facility modifications would not be required.

DOE has considered the scale, duration, and nature of the proposed activities to determine potential impacts on resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE does not anticipate impacts on these resources which would be considered significant or require DOE to consult with other agencies or stakeholders.

EERE is aware of the November 12, 2024, decision in *Marin Audubon Society v. FAA*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality (CEQ) regulations implementing NEPA are not judicially enforceable or binding on this agency action, EERE has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500-1508, in addition to DOE's procedures/regulations implementing NEPA at 10 C.F.R. Part 1021, to meet the agency's obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

NEPA PROVISION

DOE has made a conditional NEPA determination.

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

Tasks 1,2, 3.1, 3.2, and 4

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

Tasks 3.3, 3.4, and 5

Notes:

Bioenergy Technologies Office (BETO) – Congressionally Directed Spending
NEPA review completed by Brittany White, 1/13/2025

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:



NEPA Compliance Officer

Date: 1/15/2025

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: _____