ORIGINAL

California Environmental Quality Act (CEQA)

NOTICE OF EXEMPTION

To: **County of Santa Clara**
Clerk-Recorder's Office
70 West Hedding St, 1st Floor
San Jose, CA 95110

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

SUBJECT: FILING OF NOTICE OF EXEMPTION PURSUANT TO CEQA § 21152(b) AND CEQA GUIDELINES § 15062.

PROJECT TITLE: METCALF ENERGY CENTER – Change of Conditions and Issuance of Revised Permit to Operate for Combustion Turbines & Heat Recovery Steam Generators (Air District Application 32239), California Energy Commission Docket No. 99-AFC-03.

Public Agency Approving Project (Lead Agency): Bay Area Air Quality Management District (Air District); Contact Person: Cameron Fee, Air Quality Engineer, 375 Beale Street, Suite 600, San Francisco, CA 94105; Telephone: (415) 749-4709, Email: cfee@baaqmd.gov

Project Applicant and Entity Carrying out Project: Metcalf Energy Center, LLC (MEC).

Project Applicant Mailing Address: 1 Blanchard Road, Coyote, CA 95013.

Project Applicant Contact Person: Kevin Karwick, General Manager, Metcalf Energy Center, LLC, P.O. Box 13190, Coyote, CA 95013; Telephone: (408) 635-1324, Email: kevin.karwick@calpine.com

Project Location: 1 Blanchard Road, Coyote, Santa Clara County, CA 95013. Nearest Cross Street: Monterey Hwy.

Project Description:
The Air District has issued a change of conditions and revised Permit to Operate to Metcalf Energy Center, LLC under Air District Application 32239 for their existing two (2) Natural Gas-fired Gas Combustion Turbines (Gas Turbines) and associated two (2) Heat Recovery Steam Generators (HRSGs). The requested change includes a change to the definition of "Gas Turbine Cold Start-Up Period" to clarify the original intent of periods of operation that are to be considered "Cold Startups" and to ensure that only start-up periods that require additional time and/or have excessive emissions are accumulated against the annual cold startup operation limit. The facility will continue to meet all current emission limits and the specified turbine capacities in the existing permit. The change was approved by the California Energy Commission (CEC) in that agency's license for the Metcalf Energy Center. The CEC approved the change on June 18, 2025. The Air District has issued a Permit to Operate to incorporate these changes into the facility's Air District permit.

Finding of and Citation to Basis for Exemption:
The Air District has determined that the issuance of the Permit to Operate with the change of condition is exempt from CEQA because it is ministerial. (CEQA § 21080(b)(1); CEQA Guidelines § 15268.)

Reasons for Exemption:

The approval of these changes to the Air District's Permit to Operate is ministerial because the Air District does not have any discretion to disapprove the changes or to alter the conditions as imposed by the CEC.

Under the Warren-Alquist State Energy Resources Conservation and Development Act (Pub. Res. Code §§ 25000 *et seq.*), the CEC has plenary jurisdiction over power plants over 50 MW such as the Metcalf Energy Center. The CEC's exclusive jurisdiction preempts the Air District's regulatory authority. Once the CEC has licensed a project such as this, no other local or regional public agency can require any permit or approval for the project that conflicts with the CEC's license.

The Air District is the primary enforcement authority with respect to air quality issues, however, under a Memorandum of Agreement with the CEC. To take enforcement action, the Air District needs to incorporate the CEC's conditions of approval into an Air District permitting document, which gives the Air District the legal authority to enforce those conditions under the Health & Safety Code. The Air District's Authority to Construct and subsequent Permit to Operate are the Air District permitting documents that do so. In issuing these permitting documents, the Air District does not have any discretion to alter the CEC's conditions of approval or impose any new or different conditions. The Air District's only action is to copy the Energy Commission conditions verbatim to give the Air District legal authority to enforce those conditions as Air District permit conditions.

Given that the Air District has no discretion to approve or disapprove the project or impose any conditions beyond just copying the CEC conditions of approval into an Air District permitting project, the issuance of the District's Authority to Construct and Permit to Operate are ministerial actions that are exempt from CEQA under CEQA Section 21080(b)(1).

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

11/20/2025
Date