

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 Permit to Operate for Change in Conditions to exclude ethane from precursor organic compound limit for Sources 67, 68, 69, and 70, (Air District Application 699829).

**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: Brenda Cabral, Supervising Air Quality Engineer; Telephone: (415) 749-4686, Email: bcabral@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; 700 Los Esteros Road, San Jose, CA 95134. 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 project is a permit application to change the NMOC (non-methane organic compound) limit to a NMEOC (non-methane, non-ethane organic compound) limit for sources 67, 68, 69, 70, Biogas Engines, at San Jose/Santa Clara Regional Wastewater Facility, and to change the source test procedure so that ethane can be subtracted from the total organics that are measured.

**Finding of Exemption:**

- The Air District has determined that this permit action is categorically exempt from CEQA because the project involves no expansion of use beyond that previously existing at the time of the Air District's CEQA determination. (CEQA Guidelines § 15301).
- The Air District has also determined that the permit action would be exempt under the "common sense" exemption. (See CEQA Guidelines § 15061, subdivision (b)(3)).

**Basis for Exemption:**

The change in the conditioned limit and source test method 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. Even if the change in conditions were a "project" pursuant to CEQA, the Air District's permit action is exempt because it only permits a condition change with no physical changes at an existing facility and does not authorize any expansion of the existing use (See CEQA Guidelines § 15301). 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 change has no potential to result in any additional or different environmental impacts beyond what is already permitted in the applicant's existing use of the sources. It can also be seen with certainty that the change will not have any environmental impacts because ethane is not classified as a precursor organic compound by the Air District. The action would therefore be exempt under the "common sense" exemption. (See CEQA Guidelines § 15061, subdivision (b)(3)).

Further, based on the review of the permit application materials, including Appendix H (environmental information form), the project will not result in any additional or different environmental impacts beyond what is already entailed in the applicant's existing use of the source. In making the determination that this application is categorically exempt, the Air District reviewed the permit application materials, including a CEQA Appendix H, and concluded that: 1) there is no potential for any environmental impact from the project; 2) no formal health risk assessment was required by the Air District; and 3) that the project will not have a significant effect on the environment due to unusual circumstances or cumulative impacts from successive projects of the same type in the same place.



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

January 7, 2024

Date