



Department of Energy
Washington, DC 20585

**ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM
NOTICE (10-010)**

EFFECTIVE DATE: FEBRUARY 22, 2010

**SUBJECT: GUIDANCE ON WASTE STREAM CONDITIONS FOR PROJECTS
FUNDED THROUGH THE ENERGY EFFICIENCY AND CONSERVATION
BLOCK GRANT (EECBG) PROGRAM.**

PURPOSE: This guidance is designed to help applicants for and recipients of funds from DOE's Energy Efficiency and Conservation Block Grant (EECBG) program. (EECBG applicants and recipients will be referred to below as Grantees). This guidance addresses the need for Grantees to satisfy Waste Stream Conditions by obtaining and supplying waste management plans to support NEPA reviews for EECBG projects when (1) using the EECBG Template to support a categorical exclusion (CX) determination for an appropriately limited subgrant program; (2) applying for a subgrant program without use of the Template; or (3) applying for a particular project.

GUIDANCE: Waste management plans are not required for projects that do not generate waste (e.g., hiring a consultant, conducting an energy audit). Waste management plans are also not required for projects that generate only insignificant quantities of non-hazardous waste. For example, a waste management plan would not be necessary for a retrofit project with a waste stream comprising only small quantities of caulking and associated materials. Where it is not obvious that a project will generate only insignificant quantities of waste, the Grantee should submit (or, in the case of subgrant programs, keep on file) waste management plans or seek guidance from a DOE NEPA Compliance Officer (NCO) to determine whether a waste management plan is necessary.

(1) DOE has provided each State with a Template that may be used to support its application for entire subgrant programs. When using the Template, a State makes assurances that the relevant subgrant programs are limited to certain projects that fall within existing DOE CX categories and that they meet all specified conditions (see 10 C.F.R. Pt. 1021, Subpart D, App. A-B). DOE intends to make CX determinations for such subgrant programs, as appropriate. If DOE determines that a CX is appropriate for entire proposed programs, individual projects within those programs will not be subject to further NEPA review but will be covered by the CX issued to the proposed program.

When DOE applies a CX to an entire State subgrant program via the Template and without review of individual projects, DOE does not have the opportunity to evaluate

whether individual projects would threaten to violate applicable requirements for waste management (e.g., State permitting requirements). Any State that uses a Template must therefore assure DOE that it will obtain a waste management plan as required by State law for waste generated by each proposed Project and that it will make the “waste management plan and related documentation available to DOE on DOE’s request.” These requirements to obtain and maintain waste management plans constitute Waste Stream Conditions.

The Template does not require a State to attach Waste Management Plans when applying for a subgrant program. DOE recognizes that the State may not have information about specific projects at the time of application to DOE. States may collect waste management plans subsequent to awarding subgrants. States may replace the first sentence of the Waste Stream Conditions clause of the EECBG Template with the following sentence: “State [X] shall obtain a waste management plan addressing waste generated by a proposed Project prior to the subgrantee generating and disposing of sanitary or hazardous waste.”

Where a State or local permit, or other required document, will provide waste management information, that permit and its supporting documentation are adequate to constitute a waste management plan for a particular project. By keeping these documents on file and available to DOE upon DOE’s request, a State satisfies the Waste Stream Conditions. However, where there is no existing requirement to document how project proponents will address waste management, then the waste management plan must, at a minimum, contain the following:

- (i) Type(s) and estimated volume(s) of waste that the project proponent anticipates will be generated; and
- (ii) The disposal path for each waste stream (e.g., landfill disposal, recycling, reuse).

Waste types will vary by project. Examples of types of waste are asphalt debris, glass, mercury-containing fluorescent lights, scrap metal, paper, asbestos, and lead paint chips. The waste management plans need not contain information about the particular disposal company or recycler.

(2) If a State’s subgrant program is not limited to the types of projects identified in the Template, a DOE NCO may require that the State provide an assurance that it will meet the Template’s Waste Stream Conditions for the subgrant program. If that is the case, the NCO will make the request in communications with the State after receiving the EECBG application or amendment to the application.

(3) Where DOE is reviewing an application for a particular project that is typically suitable for a CX determination (e.g., retrofitting an existing building with new insulation), the NCO will determine information needs, including a waste management plan, on a case-by-case basis. If the NCO does make such a request, the waste

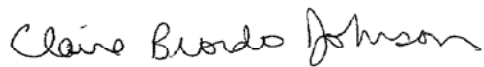
management plan should either be a document that the State or local government requires to address waste management issues or a document that, at a minimum, contains the following information:

- (i) Type(s) and estimated volume(s) of waste that the project proponent anticipates will be generated; and
- (ii) The disposal path for each waste stream (e.g., landfill disposal, recycling, reuse).

Waste types will vary by project. Examples of types of waste are asphalt debris, glass, mercury-containing fluorescent lights, scrap metal, paper, asbestos, and lead paint chips. The waste management plans need not contain information about the particular disposal company or recycler.

DOE has the discretion to request additional information for a particular project or subgrant program for the purposes of NEPA review; where a Template has been used, such requests will be infrequent.

The guidance provided herein is intended to provide Grantees with an overview of important aspects of DOE's NEPA review process for EECBG projects. As DOE's NEPA reviews continue under these programs, it may determine that this guidance should be updated or revised or that additional guidance should be prepared. The NEPA EECBG website link at http://apps1.eere.energy.gov/state_energy_program/doe_guidelines_nepa.cfm will be updated with the most current NEPA information.



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