



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

California Environmental Quality Act

NOTICE OF DETERMINATION

TO: Interested Parties

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

LEAD AGENCY: Bay Area Air Quality Management District

Contact: David Joe

Phone: 415-749-8623

SUBJECT: FILING OF NOTICE OF DETERMINATION PURSUANT TO SECTION 21152 OF THE PUBLIC RESOURCES CODE AND CEQA GUIDELINES SECTION 15094

Project Title: Amendments to Regulation 6, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units

Project Applicant and Entity Carrying Out Project:

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, California 94105
(415) 749-8623

Public Agency Approving Project (Lead Agency): Bay Area Air Quality Management District (Air District)

Project Location: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties

Project Description: This rule development project amends Air District Regulation 6, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units (Rule 6-5) to address particulate matter emissions, including condensable particulate matter emissions, from fluidized catalytic cracking units (FCCUs) and associated carbon monoxide boilers. The amendments to Rule 6-5 include new and modified limits on ammonia and sulfur dioxide. The amendments also include a direct limit on total particulate matter less than 10 microns in diameter (total PM₁₀), which includes both filterable and condensable particulate matter. The amendments also include modifications to existing rule language to clarify existing provisions and improve monitoring requirements.

Project Approval: On Wednesday, July 21, 2021, the Board of Directors of the Bay Area Air Quality Management District approved the project described above.

CEQA Applicability: In 2018, the Air District analyzed the potential environmental impacts related to projects under the Air District's AB 617 Expedited Best Available Retrofit Control Technology (BARCT) Implementation Schedule, including amendments to Rule 6-5, in a Final Environmental Impact Report (Final EIR) certified by the Air District Board of Directors on December 19, 2018 (State Clearing House Number: 2018082003). The most recent amendments to Rule 6-5 do not present substantial changes in the project or circumstances or new information that would require a new analysis. No subsequent or supplemental EIR is required as there have not been substantial changes in the project that would require major revisions to the Final EIR, there have not be substantial changes with respect to the circumstances under which the project is being undertaken that would require major revisions to the Final EIR, and there is no new information available that would change the analysis in the Final EIR. Therefore, in approving the amendments to Rule 6-5 described above, the Air District relied on the Final EIR pursuant to CEQA section 21166.

Significant Impacts: In 2018, the Air District analyzed the potential environmental impacts related to projects under the Air District's AB 617 Expedited Best Available Retrofit Control Technology (BARCT) Implementation Schedule, including amendments to Rule 6-5, in a Final Environmental Impact Report (Final EIR) certified by the Air District Board of Directors on December 19, 2018 (State Clearing House Number: 2018082003). The Final EIR found that implementation of the projects under the AB 617 Expedited BARCT Implementation Schedule would result in significant impacts. The Final EIR concluded that air quality impacts associated with the construction of air pollution control equipment would be potentially significant after mitigation and cumulatively

375 BEALE ST., STE 600 • SAN FRANCISCO CALIFORNIA 94105 • 415.771.6000 • www.baaqmd.gov

considerable. Water demand impacts from the operation of air pollution control equipment were found to be potentially significant after mitigation and cumulatively considerable.

The most recent amendments to Rule 6-5 do not present substantial changes in the project or circumstances or new information that would require a new analysis. The Air District anticipates the amendments to Rule 6-5 may require the installation of up to three wet gas scrubbers at refinery FCCUs, as was evaluated in the Final EIR. Air quality impacts associated with the construction of this air pollution control equipment and water demand impacts from the operation of this control equipment are not anticipated to be substantially different than the impacts described in the EIR. No subsequent or supplemental EIR is required as there have not been substantial changes in the project that would require major revisions to the Final EIR, there have not be substantial changes with respect to the circumstances under which the project is being undertaken that would require major revisions to the Final EIR, and there is no new information available that would change the analysis in the Final EIR. For these reasons, the Air District, in approving the amendments to Rule 6-5, relied on the Final EIR pursuant to CEQA section 21166.

Mitigation Measures: Mitigation measures were made a condition of approval for this project for construction activities and water usage; but were found to be within the jurisdiction of public agencies other than the Air District, and such mitigation measures have been or could be adopted. A mitigation monitoring program was not adopted.

Findings were made pursuant to Section 15091.

Overriding considerations: In 2018, the Air District Board of Directors, in adopting the AB 617 Expedited BARCT Implementation Schedule Final EIR, also adopted a Statement of Overriding Considerations for this project. The Air District Board of Directors relied on the 2018 Final EIR and the December 19, 2018 Statement of Overriding Considerations in adopting the amendments to Rule 6-5.

This is to certify that the final EIR, certified by the Board of Directors of the Bay Area Air Quality Management District on December 19, 2018, with comments and responses and record of project approval is available to be examined on the Air District's website at www.baaqmd.gov/ruledev and at the Air District office at 375 Beale Street, Suite 600, San Francisco, CA 94105.

Date Received for Filing

David Joe
Office of Rules and Strategic Policy

Date