

# Notice of Exemption

Form D

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

**From:** California Energy Commission  
1516 9<sup>th</sup> Street, MS-6  
Sacramento, CA 95814

**Project Title:** The Relentless Drive to True Zero

**Project Applicant:** FirstElement Fuel, Inc.

**Project Location - Specific:**

Address	City	State	Zip	County
313 West Orangethorpe Avenue	Placentia	CA	92870	Orange
615 South Tustin Street	Orange	CA	92866	Orange
21530 Stevens Creek Boulevard	Cupertino	CA	95014	Santa Clara
14477 Merced Avenue	Baldwin Park	CA	91706	Los Angeles
3939 Snell Avenue	San Jose	CA	95136	Santa Clara
2995 Bristol Street	Costa Mesa	CA	92626	Orange
26813 La Paz Road	Aliso Viejo	CA	92656	Orange
1832 West Washington Street	San Diego	CA	92103	San Diego
24505 Hawthorne Boulevard	Torrance	CA	90505	Los Angeles
2160 South Euclid Avenue	Ontario	CA	91762	San Bernardino
800 North Hollywood Way	Burbank	CA	91505	Los Angeles
1666 1st Avenue	San Diego	CA	92010	San Diego
510 East Santa Clara Street	San Jose	CA	95112	Santa Clara
1930 South Waterman Avenue	San Bernardino	CA	92408	San Bernardino
3160 Carlson Boulevard	El Cerrito	CA	94530	Contra Costa
11030 Rancho Carmel Drive	San Diego	CA	92128	San Diego
6392 Beach Boulevard	Buena Park	CA	90621	Orange
3402 Foothill Boulevard	Glendale	CA	91214	Los Angeles
666 North Santa Cruz Avenue	Los Gatos	CA	95030	Santa Clara
47700 Warm Springs Boulevard	Fremont	CA	94539	Alameda
988 North San Antonio Road	Los Altos	CA	94022	Santa Clara

**Project Location - City:** Various

**Project Location - County:** Various

**Description of Nature, Purpose and Beneficiaries of Project:**

This project will support the build out of hydrogen refueling infrastructure to support the roll out of fuel cell vehicles in California.

The nature of the project is installation of hydrogen refueling equipment at 21 existing gas stations. Hydrogen refueling equipment consists of hydrogen storage tanks, and compression and dispensing equipment. Beneficiaries will include residents in Alameda, Contra Costa, Los Angeles, Orange, San Bernardino, San Diego, and Santa Clara counties and will expand to much of the surrounding area as these stations allow drivers to use fuel cell vehicles displacing polluting vehicles.

**Name of Public Agency Approving Project:** California Energy Commission

**Name of Person or Agency Carrying Out Project:** FirstElement Fuel, Inc.

**Exempt Status: (check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Cal. Code Reg.s, tit. 14, sections 15301 ("Existing Facilities;") 15303 ("New Construction or Conversion of Small Structures;") 15304 ("Minor Alterations to Land.")
- Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The project is to develop hydrogen refueling stations by adding hydrogen storage, compression, and dispensing equipment with an estimated maximum footprint of 500 square feet and trenching of 50 to 150 feet at existing retail gasoline stations.

As to the equipment to be installed, the storage tanks will hold up to 900 kg of hydrogen. The hydrogen dispenser will dispense at 700 bar. Control valves will be pneumatically operated. All control valves fail in the safe direction (closed) after loss of utility power or instrument gas supply. All system alarms and shutdowns are displayed on the control panel face. Critical alarms are hard wired in addition to being connected through the Programmable Logic Controller. This adds an extra layer of safety to the system.

Cal. Code Regs., tit. 14, sect. 15301 provides that projects which consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, and which involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination, are categorically exempt from the provisions of the California Environmental Quality Act.

The proposed project adds equipment to existing gasoline stations that covers an area which is approximately 500 square feet, with an excavation area of no more than 1,000 square feet. This square footage is far less than that specified in one example provided in the Regulations (i.e., 14 C.C.R. § 15301(e)) of a minor addition to existing structures. Because the proposed sites are existing gas stations; the proposed addition of a hydrogen refueling facility will not significantly expand the use beyond that already existing; and the square footage of equipment installation is relatively small, the project falls within section 15301 and will not have a significant effect on the environment.

Cal. Code Regs., tit. 14, sect. 15303 provides that projects which consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, are categorically exempt from the provisions of the California Environmental Quality Act.

The proposed project consists of installation of small new equipment, including hydrogen storage of up to 900 kg capacity, and compression and dispensing equipment, at each site. Therefore, the proposed project falls within section 15303 and will not have a significant effect on the environment.

Cal. Code Regs., tit. 14, sect. 15304 provides that projects which consist of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes, are categorically exempt from the provisions of the California Environmental Quality Act.

For the installation of the equipment in this project, there will be up to 150 feet of trenching to connect storage and compression equipment to dispensers. No trees will be removed and the surface will be restored. This reflects exactly the example given in section 15304(f). Therefore, the proposed project falls within section 15304 and will not have a significant effect on the environment.

**Responsible Agency**

Contact Person: Mark Johnson Area Code/Telephone/Extension: 916-651-3003

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: Mark Johnson Date: 2/24/21 Title: Energy Commission Specialist I

- Signed by Responsible Agency  
 Signed by Lead Agency      Date received for filing at OPR: \_\_\_\_\_  
 Signed by Applicant