

## California Environmental Quality Act (CEQA)

### NOTICE OF EXEMPTION

**TO: Contra Costa County  
Clerk-Recorder's Office  
555 Escobar Street  
Martinez, CA 94553**

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

**SUBJECT: FILING OF NOTICE OF EXEMPTION PURSUANT TO CEQA § 21152(b) AND CEQA GUIDELINES § 15062.**

**PROJECT TITLE: RICHMOND PRODUCTS TERMINAL – Issuance of Permit to Operate for the Storage and Dispensing of Renewable Diesel and Biodiesel Fuels for Alteration to Source S-1 Loading Rack 1, S-75 Internal Floating Roof Tank, and Certificate of Exemption to S-24 and S-25 Fixed Roof Tanks (Application Number 32039).**

**Public Agency Approving Project (Lead Agency):** Bay Area Air Quality Management District (Air District), 375 Beale Street, Suite 600, San Francisco, CA 94105. Contact: Eric Grulke, Senior Air Quality Engineer, Telephone: (415) 749-8672. Email: egrulke@baaqmd.gov

**Project Applicant and Entity Carrying Out Project:** Kinder Morgan Liquids Terminal (KMLT) - Richmond Products Terminal (RPT).

**Project Applicant Mailing Address:** 10010 Louisiana Street, Houston TX 77002.

**Project Applicant Contact Person:** Donny Homer, Senior Specialist – Permitting Compliance, KMLT, 1306 Canal Street, Richmond, CA 94804. Telephone: (415) 307-1374.  
Email: donny\_homer@kindermorgan.com

**Project Location:** 1306 Canal Street, Richmond, **Contra Costa County**, CA 94804. Nearest Cross Street: Seacliff Drive.

#### **Project Description:**

The Air District has issued a Permit to Operate and Certificate of Exemption to KMLT for the following alterations to the facility:

1. Change the description for S-24 & S-25 from floating roof to fixed roof tanks and change the gasoline storage to Renewable Diesel (RD) and Biodiesel (BD) fuels only. S-24 and S-25 will be converted from permitted tanks to exempt tanks per BAAQMD Regulation 2-1-123.3.2.
2. Balance the throughput increases for S-24 and S-25 tanks with a corresponding decrease in the combined throughput of S-4, S-11 to S-16, S-22, S-23, S-31, S-34, S-36, S-37, S-64, and S-73 to S-76.
3. Alteration to S-75 to allow for the storage of BD and RD, in addition to Ethanol/Jet A.
4. Alteration to Loading Rack 1 (S-1) to reactivate two previously exempt arms for the handling of RD and BD.

#### **Finding of Exemption:**

The Air District has determined that the issuance of this Authority to Construct permit and Certificate of Exemption are exempt from CEQA because:

- i. The Air District's approval is "ministerial" and therefore exempt from CEQA under CEQA § 21080(b)(1) and CEQA Guidelines §15268 (a), and

- ii. The project involves only a minor alteration to an existing facility subject to the "Class 1" categorical exemption with no expansion of existing or former use (CEQA Guidelines § 15061(b)(2), 15301; Air District Regulation 2-1-312.6).

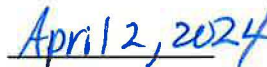
**Basis for Exemption:**

The Air District regulatory requirements that governed the approval of this project for S-1, S-75, S-24, and S-25 involved objective numerical standards outlined in the Air District's Permit Handbook Chapter 3.1 (Bulk Loading Facilities) and 4.0 (Organic Liquid Storage Tanks), which did not allow for or require any subjective judgment or discretion to interpret or apply; and the Air District was legally compelled to approve the project where it complied with such standards. In addition, because sources S-1 and S-75 are altered and not new or modified and sources S-24 and S-25 are exempt, a Best Available Control Technology (BACT) determination is not required. This application does not trigger BACT for toxics (TBACT). Thus, the Air District's action is ministerial for these sources. Accordingly, these sources are not subject to CEQA.

Furthermore, the BD and RD will be brought onsite via truck/rail and by marine vessel, respectively. The facility has agreed to reduce their Diesel/Jet A throughput by a same amount to balance the potential environmental impacts from vehicle traffic due to the increase in BD/RD. There will be no increase in stationary and mobile source emissions due to this application. All sources in this application are existing and are either altered or exempt sources. As a consequence, this permit action is subject to the "Class 1" exemption (Guidelines § 15301) because it involves no expansion of the use of an existing facility. The applicant has also provided in the permit application CEQA-related information (CEQA Appendix H) that demonstrates that the project has no potential for resulting in any additional or different environmental impacts beyond what is already entailed in the applicant's existing use of the sources.



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



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Date