

ORIGINAL

California Environmental Quality Act  
NOTICE OF EXEMPTION

TO: Solano County  
Clerk of the Board's Office  
675 Texas Street, Suite 6500  
Fairfield, CA 94533

FROM: Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
Contact: Nicholas Maiden, (415) 749-4718

SUBJECT: FILING OF NOTICE OF EXEMPTION PURSUANT TO SECTION 21152 OF THE PUBLIC  
RESOURCES CODE AND CEQA GUIDELINES SECTION 15061(b)(3).

PROJECT TITLE: VALERO REFINING COMPANY – Issuance of a Temporary Permit to Operate for a  
temporary natural gas burner at S-1 Sulfur Plant "A" (Application 31457)

Public Agency Approving Project (Lead Agency): Bay Area Air Quality Management District (Air District)

Project Applicant and Entity carrying out Project: Valero Refining Company (Valero)

Project Applicant Address: 3400 E. Second Street, Benicia, Solano County, CA 94510

Project Applicant Contact Person: Sharon Shearer, Environmental Engineer, (707-745-7637)

Project Location: 3400 E. Second Street, Benicia, Solano County, CA 94510

Project Description: This permit action is to issue a Permit to Operate for the following equipment:

S-1068 Temporary Sulfur Plant 'A' Backup Natural Gas Pilot/Burner  
Make: John Zinc, Model: TruFire UltraFlex  
Maximum Firing Rate: 13.4 MMBtu/hour

Valero utilizes natural gas burners to maintain sulfur in a molten state within Valero's S-1 Sulfur Plant "A". Valero determined that the natural gas burners have become plugged and is applying to use a temporary natural gas burner until S-1 can be safely shutdown and the existing burners repaired. The combined natural gas usage of the new temporary burner and the existing burners will be limited to what has historically been achievable. This project was considered eligible for a Permit to Operate for Temporary Operation per Air District Regulation 2-1-302.3 and usage of S-1068 after 90 days from permit issuance will not be allowed.

**Finding of Exemption:** The Air District has determined that this permit action is categorically exempt from the California Environmental Quality Act (CEQA) because the action permits only a minor modification of an existing use and does not authorize any expansion of that existing use (CEQA, California Public Resources Code § 21084; State CEQA Guidelines, 14 Calif. Code of Regulations § 15301 and Air District Regulation 2-1-312.6). Also, Air District Regulation 2-1-312.11 exempts applications "for a proposed new or modified source or sources or for process changes, which will satisfy the 'No Net Emission Increase' provisions of District Regulation 2, Rule 2, and for which there is no possibility that the project may have any significant environmental effect in connection with any environmental media

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Deputy Clerk of the Board

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Bill Emlen, Clerk of the  
Board of Supervisors of  
the County of Solano,  
State of California


Deputy *Amel Johnson*

or resources other than air quality." In addition, this permit action is also exempt under the "common sense" exemption of the "Guidelines for the Implementation of the California Environmental Quality Act". (State CEQA Guidelines, 14 Calif. Code of Regulations § 15061(b)(3)).

**Basis for Exemption:** S-1068 will be used on a temporary basis (no more than 90 days total) to replace an existing plugged burner that will undergo maintenance. Usage of S-1068 will be conditioned in the permit to not exceed the current achievable capacity, and so there is no expansion of use. The project is thus exempt from CEQA because it is a permit application "relating exclusively to the repair, maintenance or minor alteration of existing facilities, equipment or sources involving negligible or no expansion of use beyond that previously existing." Air District Reg. 2-1-312.6; see also State CEQA Guidelines, 14 Calif. Code of Regulations § 15301.

The Air District determined that this project has no potential for resulting in any additional or different environmental impacts beyond what is already entailed in the applicant's existing use. Approval of the project qualifies for the "Common Sense" exemption for the reasons stated above and because the applicant has provided emission offsets for the permitted precursor organic compounds, nitrogen oxides, particulate matter, and sulfur dioxide emissions increase and has included in its permit application CEQA-related information in CEQA Appendix H that demonstrates with certainty that the project has no potential for resulting in any significant environmental impacts. The project thus comes within the "Common Sense" exemption from CEQA under State CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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

  
Date