



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

May 4, 2015

Mark Hague
Deputy Regional Administrator
U.S. Environmental Protection Agency Region VII
11201 Renner Blvd
Lenexa, KS 66219

Dear Deputy Regional Administrator Hague:

Pursuant to EPA's request of February and March 2015, the Iowa Department of Natural Resources (DNR) requests revisions to the Iowa State Implementation Plan (SIP) to address implementation of the 2006 PM2.5 national ambient air quality standards (NAAQS), 2008 ozone NAAQS, 2010 nitrogen dioxide NAAQS, and 2010 sulfur dioxide NAAQS. The attached information provided is supplemental to the initial SIP submittal for ozone made on January 11, 2013, and for the PM2.5, nitrogen dioxide and sulfur dioxide SIP submittals made on July 23, 2013.

The DNR requests that Article I, Section 2 of the Iowa Constitution and the following portions of the Iowa Code and the Iowa Administrative Code (IAC) be adopted into the SIP:

Table with 2 columns: Iowa Code and Iowa Administrative Code. Rows include 4.4(5), 7E.4, Chapter 68B and corresponding IAC codes like 351 IAC 6.11, 351 IAC 6.14(2), etc.

The notice of public comment period and public hearing for the supplemental information was published in the Legal Notices section of the Des Moines Register on April 1, 2015. The public hearing was held on May 1, 2015. No comments were received during the public comment period.

If you have any questions regarding this submittal, please contact Jim McGraw at (515) 725-9543 or Wendy Walker at (515) 725-9570.

Sincerely,

[Handwritten signature of Catharine Fitzsimmons]

Catharine Fitzsimmons
Chief, Air Quality Bureau
Iowa Department of Natural Resources

Enclosures

Supplement State Implementation Plan Submittal for Ozone, PM2.5, NO2 and SO2

The Iowa Department of Natural Resources submits the following information, along with the relevant Iowa statutes and rules, to be included in the Iowa State Implementation Plan.

- Iowa law presumes that public interest is favored over private interest whenever the Iowa General Assembly enacts a statute. (Iowa Code section 4.4(5)). This concept is repeated in and supported by Iowa Constitution Article 1, Section 2. Iowa Code chapter 68B addresses government ethics. These provisions of Iowa law support the requirement that a majority of the Iowa Environmental Protection Commission represent the “public interest,” as required by CAA section 128(a)(1).
- Iowa Environmental Protection Commission members are precluded from deriving a significant portion of their income from the sales of goods or services and/or honoraria from persons subject to permits or enforcement orders.

The Iowa Environmental Protection Commission is defined in applicable Iowa law as a regulatory agency or commission. (Iowa Code sections 68B.2 and 7E.4, 351 Iowa Administrative Code 6.11, 567 Iowa Administrative Code 1.11(1)). Members of the Iowa Environmental Protection Commission are officials. (Iowa Code section 68B.2).

The sale of goods or services by an official of a regulatory agency or commission to individuals, associations or corporations subject to the authority of the official’s regulatory agency is prohibited, with specific exceptions. (Iowa Code section 68B.4 and 351 Iowa Administrative Code 6.11).

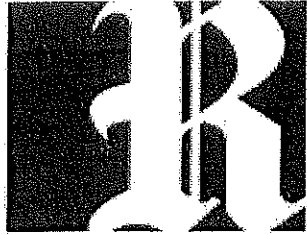
An official of a regulatory agency may not accept honoraria from restricted donors. (Iowa Code section 68B.23 and 351 Iowa Administrative Code 6.11). Restricted donors include persons who (a) are or seek to be parties to any sales, purchases, leases, or contracts to, from, or with the agency; (b) will be directly and substantially affected financially by the agency’s actions; (c) are the subject of or party to a matter pending before the agency; or (d) are a lobbyist or client of a lobbyist with respect to matters within the agency’s jurisdiction. (Iowa Code section 68B.2). An honorarium is anything of value that is accepted or given as consideration for an appearance, speech, or article. (Iowa Code section 68B.2). An honorarium is a gratuitous payment, and not a payment for services rendered where the payer has any legal obligation to pay. (Black’s Law Dictionary). Further, an official shall not solicit, demand or otherwise request an honorarium from a restricted donor. (351 Iowa Administrative Code 6.19). (351 Iowa Administrative Code 6.14(2)).

- Exceptions requested under Iowa Code section 68B.4 to ethics provisions contained in Iowa law do not undermine protection of the public interest. Every application for an exception must explain why the sale of goods or services would not create a conflict of interest or provide financial gain by virtue of the applicant’s position with the department (567 IAC 1.11(3)), and would not violate Iowa Code chapter 68B. (351 Iowa Administrative Code 6.11(3)). In considering whether to grant a requested exception, the agency shall consider whether the official seeking consent is “the person with authority to determine whether consent should be granted,” and whether allowing the exception will result in a conflict of

Supplement State Implementation Plan Submittal for Ozone, PM2.5, NO2 and SO2

interest. (Iowa Code section 68B.4 and 351 Iowa Administrative Code 6.11(4)). When acting pursuant to an exception that has been granted, the official must ensure compliance with all applicable laws and must avoid both impropriety and the appearance of impropriety. (567 Iowa Administrative Code 1.11(9)).

- Finally, the Director of the Iowa Department of Natural Resources must publically disclose the existence of conflicts of interest as directed by Iowa Code section 68B.2A.



**REGISTER
MEDIA**
A GANNETT COMPANY

AFFIDAVIT OF PUBLICATION

State of Iowa

County of Polk, ss.:

The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

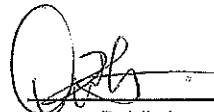
Ad No.	Start Date:	Run Dates:	Cost:
0000372529	04/01/15	04/01/15	\$34.57

Copy of Advertisement
Exhibit "A"


VP/Registrar Weekly Newspapers

Subscribed and sworn to before me by said affiant this

2th day of April, 2015

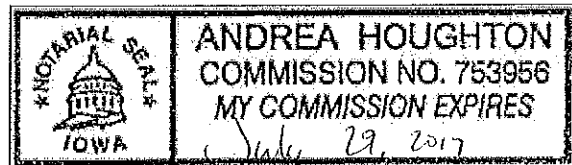


Notary Public in and for Polk County, Iowa

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APR 06 2015

IDNR AIR QUALITY



Public Notice
Iowa Department of Natural Resources

The Iowa Department of Natural Resources (DNR) is providing additional documentation to support the State of Iowa's infrastructure plans (SIP) for the national ambient air quality standards (NAAQS) for ozone, particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns (PM2.5), nitrogen dioxide, and sulfur dioxide. The SIP revision for ozone was submitted on January 11, 2013. The SIP revisions for PM2.5, nitrogen dioxide, and sulfur dioxide were submitted on July 23, 2013.

Section 110(a) of the federal Clean Air Act requires each state to adopt and submit a plan for the implementation, maintenance, and enforcement of each NAAQS within 3 years of promulgation to the Administrator of the U.S. Environmental Protection Agency (EPA). EPA requested additional information on Section 110(a)(2)(E) pertaining to adequate authority and resources. DNR provided the supporting information found primarily in Iowa Code Chapter 68B and in Iowa Administrative Code Chapter 351.

Electronic copies of the additional information may be viewed at www.iowacleanair.gov by clicking on Stakeholder Involvement page. Any person may make written comments on the proposed SIP revisions on or before May 1, 2015. Written comments should be directed to Wendy Walker, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa, 50324, fax 515-725-9501, or by electronic mail to Wendy.Walker@dnr.iowa.gov.

A public hearing will be held on May 1, 2015, at 1:00 p.m. in the Conference Rooms, Air Quality Bureau Office, 7900 Hickman Road, Windsor Heights, Iowa. All comments must be received no later than 4:30 p.m. on May 1, 2015. Any person who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact Wendy Walker at 515-725-9570 or at Wendy.Walker@dnr.iowa.gov to advise of any specific needs.