

California Environmental Quality Act

NOTICE OF EXEMPTION

TO: «Company»
«Address1»
«Address2»
«City», «State» «PostalCode»

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

Lead Agency: Bay Area Air Quality Management District
Contact: Barry G Young Phone: (415) 749-4721

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 Regulation 3: Fees

Project Location: The regulation applies within the Bay Area Air Quality Management District (“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 amendments to an existing BAAQMD regulation that establishes fees for source operations and other activities. The amendments become effective on July 1, 2017. The amendments increase fee revenue in order to allow the District to meet budgetary needs for the upcoming fiscal year ending (FYE) 2018, and to continue to effectively implement and enforce regulatory programs for stationary sources of air pollution.

The fee rates in the following Fee Schedules would be amended as follows: (1) 2.7% increase: Schedule M: Major Stationary Sources, Schedule U: Indirect Sources; (2) 7% increase: Schedule F: Miscellaneous Sources, Schedule G3: Miscellaneous Sources, Schedule T: Greenhouse Gas Fees; (3) 8% increase: Schedule D: Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants and Terminals, Schedule P: Major Facility Review Fees; and (4) 9% increase: Schedule A: Hearing Board Fees, Schedule E: Solvent Evaporating Sources, Schedule G1: Miscellaneous Sources, Schedule G2: Miscellaneous Sources, Schedule G4: Miscellaneous Sources, Schedule H: Semiconductor and Related Operations, Schedule I: Dry Cleaners, Schedule K: Solid Waste Disposal Sites, Schedule R: Equipment Registration Fees, Schedule S: Naturally Occurring Asbestos Operations, and Schedule V: Open Burning.

The following specific fees in Regulation 3 would be increased by 2.7%: permit application filing fees, alternative compliance plan fees, permit to operate renewal processing fees, transfer fees, emissions banking filing and withdrawal fees, school public notice fees, toxic inventory maximum fees, and exemption fees. The annual Consumer Price Index for Bay Area Urban Wage Earners and Clerical Workers (CPI-W) increased 2.7% from 2016 to 2017.

In addition, the following additional amendments are proposed: (1) New fees to help recover the costs for facility-wide Health Risk Assessments (HRAs) and Risk Reduction Plans required pursuant to proposed Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities; (2) A new fee equal to the risk screening fee to help recover the costs for each HRA scenario above three HRA scenarios in any permit application pursuant to Regulation 2, Rule 5; (3) Revise Fee Schedule A: Hearing Board Fees (Table I) to include diesel exhaust particulate matter in the schedule of toxic air contaminants subject to excess emissions fees; (4) Revise Fee Schedule H: Semiconductor and Related Operations, to directly calculate the fee based on the gross throughput of organic solvent processed; (5) Update the SL factor in Fee Schedule N: Toxic Inventory Fees, to recover current costs and higher California Air Resources Board AB2588 annual fees for FYE 2017; (6) Change all Regulation 3 references of “health risk screening analysis” to “health risk assessment”; (7) Delete fees for Duplicate Permits and Duplicate Registrations in Section 3-309; and (8) Correct a few minor typographical errors.

On June 21, 2017, 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: This project is found to be exempt pursuant to Public Resources Code Section 21080, subd. (b)(8) and CEQA Guidelines Section 15273.

Basis for Exemption: The regulatory amendments which constitute this project modify charges by the BAAQMD for sources of air pollution. The fees and modifications are for the purpose of meeting District operating expenses associated with the regulation of these sources. The amendments are administrative in nature, do not affect air emissions from any sources, and have no possibility of causing significant environmental effects. As such, they fall within the statutory and Guidelines exemptions cited above.

Date Received for Filing

Jaime Williams

Date