

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



RECIPIENT: Weatherization Assistance Program (WAP) Grantees with a DOE Executed
Historic Preservation Programmatic Agreement

STATE: Mult

PROJECT TITLE: Bi-Partisan Infrastructure Law (BIL) Weatherization Assistance Program (WAP) Sustainable Energy
for Consumers (SERC)

Notice of Funding Opportunity Number

Procurement Instrument Number

NEPA Control Number
GFO-WAP-SERC-BIL-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.)

**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); 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.

B5.16 Solar photovoltaic systems

(a) The installation, modification, operation, or decommissioning of commercially available solar photovoltaic systems:

1. Located on a building or other structure (such as rooftop, parking lot or facility, or mounted to signage, lighting, gates, or fences); or
2. Located within a previously disturbed or developed area.

(b) Covered actions would be in accordance with applicable requirements (such as land use and zoning requirements) in the proposed project area and the integral elements listed at the start of appendix B of this part, and would be consistent with applicable plans for the management of wildlife and habitat, including plans to maintain habitat connectivity, and incorporate appropriate control technologies and best management practices.

Rationale for determination:

The U.S. Department of Energy's (DOE) Weatherization Assistance Program (WAP) would implement the Sustainable Energy Resources for Consumers (SERC) Grants, authorized from the Energy Independence and Security Act of 2007 (EISA) Public Law 110-140, Section 411(b). This provision authorizes local weatherization agencies to expand the Program for "materials, benefits, and renewable and domestic energy technologies not currently covered." 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.

This NEPA determination is specific to the following WAP Recipients: State of Indiana, Georgia Environmental Finance Authority, Kentucky Housing Corporation, Commonwealth of Pennsylvania, State of Tennessee, State of New Jersey, State of Michigan, Delaware Division of Climate, Coastal and Energy, and Utah Department of Workforce Services.

All activities would occur on previously weatherized homes. There would be no ground disturbing activities and no change in the use of the buildings. Grantees would be required to participate in DOE led training on NEPA and Historic Preservation which could include additional reporting requirements for the above activities prior to commencing work.

The proposed Allowable Activities for the WAP SERC Grantees include:

1. Commercially available renewable energy upgrades for water efficiency. The technologies that could be retrofitted on homes are limited to:
 - a. Tankless/on-demand water heaters.
 - b. Air source heat pump water heaters.
 - c. Solar hot water heating systems would be appropriately sized and would not exceed 200,000 BTU/HR.
2. Installation of onsite renewable energy technologies, provided that the technologies are installed in or on an existing structure that does not require structural reinforcement, no trees would be removed or trimmed, technologies would be appropriately sized, and are limited to:
 - a. Solar photovoltaic panels- appropriately sized system or unit not to exceed 60 KWs and roof mounted.
 - b. Battery storage, if applicable, would be attached to structure and would not be visible from the public right of way.
 - c. Ground Source Heat Pump - 5.5 tons of capacity or smaller, horizontal/vertical, ground, or a closed-loop system.
 - d. Air source heat Pump HVAC, ducted or ductless, sizing and type to be site dependent.
 - e. Energy Recovery Ventilation – whole or single units.
 - f. Double or triple pane windows.
 - g. Electrification ready 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. Recipients are responsible for contacting NEPA with any NEPA or historic

preservation questions at GONEPA@ee.doe.gov.

Any changes to the project activities or locations are subject to additional NEPA review by DOE and are not authorized for federal funding unless and until the Contracting Officer provides written authorization on those additions or modifications.

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.

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 minor modifications of existing facilities to improve environmental conditions. All other integral elements and environmental review requirements are still applicable.

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:

This NEPA Determination only applies to activities funded by the Weatherization Assistance Program's (WAP) Sustainable Energy Resources for Consumers (SERC) Grants, authorized from the Energy Independence and Security Act of 2007 (EISA) Public Law 110-140, Section 411(b). 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 Weatherization Assistance Program's (WAP) Sustainable Energy Resources for Consumers (SERC) Grants, authorized from the Energy Independence and Security Act of 2007 (EISA) Public Law 110-140, Section 411(b), or to Recipients that do not have a DOE executed Historic Preservation Programmatic Agreement.

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: 3/25/2025
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