

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



RECIPIENT: Ivys Inc.

STATE: MA

PROJECT TITLE : Responsive Wide-Range Dispensing Control for Medium and Heavy-Duty Hydrogen Fueling

Notice of Funding Opportunity Number
DE-FOA-0003213

Procurement Instrument Number
DE-EE0011521

NEPA Control Number
GFO-0011521-001

CID Number
GO11521

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 Ivys, Inc. for design, fabrication, and testing of hydrogen flow control hardware for medium and heavy duty fast-fill hydrogen fueling applications and wireless two-way vehicle-to-station communication hardware for hydrogen vehicle fueling applications.

Award activities would occur over two budget periods (BP). BP1 would include project management and design and development. BP2 would include equipment building, factory testing, and deployment.

Award activities would occur at Greentown Labs in Somerville, MA and The Hydrogen Infrastructure Testing and Research Facility at the National Renewable Energy Lab (NREL) in Golden, CO. Activities at Greentown Labs would include design, development, fabrication, and testing of flow control and wireless two-way communication hardware. Testing at this facility would be limited to inert gases and ambient temperatures. Activities at NREL would include prototype hardware testing and verification. Testing at this facility would involve pressurized hydrogen and hydrogen pre-cooling. The proposed award activities would also include hosting and participating in community seminars and development of an environmental impact assessment for disadvantaged communities.

Award activities 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 and no new permits would be required.

Award activities would involve hazards associated with test stand equipment, fabrication and machining tasks, electrical work, operation of equipment, and use of pressurized gas. Existing Ivys, Inc. and NREL Environmental Health and Safety policies and procedures would be followed, including employee training, proper protective equipment, engineering controls, monitoring, and internal assessments. Project activities involving hazardous materials would 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 regulations.

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.

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 final NEPA determination.

Notes:

Hydrogen and Fuel Cell Technologies Office (HFTO)
NEPA review completed by Dustin Hill, 1/14/2025

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.

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: **Melissa Parker**

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: _____