



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

California Environmental Quality Act

NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

LEAD AGENCY: Bay Area Air Quality Management District

Contact: Guy Gimlen

Phone: 415-749-4734

SUBJECT: NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION PURSUANT TO SECTION 21092 AND 21092.3 OF THE PUBLIC RESOURCES CODE AND CEQA GUIDELINES SECTION 15072

Project Title: Amendments to Regulation 9, Rule 6: Nitrogen Oxides from Natural Gas-Fired Water Heaters.

Project Location: The rules and proposed amendments apply within the Bay Area Air Quality Management District ("District"), 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: The District has regulatory authority over stationary sources of air pollution in the San Francisco Bay Area. Regulation 9, Rule 6 regulates emissions of nitrogen oxides (NOx) from natural gas-fired water heaters of 75,000 Btu/hr heat input or less. The rule affects water heaters sold, offered for sale or installed in the District after July 1, 1992. The proposed amendments to Regulation 9, Rule 6 would:

- Expand the scope of the rule to regulate NOx emissions larger water heaters and small boilers up to 2 million Btu/hr heat input,
- Regulate NOx emissions from mobile water heaters and commercial pool and spa heaters that are currently exempt from the rule, and
- Establish more stringent emissions limits for NOx for all affected equipment.

The amendments would require that water heaters and boilers sold, offered for sale or installed in the District comply with more stringent NOx emissions standards effective on January 1, 2009 for some water heaters, and from January 1, 2010 through 2013 for other equipment. The proposed amendments to the rule will fulfill the District's commitment to implement control measure SS-13 from the Bay Area 2005 Ozone Strategy.

Negative Declaration: A copy of the Negative Declaration is available for review on the District's website at http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.htm and at the District office at 939 Ellis Street, San Francisco.

Written comments on the Negative Declaration must be addressed to Guy Gimlen, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, California, 94109 or to ggimlen@baaqmd.gov. The review period for the Negative Declaration is from October 1, 2007 until Monday, October 22, 2007. All comments must be received by 5:00 p.m. on Monday, October 22, 2007.

Public Hearing: On Wednesday, November 7, 2007 at 9:45 a.m., the Board of Directors of the Bay Area Air Quality Management District (BAAQMD) will conduct a public hearing to consider adoption of proposed amendments to Regulation 9, Rule 6: Nitrogen Oxides from Natural Gas-Fired Water Heaters and to consider adoption of the Negative Declaration. The hearing will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco.