

Rule 10.8 **FEDERAL MAJOR MODIFICATIONS** (Adopted 10/02/2006)

A. **GENERAL**

- A.1 **PURPOSE:** The purpose of this rule is to establish additional definitions and exemptions from certain requirements when processing permit applications pursuant to Rule 10.1 NEW SOURCE REVIEW.
- A.2 **APPLICABILITY:** This rule shall apply to all major modifications as defined in Rule 10.1 NEW SOURCE REVIEW.
- A.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 District that other provisions of this Rule remain in full force and effect, to the extent allowed by law.

B. **DEFINITIONS**

- B.1 All terms used in Section C of this rule shall be as defined in 40 CFR § 51.165 (a) (1), as it exists on July 1, 2006, except that:
- a. the term "reviewing authority" as used in 40 CFR § 51.165 shall mean the Feather River Air Quality Management District,
  - b. the term "major stationary source" as used in 40 CFR § 51.165 has the same meaning as Major Source in Rule 10.3 FEDERAL OPERATING PERMITS, and
  - c. the term "significant" as used in 40 CFR § 51.165 means a rate of emissions that would equal or exceed the rates specified in Rule 10.1 D.21.
- B.2 All terms used in 40 CFR § 51.165 (f) shall be as defined in 40 CFR § 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 Feather River Air Quality Management District.

C. **STANDARDS**

- C.1 Major modifications, as defined in Rule 10.1 D.21, 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:
- a. **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 § 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 § 51.165 (a)

- (2) (ii) (E), relating to clean units, shall not be used in these calculations.
  1. To determine the post-project projected actual emissions from existing units, the provisions of 40 CFR § 51.165 (a) (1) (xxviii) shall be used.
  2. To determine the pre-project baseline actual emissions, the provisions of 40 CFR § 51.165 (a) (1) (xxxv) (A) through (C) shall be used.
  3. Emissions increases calculated pursuant to this section are significant if they exceed the significance thresholds specified in Rule 10.1 D.21.
  4. If the project is determined not to be a federal major modification pursuant to the provisions of 40 CFR § 51.165 (a) (2) (ii) (B) through (D) and (F), and Subsection C.1.a.3. above, 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 § 51.165 (a) (6) and (a) (7).
- b. Plantwide Applicability Limit (PAL) Exclusion: A major modification that does not cause emissions to exceed a pre-established PAL, as defined in 40 CFR § 51.165 (f) (2) (v), for the respective pollutant, is not a federal major modification for that pollutant.
1. For the purposes of this exclusion, a PAL must be established by a permitting action prior to the major modification permitting action.
  2. All PALs shall be established according to the provisions of 40 CFR § 51.165 (f) (1) through (15).
  3. All PALs shall comply with the requirements under 40 CFR § 51.165 (f) (1) through (15) to either maintain, renew, or retire the PAL.
- C.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).