

California Environmental Quality Act

FILED

NOTICE OF EXEMPTION

TO: Solano County Clerk
Attn: Clerk to the Board of Supervisors
675 Texas Street, Suite 6500
Fairfield, CA 94533

FROM: Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

NOV 05 2021

Birgitta E. Corsello, Clerk of
the Board of Supervisors of
the County of Solano, State of California
Deputy: [Signature]

Project Applicant: Bay Area Air Quality Management District
Lead Agency: Bay Area Air Quality Management District
Contact: Ed Giacometti Phone: (415) 749-8414

SUBJECT: FILING OF NOTICE OF EXEMPTION PURSUANT TO SECTION 21152 OF THE PUBLIC
RESOURCES CODE AND CEQA GUIDELINES SECTION 15061(b)(3)

Project Title: Amendments to District Regulations Addressing Refineries

Project Location: The regulation applies within the Bay Area Air Quality Management District ("Air District"),
which includes all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara
counties, and the southern portions of Solano and Sonoma counties.

Project Description: The project consists of administrative amendments to Regulations 3: Fees, 6:
Particulate Matter, 8: Organic Compounds, 9: Inorganic Gaseous Pollutants, 11: Hazardous Pollutants, 12:
Miscellaneous Standards of Performance to ensure that rules currently applicable to petroleum refineries,
which process crude oil into product fuels and other oil products, continue to apply to the same facilities after
operations are modified to produce the products from alternative feedstocks (including those that are not
derived from petroleum).

In 2020 and 2021, two of the five petroleum refineries in the Bay Area submitted permit applications to modify
the facility operation to process alternative feedstocks with the intention of producing "renewable" products.
These facilities use the term "renewable" to mean they will be producing fuel and other products by processing
non-petroleum feedstocks. Petroleum refineries are subject to a variety of Air District rules and regulations.
Some of these rules are exclusively applicable to petroleum refineries and some of these rules are applicable
to petroleum refineries as well as other facilities. Most of these rules determine that applicability by using the
definition of petroleum refinery. There are also instances where a particular standard, requirement, or
exemption is dependent on terms such as "fossil-derived," "fossil-fuel," "petroleum," and "crude oil." The
purpose of the proposed amendments is to ensure that the facilities that produce fuels and other products from
non-petroleum feedstocks remain subject to and in compliance with the same emission standards and rule
requirements that were in effect when the feedstock was petroleum based.

On November 3, 2021, the Board of Directors of the Bay Area Air Quality Management District conducted a
public hearing in accordance with California Health and Safety Code Section 41512.5 and approved the project
described above and determined that the project was exempt from CEQA.

Finding of Exemption: Pursuant to the California Environmental Quality Act (CEQA), the Air District has
concluded that the proposed amendments to the regulations cited above are exempt under CEQA guidelines
Section 15301, Class 1. For the same reasons, the rulemaking is also exempt from CEQA pursuant to the
commonsense exemption described in CEQA Guidelines Section 15061(b)(3), because it is certain the project
will not have a significant effect on the environment.

Basis for Exemption: The Air District has concluded that the proposed amendments to Air District Regulations
are exempt under CEQA guidelines Section 15301, Class 1. The rule amendments would involve negligible or
no expansion of an existing use. The proposed changes will merely effectuate the original intent of the rules.
Actual emissions will not increase.

Date Received for Filing

[Signature]

Damian Breen
Deputy Executive Officer
Bay Area Air Quality Management District

11/3/21
Date

Document Posted From

11/5/2021 to

Deputy Clerk of the Board