**ATTACHMENT 5**

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE WORKSHEET**

This document contains information on the National Environmental Policy Act (NEPA). Projects funded with a KTEP loan cannot commence until NEPA, and, if applicable, NHPA[[1]](#footnote-2) reviews are completed. Please follow the instructions, and submit relevant documentation, as described below.

**NEPA**

NEPA is a federal law requiring all federally funded projects to undergo an environmental impact review. For more information visit the United States [Environmental Protection Agency’s](https://www.epa.gov/nepa/what-national-environmental-policy-act) website at: https://www.epa.gov/nepa/what-national-environmental-policy-act

The United States Department of Energy (DOE) must comply with NEPA prior to authorizing the use of Federal funds. DOE must also consider the effects on historic properties, pursuant to Section 106 of NHPA. Additionally, DOE must consider the impacts to floodplains and wetlands, pursuant to [10 CFR Part 1022—](https://www.ecfr.gov/current/title-10/chapter-X/part-1022) Compliance with Floodplain and Wetland Environmental Review Requirements[[2]](#footnote-3). To streamline these required reviews, DOE carries out each of these reviews under the umbrella of its NEPA review. States should review and follow the NEPA determination in their award documents for restrictions, and the list of activities that have been categorically excluded from further NEPA review.

There are two paths to complete a NEPA review for Energy Efficiency Revolving Loan Fund (EE RLF) projects: 1) states determine and document that a project falls within a Bounded Category (see below), or 2) states determine a project does not fit within a Bounded Category and submit an Environmental Questionnaire (EQ-1) in the Project Management Center for DOE to complete a NEPA review. States will receive approval from a DOE Contracting Officer with a NEPA determination for their records.

Both paths require a documented NEPA review. DOE has developed a NEPA log as a tool to assist states in documenting that their projects fit within the Bounded Categories.

**I. Bounded Categories:**

1. Administrative activities associated with management of the designated State Energy Office and management of EE RLF to encourage energy efficiency and renewable energy.
2. Development and implementation of outreach strategies for EE RLF effort to encourage energy efficiency and renewable energy including facility energy audits.
3. Development and implementation of programs and strategies to encourage energy efficiency and renewable energy such as policy development and stakeholder engagement.
4. Residential and commercial energy analysis and monitoring, including energy use assessments involving building monitoring equipment and smart thermostats.
5. Installation of commercially available retrofit/upgrade measures to improve air quality, energy, and/or water efficiency in existing buildings or facilities of the eligible recipient, based on energy audit recommendations, provided that projects adhere to the requirements of the respective state’s DOE executed Historic Preservation Programmatic Agreement, are appropriately sized, and are limited to:
   1. Insulation applied to building structures, ducts, hot water heater tanks, and heating pipes.
   2. Air sealing applied to building structures and/or ducts.
   3. Programmable and smart thermostats.
   4. Installation of energy efficient lighting.
   5. Upgrading, retrofitting, tuning, repairing, and/or replacing of existing heating, ventilation, and air conditioning (HVAC) equipment.
   6. Repairing and/or replacing water heating system equipment.
   7. Energy or water monitoring and control systems.
   8. Retrofitting, repairing, and/or replacing of windows and doors, including installation of energy efficient storm windows and energy-saving window attachments.
   9. Retrofitting or replacing of energy efficient pumps and motors for uses such as wastewater treatment plants, where it would not alter the capacity, use, mission, or operation of an existing facility.
   10. Installation of Combined Heat and Power System—systems sized appropriately for the buildings in which they are located, not to exceed peak electrical production at 300kW).
6. Development, implementation, and installation of onsite renewable energy/energy efficiency technology from renewable resources, provided that activities adhere to the requirements of the respective state’s DOE executed Historic Preservation Programmatic Agreement, are installed in or on an existing structure or within the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), do not require structural reinforcement, no trees are removed, are appropriately sized, and are limited to:
   1. Solar Electricity/Photovoltaic—not to exceed 60 kW.
   2. Installing and/or repairing solar thermal systems, including solar thermal hot water systems that are 200,000 BTU/hour or smaller in size.
7. Installing, repairing, or optimizing use of energy storage systems, including electrochemical and thermal storage systems, provided that projects adhere to the requirements of the respective state’s DOE executed Historic Preservation Programmatic Agreement are installed in or on an existing structure or within the boundaries of a facility (defined as an already disturbed area due to regular ground maintenance), do not require structural reinforcement, no trees are removed, and are appropriately sized not to exceed 400Wh.

Describe project activities and if they fall within the Bounded Categories above:

**II. Environmental Questionnaire: (Only use if project doesn’t fit within Bounded Categories above)**

An Environmental Questionnaire (EQ-1) is used to gather the detailed information required for NEPA review **for projects that don’t fit within the Bounded Categories above**. EQ-1 questions are available at the end of this document.

**Certification: I certify to the best of my knowledge that the information contained in this worksheet is true and complete. I further certify that I am authorized to complete and sign this form on behalf of the proposing organization.**

Name:

Title:

Signature:

Phone Number:

Email:

Date:

**NEPA Environmental Questionnaire EQ-1**

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| --- | --- |
| **No.** | **Question** |
| 1a | Describe project activities |
| 1b | Outside of Office of Energy Efficiency and Renewable Energy (EERE), is there any other Federal Government involvement? |
| 1c | Is the proposed project limited exclusively to intellectual, academic, or analytical activities (Yes / No)? |
| 2a | Is the project fully defined at this point (all sites and activities known)? |
| 2b.1 | Location where work performed, address and/or coordinates |
| 2b.2 | Name of location and current condition/use |
| 2b.3 | Activities to be performed at each location |
| 2b.4 | Land administration/ownership |
| 2c | Identify and describe any known or potential health hazards, and any efforts that would be taken to mitigate those hazards |
| 2d.1 | Describe any modification of existing facilities |
| 2d.2 | Describe any ground disturbing activities |
| 2d.3 | Describe any change in the use, mission, or operation of existing facilities |
| 2d.4 | Describe any outdoor installations, including the area of disturbance, what currently exists on site, dimensions and associated infrastructure |
| 2e | Identify and describe any new, or modifications to existing permits, licenses, or authorizations required to perform project activities. |
| 2f | Please list the estimated types and quantities of materials to be used, and to be produced by the project |
| 2g | Please quantify, to the extent possible, all emissions into ambient air resulting from project activities, such as greenhouse gases, particulates, airborne pollutants |
| 2h | Describe all non-hazardous wastes that would be generated by the project, including recycled materials, and the method of their disposal |
| 3 | Is the project near, or does it involve any of the following resources? Historical, archeological or cultural resources / Threatened or endangered species / Marine mammals or essential fish habitat / Floodplains or wetlands / Tribal lands or resources / Ocean resources / Significant land resources / Coastal zones / Migratory birds or Golden or Bald eagles / Prime farmland / Special sources of water / Areas with special designation such as parks, wildlife refuges, marine sanctuaries |
| 4 | Does the proposed project involve any of the following activities or areas of concern? If yes, provide a detailed description.  Clearing or excavation / Dredge and/or fill / Pre-existing contamination / Pesticide use / Asbestos or lead-based paint / Polychlorinated biphenyls (PCBs) / Navigable air space / Underground storage tanks / Underground Extraction / Use of non-renewable resources / Unmanned Aircraft Systems (e.g. drones) |
| 5 | Would the proposed project potentially impact the surrounding community? If so, please describe the effects and the community affected. Consider:  Visual impacts / Low income or minority populations / Changes in local employment / Changes in local traffic patterns or density / New transportation access / New utility lines or rights-of-way / Other impacts |
| 6 | Would the proposed project use, result in, or require the management, storage, transport, or disposal of radioactive, toxic, or hazardous chemicals, waste, or other materials that require special handling? If yes, please provide a detailed description of the material(s) / Approximate quantity of each / Their role in the project / Storage, transport and disposal procedures for each. |
| 7 | Would the proposed project involve the use or development of recombinant DNA or genetically engineered microorganisms, plants, animals, or similar technologies? If yes, please provide a detailed description of Genetic modifications / Safety procedures in place for their handling and use / How they would be disposed of at the project’s conclusion. |
| 8 | Does the project involve the use of nanoscale materials or nanotechnology? If yes, please describe the materials and the processes in which they would be used / any potential exposure risks and the control measures to mitigate workplace hazards / any procedural and administrative regulations necessary to ensure the containment of nanoscale materials. |
| 9 | Is there any public opposition concerning any of the project activities?  If yes, please describe, and actions taken or planned to address it. |
| 10 | Would the project involve activities or placements into marine or freshwater aquatic environments?  If yes, please describe activities / where and when they would occur / permits or authorizations acquired for the activities. |
| 11 | Would the proposed project result in the discharge of any type of wastewater, pollutant or contaminant, including thermal discharges to a sewer system, stormwater system, soils, retention ponds, or any water resources (e.g. surface water including lakes, rivers, creeks, wetlands, groundwater)?  *Note: Per Federal definition ‘pollutant’ means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharges into water. The term ‘contaminant means any physical, chemical, biological or radiological substance or matter in water.*  If yes, please quantify and characterize the wastewater or pollutants and provide a description of what is to be released and the water resources to be affected. |
| 12 | Would the proposed project generate noise impacts to adjacent communities, workers on site, wildlife, sensitive receptors such as hospitals, schools, daycare facilities, elderly housing?  If yes, describe who might be impacted, their distance from project activities, the level of noise generated in A-weighted decibels (dbA) to each receptor and the anticipated duration. |
| 13 | Please provide a detailed description of how the project would be decommissioned, including the disposition of equipment and materials. |
| 14 | What year(s) were any buildings involved in the project constructed? |

1. More information on the National Historic Preservation Act can be found at https://www.energy.gov/eere/articles/national-environmental-policy-act-and-historic-preservation-training-website-office [↑](#footnote-ref-2)
2. More information can be found at https://www.ecfr.gov/current/title-10/chapter-X/part-1022 [↑](#footnote-ref-3)