

Notice of Exemptions

TO: Office of Planning and Research
1400 Tenth Street, Room 212
Sacramento, California 95814

FROM: California Energy Commission
715 P Street
Sacramento, California 95814

Project Title: Emergency Rulemaking Implementing Revised SB X1-2 Gasoline Refining Margin and Marine Import Reporting Requirements [Regulations]

Project Location: Statewide

Description of Nature, Purpose, and Beneficiaries of Project: Adoption of emergency regulations to implement and clarify the revised gasoline refining margin and marine import reporting requirements in Public Resources Code section 25354. On March 28, 2023, Governor Newsom signed Senate Bill (SB) X1-2 (Stats. 2023, 1st Ex. Sess. 2023, ch. 1), which took effect June 28, 2023, and, among other things, added marine import reporting requirements and amended the gasoline margin reporting requirements. (Public Resources Code Sections 25354(j), 25355.) The CEC developed regulations to implement and clarify the statutory reporting requirements and approved adoption of the regulations in article 3, chapter 3 of title 20, California Code of Regulations.

Name of Public Agency Approving Project: California Energy Commission

Name of Person or Agency Carrying Out Project: California Energy Commission

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: Class 6 Information Collection, Section 15306 of title 14, chapter 3 of the California Code of Regulations (CEQA Regulations);
- Statutory Exemption: State code number: _____
- Other: Adoption of the amendments not a “project” for CEQA purposes, and is otherwise exempt from CEQA requirements pursuant to the “common sense” exemption (CEQA Regulations, 15061, subd. (b)(3)).

Reasons why project is exempt: The above-described activity is not a project under section 15378(b)(2) of the CEQA Regulations because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The regulations pertain to continuing administrative activity related to policy and procedure making; they solely involve data submittal requirements and no direct or indirect changes to the environment will occur as a result of the information production requirements contained therein. In addition, the activity merely implements and clarifies informational reporting requirements established by SB X1-2. Accordingly, the regulations clarifying the gasoline refining margin and marine import reporting requirements are exempt pursuant to the Class 6 categorical exemption. Additionally, the activity is exempt under Section 15061(b)(3) of the CEQA Regulations because there is no possibility that the activity may have a significant effect on the environment.

Lead Agency Contact Person:

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Date: 5/10/2024

Title: Acting Chief Counsel



Signed by the Lead Agency

Date received for filing by OPJ

Authority cited: Section 21083, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.