

~~Rule 432 – Federal Major Modifications~~
~~(Adopted September 28, 2006)~~

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~~RULE 432~~

~~1 — **PURPOSE:** The purpose of this Rule is to establish additional definitions and exemptions from certain requirements when processing permit applications pursuant to Rule 430 of this Regulation, New Source Review (NSR).~~

~~2 — **APPLICABILITY:** This Rule shall apply to all major modifications as defined in this Rule.~~

~~3 — **SEVERABILITY:** If a court of competent jurisdiction issues an order that any provision of this Rule is invalid, it is the intent of the Butte County Air Quality Management District that other provisions of this Rule remain in full force and effect, to the extent allowed by law.~~

~~4 — **DEFINITIONS**~~

~~4.1 — **Major Modification:** Modification to a major stationary source which results in an increase in the potential to emit greater than forty (40) tons/year (TPY) of nitrogen oxides or reactive organic compounds aggregated with all other increases in potential to emit over the period of five (5) consecutive years before the application for modification, including the calendar year of the most recent application.~~

~~4.2 — All terms used in Section 5 of this Rule shall be as defined in 40 CFR (Code of Federal Regulations) section 51.165 (a)(1), as it exists on July 1, 2006, except that:~~

~~4.2.1 — The term “reviewing authority” as used in 40 CFR section 51.165 shall mean the Butte County Air Quality Management District,~~

~~4.2.2 — The term “major stationary source” as used in 40 CFR section 51.165 means a stationary source which has the potential to emit 100 TPY of reactive organic compounds or oxides of nitrogen, and~~

~~4.2.3 — The term “significant” as used in 40 CFR section 51.165 means a rate of emissions that would equal or exceed forty (40) TPY of nitrogen oxides or reactive organic compounds aggregated with all other increases in potential to emit over the period of five (5) consecutive years before the application for modification, including the calendar year of the most recent application.~~

~~4.3 — All terms used in 40 CFR section 51.165 (f) shall be as defined in 40 CFR section 51.165 (a)(1), as it exists on July 1, 2006, except that the term “reviewing authority” as used in that section shall mean the Butte County Air Quality Management District.~~

~~5 — **STANDARDS**~~

~~5.1 — Major modifications, as defined in Section 4 above, are also federal major modifications, unless the applicant demonstrates that the proposed major modification meets the criteria of at least one of the following exclusions:~~

- ~~5.1.1~~ — ~~Less Than Significant Emissions Increase Exclusion:~~ An emissions increase for the project, or a net emissions increase for the project, as determined by the procedures in 40 CFR section 51.165 (a)(2)(ii)(B) through (D), and (F), that is not significant for a given regulated NSR pollutant, is not a federal major modification for that pollutant. 40 CFR section 51.165 (a)(2)(ii)(E), relating to clean units, shall not be used in these calculations.
- ~~5.1.1.1~~ — To determine the post-project projected actual emissions from existing units, the provisions of 40 CFR section 51.165 (a)(1)(xxviii) shall be used.
- ~~5.1.1.2~~ — To determine the pre-project baseline actual emissions, the provisions of 40 CFR section 51.165 (a)(1)(xxxv)(A) through (C) shall be used.
- ~~5.1.1.3~~ — If the project is determined not to be a federal major modification pursuant to the provisions of 40 CFR section 51.165 (a)(2)(ii)(B) through (D) and (F), but there is a reasonable possibility that the project may result in a significant emissions increase, the owner or operator shall comply with all of the provisions of 40 CFR section 51.165 (a)(6) and (a)(7).
- ~~5.1.2~~ — ~~Plantwide Applicability Limit (PAL) Exclusion:~~ A major modification that does not cause emissions to exceed a pre-established PAL, as defined in 40 CFR section 51.165 (f)(2)(v), for the respective pollutant, is not a federal major modification for that pollutant.
- ~~5.1.2.1~~ — For the purposes of this exclusion, a PAL must be established by a permitting action prior to the major modification permitting action.
- ~~5.1.2.2~~ — All PALs shall be established according to the provisions of 40 CFR section 51.165 (f)(1) through (15).
- ~~5.1.2.3~~ — All PALs shall comply with the requirements under 40 CFR section 51.165 (f)(1) through (15) to either maintain, renew or retire the PAL.
- ~~5.2~~ — If an applicant can demonstrate that the proposed major modification does not constitute a federal major modification, the major modification shall not be subject to the alternative siting and benefits analysis as specified in the Federal Clean Air Act, section 173(A)(5).