

California Environmental Quality Act (CEQA)

NOTICE OF EXEMPTION

**TO: Contra Costa County
County Clerk-Recorder
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: TransMontaigne Operating Company LP – Issuance of Permit to Operate for Alteration of S- 17 (Air District Application 708448).

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: Emily Schwartz, Air Quality Engineer, Telephone: (415) 749-4707, Email: eschwartz@baaqmd.gov

Project Applicant and Entity Carrying Out Project: TransMontaigne Operating Company LP – Richmond Terminal.

Project Applicant Mailing Address: 1670 Broadway, Suite 3100, Denver, CO 80202.

Project Applicant Contact Person: Dirk Wold, Air Compliance Manager, TransMontaigne Operating Company LP; Telephone: (303) 860-5128, Email: DWold@transmontaigne.com

Project Location: 488 Wright Avenue, Richmond, Contra Costa County, CA 94804. Cross Street: Wright Avenue & unnamed dirt road; Northwest of the tank is South 4th Street.

Project Description:

The Air District has issued a roof replacement alteration for tank S-17 under an Air District Temporary Permit to Operate for the following equipment:

S-17 Tank #1516 Internal Floating Roof

TransMontaigne Operating Company LP, Richmond Terminal has requested a roof replacement for Tank 1516 (S-17). S-17 is currently a cone roof tank with an internal floating roof (IFR). The proposed new floating roof will be a cable suspended roof that is safer and results in less roof penetration. The replacement of the IFR for S-17 will result in a net decrease in emissions.

S-17 is currently permitted to store ethanol and other materials provided that they remain below a true vapor pressure (TVP) of 8.0 psia and do not release emissions of any toxic air contaminant (TAC) which exceeds the toxic trigger limits of Air District Regulation 2, Rule 5. S-17 is subject to a total liquid throughput limit of 27,690,400 gallons during any consecutive 12-month period. The roof replacement will not change any of the permit conditions including allowable liquids stored, TVP, or annual throughput.

Finding of Exemption:


The Air District has determined that this approval is exempt from CEQA per the following:

1. The Air District’s action is ministerial and exempt from CEQA under Public Resources Code § 21080(b)(1) and CEQA Guidelines Section 15268(a).
2. This project is categorically exempt per the Class 1 Alteration (also known as “No or Negligible Expansion of Existing Use” or “Minor Alterations to existing facilities”) per CEQA Guidelines Section 15301.
3. This project is also exempt under the “common sense” exemption. (See CEQA Guidelines § 15061, subdivision (b)(3)).

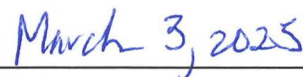
Reasons for Exemption:

This permit decision is not subject to CEQA because the Air District’s evaluation is a ministerial action (Public Resources Code § 21080(b)(1) and CEQA Guidelines § 15268(a)) conducted using the fixed standards and objective measurements in the Air District’s rules and regulations. In addition, because S-17 is altered and not new or modified, neither a Best Available Control Technology (BACT) or BACT for toxics (TBACT) determination is required. The Air District is legally compelled to approve this application given the relevant requirements objectively met based on the information available to the Air District. Thus, the Air District’s approval is ministerial and not subject to CEQA.

This permit application is categorically exempt from CEQA. CEQA Guidelines, Section 15301, exempts projects that involve negligible or no expansion of use. The alteration will not expand the facility’s normal operation and will result in no increase or only a negligible increase in use of the facility. Further, based on the review of the permit application materials, including Appendix H, environmental information form, 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. The changes did not result in increased capacities or emissions from any source. Accordingly, approval of this permit application is not subject to CEQA review. It can also be seen with certainty that the change will not have any environmental impacts. The action would therefore be exempt under the “common sense” exemption. (See CEQA Guidelines § 15061, subdivision (b)(3)).



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



 Date