

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: Tesoro Refining & Marketing Company – Issuance of Authority to Construct for Alterations to Source S-709, External Floating Roof Tank, Sour Water (Application 712809).

Public Agency Approving Project (Lead Agency): Bay Area Air Quality Management District (Air District), 375 Beale Street, Suite 600, San Francisco, CA 94105; Contact Person: Bao Trinh, Air Quality Engineer, Telephone: (415) 749-5088, Email: btrinh@baaqmd.gov

Project Applicant and Entity carrying out Project: Tesoro Refining & Marketing Company LLC (Tesoro), a wholly-owned subsidiary of Marathon Petroleum Corporation (collectively, "Marathon").

Project Applicant Mailing Address: 150 Solano Way, Martinez, CA 94553.

Project Applicant Contact Person: Sharon Lim, Advanced Environmental Professional, Marathon, 150 Solano Way, Martinez, CA 94553; Telephone (925) 335-3467, SYLim@marathonpetroleum.com

Project Location: 150 Solano Way, Martinez, Contra Costa County, CA 94553. Nearest Cross Street: Waterfront Road.

Project Description:

This permit action is to issue an Authority to Construct (ATC) to Tesoro Refining & Marketing Company LLC for alteration to Tank 709 (S-709), at the Martinez Renewable Fuels Facility, to store refinery sour water and renewable feedstock.

Marathon proposes to change the material stored in tank S-709 from crude oil to sour water and renewable feedstock. No other changes are proposed with this application. This change does not involve any physical or operational changes that result in any increases in capacity or air pollutant emissions.

Finding of Exemption:

The Air District has determined that this approval is exempt from the California Environmental Quality Act (CEQA) per the following:

- Ministerial (Public Resources Code § 21080(b)(1); CEQA Guidelines § 15268(a), and
- Class 1 Categorical Exemption (CEQA Guidelines § 15301)

Basis for Exemption:

Approval of this permit is not subject to CEQA because it is ministerial. The Air District’s regulatory requirements that governed the approval of this project did not allow for any subjective judgement related to whether or how the project may be carried out. The project complied with objective numerical standards in air permitting/engineering reference materials. These fixed standards do not allow for or require any subjective judgment or discretion to interpret or apply. The Air District is legally compelled to approve the project where it complies with such standards. In addition, a Best Available Control Technology (BACT) determination was not required, since BACT was not triggered. Thus, the Air District’s action was ministerial.

Furthermore, the Air District’s permit action is exempt under CEQA Guidelines §15301 because it permits an existing use and does not authorize any expansion of that existing use. S-709 is currently permitted to store crude oil and the change to storing either sour water or renewable feedstocks does not expand that existing use and will actually result in a reduction in emissions from S-709. Further, based on review of the permit application materials, including Appendix H, the project will not have any significant environmental impacts, and cumulative impacts from successive projects of the same type in the same place will not result in significant environmental impacts.



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



Date