

California Environmental Quality Act

NOTICE OF EXEMPTION

TO: County Clerk Offices

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

**Project Applicant: Bay Area Air Quality Management District
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 ("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 amendments to an existing Air District regulation that establishes fees for source operations and other activities. The amendments become effective on July 1, 2021. The amendments increase fee revenue in order to allow the Air District to meet budgetary needs for the upcoming fiscal year ending (FYE) 2022, and to continue to effectively implement and enforce regulatory programs for stationary sources of air pollution.

The following amendments were proposed: The fee rates in the following Fee Schedules would be amended as follows: (1) 1.5% increase: Schedule B: Combustion of Fuels, Schedule D: Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants & Terminals, and Schedule M: Major Stationary Source Fees; (2) 7% increase: Schedule F: Misc. Sources (storage silos, abrasive blasting) and Schedule P: Major Facility Review Fees; (3) 8% increase: Schedule E: Solvent Evaporating Sources and Schedule H: Semiconductor and Related Operations; (4) 9% increase: Schedule G-2: Misc. Sources (asphaltic concrete, furnaces), Schedule G-3: Misc. Sources (metal melting, cracking units), Schedule G-4: Misc. Sources (cement kilns, sulfur removal & coking units, acid manufacturing), Schedule T: Greenhouse Gas Fees, and Schedule V: Open Burning; (5) 15% increase: Schedule A: Hearing Board Fees, Schedule G-1: Misc. Sources (glass manufacturing, soil remediation), Schedule K: Solid Waste Disposal Sites, Schedule N: Toxic Inventory Fees, Schedule S: Naturally Occurring Asbestos Operations, and Schedule W: Petroleum Refining Emissions Tracking Fees. The following specific fees in Regulation 3 would be increased by 1.5%: New and modified source filing fees, Emission Banking Fees, Regulation 2, Rule 9 Alternative Compliance Plan fee, Toxic Inventory maximum fee, Permit to Operate renewal processing fee, Exemption Fee, Fee for Risk Reduction Plan, Fee for Facility-Wide Health Risk Assessment, and Fees for Air Dispersion Modeling.

In addition, these additional amendments were proposed: Revise Section 3-327, Permit to Operate, Renewal Fees as follows: (1) A renumbering of the Renewal Processing Fee and the Assembly Bill 617 (AB 617) Community Health Impact Fee and (2) A new fee for each permitted facility during permit renewal to implement California Air Resource Board's (CARB's) Criteria Pollutant and Toxics Emissions Reporting (CTR) Regulation. Other proposed changes: (1) To recover costs from when a health risk assessment is required for new and modified Gas Dispensing Facilities (GDF), revise the Risk Assessment Fee in Schedule D, Section A to \$584 per application for an existing GDF and \$3,827 for a new GDF, (2) Clarify the language in Section 305 on when fees can be reapplied from a previously withdrawn or canceled application and (3) Formatting and text clean-up.

On June 16, 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: 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 Air 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

Pamela J. Leong
Director of Engineering
Bay Area Air Quality Management District

Date

