Notice of Exemption

To: Office of Planning and Research
PO Box 3044, Room 113
1400 Tenth Street
Sacramento, CA 95812-3044

From: Responsible Agency:
California Energy Commission
Fuels and Transportation Division
715 P Street
Sacramento, CA 95814

Project Title: Light-Duty Hydrogen Infrastructure Build-Out

Project Applicant: FirstElement Fuel, Inc.

Project Location - Specific:

Project Location - City: Various

Project Location - County: Various

Description of Nature, Purpose and Beneficiaries of Project:

The project is to construct hydrogen refueling stations at:

- 1930 S. Waterman Ave., San Bernardino, CA 92408
- 6392 Beach Blvd., Buena Park, CA 90621
- 3505 Central Ave., Riverside, CA 92506

Name of Public Agency Approving Project: California Energy Commission

Name of Person or Agency Carrying Out Project: FirstElement Fuel, Inc.

Exempt Status: (check one)

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☐ Categorical Exemption. State type and section number: Cal. Code Regs., tit. 14, sections 15301, 15303, 15304

☐ Statutory Exemptions. State code number:

Reasons why project is exempt:

□ **The project is to develop hydrogen refueling stations by adding hydrogen storage, compression, and dispensing equipment with an estimated maximum footprint of 500 square feet and trenching of 50 to 150 feet at existing retail gasoline stations.**

□ **Hydrogen storage tanks and a hydrogen dispenser will be installed at the existing gas stations. The hydrogen dispensers will dispense at 700 bar. Control valves will be pneumatically operated. All control valves fail in the safe direction (closed) after loss of utility power or instrument gas supply. All system alarms and shutdowns are displayed on the control panel face. Critical alarms are hard wired in addition to being connected through the Programmable Logic Controller. This adds an extra layer of safety to the system.**

□ **Cal. Code Regs., tit. 14, sect. 15301 provides that projects which consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, and which involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination, are categorically exempt from the provisions of the California Environmental Quality Act. The proposed project adds**

equipment to existing gasoline stations that covers an area which is approximately 500 square feet, with an excavation area of no more than 1,000 square feet. This square footage is less than that specified in one example provided in the Regulations (i.e., 14 C.C.R. § 15301(e)) of a minor addition to existing structures. Because the proposed sites are existing gas stations, the proposed addition of hydrogen refueling involves negligible expansion of existing or former use, and the square footage of equipment installation is relatively small, the project falls within section 15301 and will not have a significant effect on the environment.

□ **Cal. Code Regs., tit. 14, sect. 15303 provides that projects which consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure, are categorically exempt from the provisions of the California Environmental Quality Act. The proposed project consists of installation of small new equipment, including hydrogen storage, compression, and dispensing equipment, at each site. Therefore, the proposed project falls within section 15303 and will not have a significant effect on the environment.**

□ **Cal. Code Regs., tit. 14, sect. 15304 provides that projects which consist of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes, are categorically exempt from the provisions of the California Environmental Quality Act. For the installation of the equipment in this project, there will be up to 150 feet of trenching to connect storage and compression equipment to dispensers. No trees will be removed, and the surface will be restored. This reflects the example given in section 15304(f). Therefore, the proposed project falls within section 15304 and will not have a significant effect on the environment.**

□ **The project does not involve impacts on any particularly sensitive environment; will not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies; does not involve any cumulative impacts of successive projects of the same type in the same place that might be considered significant; does not involve any unusual circumstances that might have a significant effect on the environment; will not result in damage to any scenic resources within a highway officially designated as a state scenic highway, none of the sites are included on any list compiled pursuant to Government Code section 65962.5, and the project will not cause a substantial adverse change in the significance of a historical resource. Therefore, none of the exceptions to exemptions listed in CEQA Guidelines section 15300.2 apply to this project and this project will not have a significant effect on the environment.**

Responsible Agency Contact Person: Mark Johnson **Area Code/Telephone/Extension:** (916) 314-0925

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☒ No

Signature: Mark Johnson Date: 9/15/2025 Title: Air Pollution Specialist

☒ Signed by Responsible Agency ☐ Signed By Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code

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Date Received for filing at OPR: _____

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