

[6450-01-P]

DEPARTMENT OF ENERGY

10 CFR Parts 433

[Docket No.: EERE-2011-BT-STD-0055]

RIN 1904-AD39

Energy Efficiency Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings' Baseline Standards Update (Final Rule)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy

ACTION: Finding of No Significant Impact

SUMMARY: Section 305(a) of the Energy Conservation and Production Act (ECPA) requires that DOE establish by rule Federal building energy efficiency standards for all Federal commercial and multi-family high-rise residential buildings. EPCA requires the U.S. Department of Energy (DOE) to establish by rule revised Federal building energy efficiency performance standards (42 U.S.C. 6834(a)(3)(A)). The Final Rule updates the current rule for commercial and multi-family high-rise residential buildings, 10 CFR Part 433 "Energy Efficiency Standards for New Federal Commercial and High-Rise Multi-Family Residential Buildings," to replace ASHRAE Standard 90.1-2010 with the more stringent ASHRAE Standard 90.1-2013. Based on the Environmental Assessment (EA) for the Final Rule (DOE/EA-2001), DOE has determined that revising the Federal building energy efficiency standards to ASHRAE 90.1-2013 would not be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA). Therefore, an environmental impact statement (EIS) is not required, and DOE is issuing this Finding of No Significant Impact (FONSI).

SUPPLEMENTARY INFORMATION

Description of the Proposed Action¹

The U.S. Department of Energy (DOE) is publishing the Final Rule to implement provisions in the Energy Conservation and Production Act (ECPA) that requires DOE to update the baseline Federal energy efficiency performance standards for the construction of new Federal buildings,

¹ The term "proposed action" is a term of art under the National Environment Policy Act. The term refers to: a proposal that contains sufficient details about the intended actions to be taken, or that will result, to allow alternatives to be developed and its environmental impacts meaningfully analyzed. (40 CFR 1508.23).

including commercial and multi-family high-rise residential buildings. The Final Rule updates the baseline Federal commercial standard to the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2013.

Context of Potential Impacts (40 CFR 1508.27(a))

DOE must evaluate the significance of an action in several different contexts, such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

The proposed action by itself would not cause any significant adverse effects nationally, regionally, or at the statewide level.

Intensity of Potential Impacts (40 CFR 1508.27(b))

1. As discussed in the EA, there will be beneficial and no adverse impacts to health and human environment. The proposed action will not result in significant irreversible resource commitments or irretrievable losses of resources. The EA evaluated adverse effects of the proposed action separately from beneficial effects, to determine whether such adverse effects would have been significant in their own right, and no such effects were found to be significant. In no cases did the analysis in the EA use beneficial effects to offset the potential significance of any adverse effect. In addition, the EA did not use any long term beneficial effects to offset the potential significance of any short term adverse effects.

Accordingly, DOE concludes the proposed project will not have any significant adverse impacts and that the proposed project would have beneficial impacts. The proposed action does not change mechanical ventilation rates or affect sources of indoor air pollutants from the no-action alternative. Accordingly, indoor air pollutant levels are not expected to change under the Final Rule. The proposed action is expected to reduce outdoor emissions primarily by reducing consumption of fossil fuels. Cumulative reductions in emissions for 30 years of construction (2015 through 2044) and 30 years of energy reduction for each building built during that period can be estimated at up to 24,156,900 metric tons of carbon dioxide, up to 24,564 metric tons of nitrogen oxides, up to 0.3357 metric tons of mercury, and up to 214,466 metric tons of methane. Emission reductions for sulphur dioxide (SO₂), nitrous oxide (NO), halocarbons, carbon monoxide (CO), particulate matter (PM), and lead are negligible. Under no scenario would emissions for any of the listed compounds increase.

2. There are no adverse effects expected to public health or safety. As presented in the EA, the proposed action will not cause any significant effects on public health and safety.

The proposed action would not be a likely target for intentional destructive acts that could further affect public safety.

3. The proposed action would not cause any adverse effects on unique characteristics of the geographic area.
4. As presented in the EA, the proposed action would not negatively impact the quality of the human environment. Accordingly, the effects of the proposed project are not highly controversial.
5. The effects on the human environment of the proposed action are not uncertain; they do not involve unique or unknown risks. The proposed action would impact the human environment positively by reducing emissions.
6. The proposed action is not likely to establish a precedent for future actions with significant effects.
7. The proposed action, when evaluated together with other past, present, or reasonably foreseeable land disturbing activities in the area, would not result in other cumulatively significant impacts at the local or regional scale.
8. The proposed action will have no adverse effect on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places, and there is no loss of significant scientific, cultural, or historical resources.

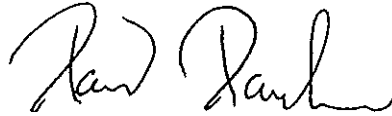
Accordingly, DOE concludes the Proposed Project will have no adverse effect on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places.

9. DOE has concluded that the proposed action will not adversely affect an endangered or threatened species or any critical habitat.
10. The proposed action does not violate any federal, state, or local law or requirement imposed for the protection of the environment.

Determination:

Based on the EA and the above considerations, DOE finds that the proposed action is not a major action that constitutes a significant effect on the human environment. This finding and decision is based on the consideration of DOE's NEPA implementing regulations (10 CFR Part 1021) and the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts analyzed in the EA. Accordingly, the proposed action does not require the preparation of an environmental impact statement.

Issued in Washington, DC, on September __, 2015



David Danielson
Assistant Secretary
Energy Efficiency and Renewable Energy

Copies of the EA and the Final Rule are available on the EERE website at www.energy.gov/node/1030576 and www.energy.gov/eere/femp/notices-and-rules; or from the U.S. Department of Energy, Resource Room of the Building Technologies Program, 950 L'Enfant Plaza, SW., 6th Floor, Washington, DC 20024, (202) 586-2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

For further information regarding the Final Rule contact Ms. Sarah Jensen, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Federal Energy Management Program, Mailstop EE-5F, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 287-6033, e-mail: Sarah.Jensen@ee.doe.gov, or Ms. Ami Grace-Tardy Esq., U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC-71, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586-5709, e-mail: Ami.Grace-Tardy@hq.doe.gov.

For further information regarding the EA contact Lisa Jorgensen, NEPA Compliance Officer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 15013 Denver West Parkway, Golden, CO 80401, (240) 562-1569.

For further information regarding the DOE NEPA process contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC-20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4600, or leave a message at (800) 472-2756.