

ORIGINAL

2023-0000036

FILED

SAN FRANCISCO County Clerk

June 13, 2023

by: Mariedyne Nadonza
Deputy County Clerk

**California Environmental Quality Act
NOTICE OF EXEMPTION**

**TO: County Clerk Offices
Santa Clara County
Clerk-Recorder's Office
70 West Hedding Street
E.Wing, 1st Floor
San Jose, CA 95110**

**FROM: Bay Area Air Quality
Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
Contact: Barry Young, (415) 749-4721**

**SUBJECT: FILING OF NOTICE OF EXEMPTION PURSUANT TO SECTION 21080(b)(8) OF THE
PUBLIC RESOURCES CODE AND CEQA GUIDELINES SECTION 15273**

PROJECT TITLE: Amendments to Regulation 3: Fees

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

Project Applicant and Entity Carrying Out Project: Air District

Project Applicant Address: 375 Beale Street, Suite 600, San Francisco, CA 94105

Project Applicant Contact Person: Barry Young, Senior Advanced Projects Advisor, 415-749-4721

**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,
2023. The amendments increase fee revenue to allow the Air District to meet budgetary needs for the
upcoming fiscal year ending (FYE) 2024, and to continue to effectively implement and enforce regulatory
programs for stationary sources of air pollution.**

The following specific fees in Regulation 3 were proposed for a 6.3 percent increase: New and modified
source fees, Emission Banking Fees, Emission Caps and Alternative Compliance Plans fee, Toxic Inventory
maximum fee, Permit to Operate renewal processing fee, Assembly Bill 617 Community Health Impact fee
cap, Criteria Pollutant and Toxic Emissions Reporting fee cap, Exemption Fee, Fee for Risk Reduction
Plan, Fee for Facility-Wide Health Risk Assessment (HRA), and Fees for Air Dispersion Modeling.

The fee rates in the following Fee Schedules would be increased by 6.3 percent: Schedule I: Dry Cleaners,
Schedule M: Major Stationary Source Fees, Schedule N: Toxic Inventory Fees, and Schedule P: Major
Facility Review Fees. The fee rates in the following Fee Schedules would be increased by 15 percent:
Schedule A: Hearing Board Fees, Schedule B: Combustion of Fuels, Schedule E: Solvent Evaporating
Sources, Schedule F: Misc. Sources (storage silos, abrasive blasting), Schedule G-1: Misc. Sources (glass
manufacturing, soil remediation), 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 H: Semiconductor and Related Operations, Schedule K:
Solid Waste Disposal Sites, Schedule S: Naturally Occurring Asbestos Operations, Schedule T:
Greenhouse Gas Fees, Schedule V: Open Burning and Schedule W: Petroleum Refining Emissions
Tracking Fees. In Schedule C: Stationary Containers for the Storage of Organic Liquids, the base fee in
the Risk Assessment Fee calculation was proposed to be increased by 24 percent. In Schedule D.A:
Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants & Terminals, the Risk Assessment Fee for
existing gas dispensing facilities was proposed to be increased by 15 percent. Metal shredding operations

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with a capacity less than or equal to 150 tons per hour were classified as a G2 source. Metal shredding operations with a capacity greater than 150 tons per hour were classified as a G3 source. Schedule U: Indirect Source Review Fees was deleted.

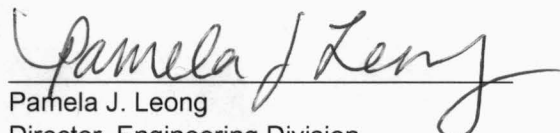
These new fees were proposed: (1) Section 3-311.4: Evaluation of Existing ERCs for PM2.5, was added to separate this evaluation from Section 3-311.2 evaluations, (2) Section 3-311.5 ERC Condition Change: was added to separate this evaluation from Section 3-311.2 evaluations, (3) Section 3-330.1: Fee for Renewing an Authority to Construct was added to recover administrative costs and (4) Section 3-345: Evaluation of Plans, Regulation 6 was added to recover costs for work not previously charged a fee, (5) Section 3-346: Request for a Petition, Regulation 8 was added to recover costs for work not previously charged a fee, and (6) Section 3-347: Evaluation of Reports, Organic Waste Recovery Sites was added to recover costs for work not previously charged a fee.

Other proposed changes were (1) The definitions for Section 3-203: Filing Fee and Section 3-204: Initial Fee were modified, (2) Section 3-302.8 was added to clarify the calculation method of the Risk Assessment Fee, (3) Language was added to Section 3-307 to clarify the responsibility party of outstanding fees when a facility is transferred, (4) Industry Compliance School language which was previously cited in specific fees was consolidated in Section 3-419 and (5) Formatting and text clean-up.

On June 7, 2023, 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, 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 Air District 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 and operations. 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.


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

6/7/2023
Date



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

Print  **Finalize&Email**

RECEIPT NUMBER:
 38-06/13/2023-058
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY BAY AREA AIR QUALITY MANAGEMENT DISTRICT	LEAD AGENCY EMAIL	DATE 06/13/2023
COUNTY/STATE AGENCY OF FILING SAN FRANCISCO COUNTY	DOCUMENT NUMBER 2023-0000036	
PROJECT TITLE		

AMENDMENTS TO REGULATION 3: FEES

PROJECT APPLICANT NAME BARRY YOUNG	PROJECT APPLICANT EMAIL	PHONE NUMBER (415) 749-4721
PROJECT APPLICANT ADDRESS 375 BEALE STREET, SUITE 600	CITY SAN FRANCISCO	STATE CA
		ZIP CODE 94105

PROJECT APPLICANT (Check appropriate box)

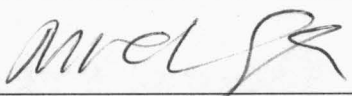
- Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$ 3,839.25 \$ _____
 - Mitigated/Negative Declaration (MND)(ND) \$ 2,764.00 \$ _____
 - Certified Regulatory Program (CRP) document - payment due directly to CDFW \$ 1,305.25 \$ _____
 - Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
 - Fee previously paid (attach previously issued cash receipt copy)
-
- Water Right Application or Petition Fee (State Water Resources Control Board only) \$ 850.00 \$ _____
 - County documentary handling fee \$ 75.00 \$ 75.00
 - Other \$ _____

PAYMENT METHOD:

- Cash Credit Check Other 00175207 **TOTAL RECEIVED \$ 75.00**

SIGNATURE X 	AGENCY OF FILING PRINTED NAME AND TITLE Mariedyne Nadonza Deputy Clerk
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