

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: Revised SB X1-2 Merchant Terminal Position Holder Reporting Requirements
[Regulations]

Project Location: Statewide

Description of Nature, Purpose, and Beneficiaries of Project: Adoption of emergency regulations to implement and clarify reporting requirements related to transportation fuel inventory by position holder at merchant terminals pursuant to Public Resources Code section 25354(k). In March 2023, Governor Newsom signed Senate Bill (SB) X1-2 (Stats. 2023, 1st Ex. Sess. 2023, ch. 1), which took effect June 28, 2023 and requires, among other things, that certain nonrefiners provide information to the CEC regarding transportation fuel inventory for each position holder. (Public Resources Code Section 25354(l).) The CEC developed regulations to implement and clarify the statutory reporting requirements and approved adoption of the regulations in article 3, chapter 3 of division 2 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 25306;
- 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 Guidelines, 15061, subd. (b)(3)).

Reasons why project is exempt: The above-described activity is not a project under section 15378(b)(2), because it pertains to continuing administrative activity related to policy and procedure making. In addition, the activity implements and clarifies an informational reporting requirement established by SB X1-2. Accordingly, the regulations clarifying the process and informational requirements for merchant terminal position holder reports are exempt pursuant to the Class 6 categorical exemption. Additionally, the activity is exempt under section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Lead Agency Contact Person:

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Date: July 11, 2024

Title: Staff Counsel



Signed by the Lead Agency

Date received for filing by OPJ

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.