

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 Authority to Construct for Alteration of Source 13 (Air District Application 719137).

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: Christopher Ablaza, Air Quality Engineer, Telephone: (415) 749-5139. Email: cablaza@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, 1670 Broadway, Suite 3100, Denver, CO 80202; Telephone: (303) 860-5128. Email: DWold@transmontaigne.com

Project Location: 488 Wright Avenue, Richmond, Contra Costa County, CA 94804. Nearest 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 under an Air District Authority to Construct for the following equipment:

Source 13 (S13) Tank #1122 Internal Floating Roof

TransMontaigne Operating Company LP, Richmond Terminal has requested a roof replacement for S13. S13 is currently a storage 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 S13 will result in a net decrease in emissions.

S13 is currently permitted to store multiple materials such as unleaded gasoline, naphtha, ethyl alcohol, kerosene, diesel fuel/oil, and avgas. TransMontaigne is not requesting any changes in the types of materials stored. Prior to this application S13 was not subject to any maximum daily throughput, annual throughput, or true vapor pressure (TVP) limits. A new condition set has been created as part of this project to set these limits.

Finding of Exemption:

This permit application is not subject to CEQA because the Air District’s evaluation is a ministerial action (Public Resources Code Section 21080(b)(1) and CEQA Guidelines Section 15268(a)).

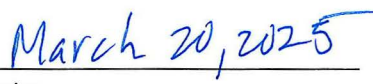
Reasons for Exemption:

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-13 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 also 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)).

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

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Date