

California Environmental Quality Act (CEQA)

NOTICE OF EXEMPTION

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**TO:** Santa Clara County  
Clerk-Recorder's Office  
110 West Tasman Drive, First Floor  
San Jose, CA 95134

**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:** San Jose/Santa Clara Regional Wastewater Facility Issuance of Particulate 10/2.5, Nitrogen Oxide, Carbon Monoxide, Precursor Organic Compound, and Sulfur Dioxide Emission Reduction Credits (ERCs), Sources 9, 10, 11, 12, 13, and 14, (Air District Applications 31533, 31534, 31535, 32089, and 32091).

**Public Agency Approving Project (Lead Agency):** Bay Area Air Quality Management District (Air District), 375 Beale Street, Suite 600, San Francisco, CA 94105. Attn: Ryan J. Atterbury, Senior Air Quality Engineer, Telephone: (415) 749-4670. Email: ratterbury@baaqmd.gov.

**Project Applicant and Entity Carrying Out Project:** San Jose/Santa Clara Regional Wastewater Facility.

**Project Applicant Mailing Address:** 700 Los Esteros Road, San Jose, CA 95134.

**Project Applicant Contact Person:** Jason Nettleton, Senior Engineer, San Jose/Santa Clara Regional Wastewater Facility, Telephone: (408) 635-4036, Email: Jason.Nettleton@sanjoseca.gov.

**Project Location:** 700 Los Esteros Road, San Jose, Santa Clara County, CA 95134. Cross Street: near Spreckles Avenue and Grand Boulevard

**Project Description:** This permit action was to issue the following Emission Reduction Credits (ERCs) to San Jose/Santa Clara Regional Wastewater Facility:

1.89	Tons of Particulate 10/2.5
5.96	Tons of Nitrogen Oxides
39.00	Tons of Carbon Monoxide
4.66	Tons of Precursor Organic Compounds
2.95	Tons of Sulfur Dioxide

The ERCs are generated by emission reductions corresponding to the shutdown of S-9, S-10, S-11, S-12, S-13, and S-14 IC Engines for the following credit generation periods pursuant to Air District Regulation 2, Rule 9:

App #	S-#	Credit Generation Period
31533	S-12	February 1, 2019 - January 31, 2022
31534	S-13	February 1, 2019 - January 31, 2022
31535	S-14	February 1, 2019 - January 31, 2022

App #	S-#	Credit Generation Period
32089	S-10	April 1, 2020 - March 31, 2023
32091	S-9	April 1, 2020 - March 31, 2023
32091	S-11	April 1, 2020 - March 31, 2023

**Finding of Exemption:**

- The Air District has determined that emissions banking is not a “project” as that term is used in the California Environmental Quality Act (CEQA), because it does not involve a “physical change in the environment.” (See Cal. Pub. Res. Code § 21065).
- Moreover, even if the issuance of a banking certificate were considered to be a “physical change in the environment,” it can be seen with certainty that the mere issuance of the certificate will not have any significant environmental impacts because simply issuing a certificate does not authorize any emissions. The action would therefore be exempt under the “common sense” exemption. (See CEQA Guidelines § 15061, subdivision (b)(3)).

**Basis for Exemption:**

Emissions banking does not authorize or result in any direct or reasonably foreseeable indirect physical or operational changes at the facility, air emissions, or impacts to the environment, so it is not a “project” pursuant to CEQA. In addition, the Air District has concluded with certainty, based on materials in the applicant’s permit application including a CEQA Appendix H, that the issuance of these ERCs has no potential to result in any additional or different environmental impacts beyond what is already entailed in the applicant’s existing use of the source. Therefore, if issuance of the ERCs were a “project” pursuant to CEQA, it would be subject to the “common sense” exemption.



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

  
 Date