



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

2023-0000017

FILED

**California Environmental Quality Act**

**NOTICE OF DETERMINATION**

**TO:** San Francisco County Clerk's Office  
1 Dr. Carlton B. Goodlett Place City Hall,  
Room 168  
San Francisco, CA 94102-4678

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

SAN FRANCISCO County Clerk  
MAR 16 2023

by: Giselle Romo  
Deputy County Clerk

**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.

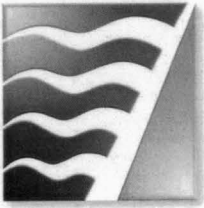
**Significant Impacts:** The Draft EIR for the proposed amendments to Rules 9-4 and 9-6 concluded that impacts associated with Utilities and Service Systems would be potentially significant and unavoidable under the assumption that the replacement of existing natural gas-fired space and water heating 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.**

POSTED  
MAR 16 2023  
TO



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

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/ruledev](http://www.baaqmd.gov/ruledev) and at the Air District office at 375 Beale Street, Suite 600, San Francisco, CA 94105.

**MAR 16 2023**

Date Received for Filing

*VD*

Victor Douglas  
Office of Rules and Strategic Policy

March 15, 2023

Date

prepared by *[Signature]* 3/15/23

FILED  
MAR 16 2023



State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

**Print**  **Finalize&Email**

RECEIPT NUMBER:  
 38-03/16/2023-026  
 STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY BAY AIR QUALITY MANAGEMENT	LEAD AGENCY EMAIL	DATE 03/16/2023
COUNTY/STATE AGENCY OF FILING SAN FRANCISCO COUNTY	DOCUMENT NUMBER 2023-0000017	
PROJECT TITLE		

AMENDMENT TO RULE 9-4 AND RULE 9-6

PROJECT APPLICANT NAME BAY AREA QUALITY MANAGEMENT DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER (415) 749-4752
PROJECT APPLICANT ADDRESS 375 BEALE STREET SUITE 600	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

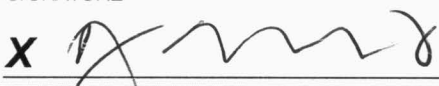
**CHECK APPLICABLE FEES:**

- |   |             |             |
|---|-------------|-------------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR)                                       | \$ 3,839.25 | \$ 3,839.25 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)   | \$ 2,764.00 | \$          |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW         | \$ 1,305.25 | \$          |
| <br>  |             |             |
| <input type="checkbox"/> Exempt from fee  |             |             |
| <input type="checkbox"/> Notice of Exemption (attach)   |             |             |
| <input type="checkbox"/> CDFW No Effect Determination (attach)  |             |             |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)                   |             |             |
| <br>  |             |             |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$ 850.00   | \$          |
| <input checked="" type="checkbox"/> County documentary handling fee   | \$ 75.00    | \$ 75.00    |
| <input type="checkbox"/> Other  |             | \$          |

**PAYMENT METHOD:**

- Cash    
 Credit    
 Check    
 Other

**TOTAL RECEIVED** \$ 3,914.25

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Giselle Romo Deputy Clerk
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