California Environmental Quality Act

NOTICE OF DETERMINATION

TO: Marin County Clerk
3501 Civic Center Drive, Suite 234
San Rafael, CA 94903

FROM: Bay Area Air Quality Management District
375 Beale St., Suite 600
San Francisco, CA 94105

LEAD AGENCY: Bay Area Air Quality Management District
Project Applicant: Bay Area Air Quality Management District
Project Applicant Contact: Victor Douglas Phone: 415-749-4752

SUBJECT: FILING OF NOTICE OF DETERMINATION PURSUANT TO SECTION 21152 OF
THE PUBLIC RESOURCES CODE AND CEQA GUIDELINES SECTION 15094

Project Title: Amendments to Rule 9-4 and Rule 9-6

SCH Number: 2022050430

Project Location: The proposed amendments to Rules 9-4 and 9-6 would apply within the Bay Area AQMD which includes all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, and the southern portions of Solano and Sonoma counties.

Project Description: Amendments to Rules 9-4 and 9-6 which govern appliance point of sale emissions standards.

Rule 9-4 applies to the natural gas-fired space-heating furnaces commonly found in single-family homes, and Rule 9-6 applies to natural gas-fired water heaters commonly found in residential and commercial applications. Space and water-heating appliances generate a large portion of nitrogen oxide (NOx) emissions from sources in the Bay Area. NOx is formed during natural gas combustion when ambient nitrogen and oxygen combine at high temperatures. The amendments substantially reduce NOX emissions from these appliances. The amendments include a zero NOx standard for both space and water heating appliances that applies when new appliances are sold and installed beginning in 2027. The amendments also include the introduction of an ultra-low NOx standard to Rule 9-4 for furnaces starting in 2024, as well as additional updates to definitions, testing and certification requirements and other clarifications.

Project Approval: On Wednesday, March 15, 2023, the Board of Directors of the Bay Area Air Quality Management District approved the project described above.

Environmental Impact Report (EIR): An EIR was prepared and certified for this project pursuant to the provisions of CEQA.

Significant impacts: The Draft EIR for the proposed amendments to Rules 9-4 and 9-6 concluded that impacts associated with Utilities and Service Systems would be potentially significant and unavoidable under the assumption that the replacement of existing natural gas-fired space and water heating appliances over time could result in increased energy demand beyond the existing grid capacity if these existing appliances are replaced with electric appliances. The Draft EIR also concluded that impacts associated with Noise would be potentially significant and unavoidable due to the potential operational noise impacts associated with certain zero NOx equipment.

Mitigation Measures: As described in the EIR, the Air District has no jurisdiction or authority to monitor or enforce potential mitigation measures associated with the potentially significant impacts to Noise and Utility and Service Systems. Therefore, the Air District cannot identify feasible mitigation to reduce the Project's contribution to these impacts and the impacts remain potentially significant and unavoidable.

Findings were made pursuant to CEQA Guidelines Section 15091.

A Statement of Overriding Considerations was adopted for this project.
California Environmental Quality Act

NOTICE OF DETERMINATION

TO: San Francisco County Clerk's Office
1 Dr. Carlton B. Goodlett Place City Hall,
Room 169
San Francisco, CA 94102-4678

FROM: Bay Area Air Quality Management District
375 Beale St., Suite 600
San Francisco, CA 94105

LEAD AGENCY: Bay Area Air Quality Management District
Project Applicant: Bay Area Air Quality Management District
Phone: 415-749-4752

SUBJECT: FILING OF NOTICE OF DETERMINATION PURSUANT TO SECTION 21152 OF THE PUBLIC RESOURCES CODE AND CEQA GUIDELINES SECTION 15094

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Findings were made pursuant to CEQA Guidelines Section 15091.

A Statement of Overriding Considerations was adopted for this project.
A copy of the final EIR and record of project approval is available to be examined on the Air District's website at [www.baaqmd.gov/rulesdev](http://www.baaqmd.gov/rulesdev) and at the Air District office at 375 Beale Street, Suite 600, San Francisco, CA 94105.

MAR 16 2023
Date Received for Filing

Victor Douglas
Office of Rules and Strategic Policy

March 15, 2023
Date

[Signature]
3/15/23

375 BEALE ST., STE 600 • SAN FRANCISCO CALIFORNIA 94105 • 415.771.6000 • [www.baaqmd.gov](http://www.baaqmd.gov)
## 2023 Environmental Document Filing Fee Cash Receipt

**DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a**

### Lead Agency
- **Lead Agency**: Bay Area Quality Management District
- **Lead Agency Email**: 
- **Date**: 03/16/2023

### County/State Agency of Filing
- **County/State Agency**: San Francisco County

### Project Title
- **Amendment to Rule 9-4 and Rule 9-6**

<table>
<thead>
<tr>
<th>Project Applicant Name</th>
<th>Project Applicant Email</th>
<th>Phone Number</th>
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<tbody>
<tr>
<td>Bay Area Quality Management District</td>
<td></td>
<td>(415) 749-4752</td>
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### Project Applicant Address
- **City**: San Francisco
- **State**: CA
- **Zip Code**: 94105

### Project Applicant (Check appropriate box)

- Local Public Agency
- School District
- Other Special District
- State Agency
- Private Entity

### Check Applicable Fees:

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<td>Environmental Impact Report (EIR)</td>
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<tr>
<td>Mitigated/Negative Declaration (MND)(ND)</td>
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<td>Certified Regulatory Program (CRP) document - payment due directly to CDFW</td>
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### Exempt from fee
- Notice of Exemption (attach)
- CDFW No Effect Determination (attach)
- Fee previously paid (attach previous receipt copy)

### Payment Method

- Cash
- Credit
- Check
- Other

### Total Received
- **Total Received**: $3,914.25

### Signature
- **Signature**: [Signature]
- **Agency of Filing Printed Name and Title**: Giselle Romo, Deputy Clerk

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**ORIGINAL - PROJECT APPLICANT**
**COPY - CDFWASB**
**COPY - LEAD AGENCY**
**COPY - COUNTY CLERK**

**DFW 753.5a (Rev. 01/01/23)**
San Francisco
County Clerk
1 Dr. Carlton B. Goodlett Place,
Room 168
San Francisco, CA 94102
(415) 554-4950

Receipt No.: 202300832073
Cashier: gromo
Register: CCG4AM011
Date/Time: 03/16/2023 10:42 AM

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Total Amount Due: $3,914.25

Total Paid
Credit Card Tendered: $3,839.25 #5405
Check Tendered: $75.00 #00171751

Amount Due: $0.00

THANK YOU
PLEASE KEEP FOR REFERENCE