

McGraw, Jim [DNR]

From: Charles Winterwood <cwinterwood@yahoo.com>
Sent: Thursday, May 23, 2013 2:22 PM
To: McGraw, Jim [DNR]
Subject: Muscatine Air Quality Non-attainment

The Iowa Chapter of the Sierra Club believes Iowa's implementation plan was inadequate to maintain the 2006 24-hour National Air Quality Standard for PM2.5 in Muscatine. EPA's finding required Iowa to revise the plan and include measures to attain and maintain the 2006 24-hour PM2.5 standard in Muscatine. Any revised plan should include such measures as well as achieve attainment for sulfur dioxide in the city and county of Muscatine.

Charles Winterwood MD
Air Committee
Iowa Chapter
Sierra Club
3839 Merle Hay Rd
Des Moines, IA 50310



SIERRA
CLUB
FOUNDED 1892

IOWA CHAPTER

June 5, 2013

Jim McGraw
Department of Natural Resources
Air Quality Bureau
7900 Hickman Road, Suite 1
Windsor Heights, Iowa 50324
Jim.mcgraw@dnr.iowa.gov

Re: Draft State Implementation Plan for fine particulate matter for Muscatine, Iowa

Dear Mr. McGraw:

The Iowa Chapter of the Sierra Club has approximately 5000 members who live in Iowa. Our mission is to preserve, protect, and enjoy the natural environment. On behalf of our members, the Iowa Chapter of the Sierra Club offers the following comments about the Draft State Implementation Plan for Muscatine, Iowa, for fine particulate matter (PM 2.5).

The Iowa Chapter supports modifying the State Implementation Plan to include measures to reduce fine particulate matter emitted in Muscatine, Iowa. High levels of PM 2.5 have been a chronic long-standing problem in Muscatine, resulting in health issues to the residents of and visitors to Muscatine.

The permits for the polluting sources must be modified or amended to establish appropriate emission limits and control technology to bring those sources and Muscatine into compliance with the Clean Air Act.

Grain Processing Corporation Permit Requirements

Page 11 of the Draft plan indicates that Grain Processing will be allowed to implement the pollution control measures in 2013 through 2016.

It is significant that page 10 of the Draft plant includes the following paragraph:

Other control measures include restricting public access to the levee that is located between GPC's property and the Mississippi River. Beginning July 14, 2013, GPC will restrict public access to the levee by posting signs warning of

RECEIVED

restricted access on the north and south fence lines that intersect the levee. A third sign will be posted in the area of highest modeled concentrations prohibiting loitering and fishing. In-person surveillance of the levee will be conducted by GPC security staff periodically throughout the day with documentation as to surveillance times and locations. This levee plan will be included in a future permit to ensure on-going implementation and enforceability.

The Chapter supports restoring public access to the levee and allowing fishing on the Mississippi River near Grain Processing once the pollution control equipment has been able to maintain the lower levels of fine particulate level required by the GPC permit.

It is not acceptable to restrict public access to public land beyond 2016. The law requires that the emission source install pollution control equipment and processes to control pollution at its source. It is not acceptable to restrict public access to public areas rather than require the pollution source to comply with the law. Three years is more than enough time to bring GPC into compliance.

A summary list of the measures that GPC will be implementing to reduce PM 2.5 is found on page 10. Two items are not included in the list, but are mentioned in the paragraphs below the list. These items need to be included in the list -- reducing corn truck idling and restricting public access to neighboring public property.

Grain Processing Corporation has a long history of permit violations.

Grain Processing Corporation (GPC), has flagrantly violated its air permits and water permits for many years. Some of those violations have resulted in enforcement actions. Clearly the civil penalties have not been enough to encourage GPC to comply.

Grain Processing did not obtain a PSD air permit, did not obtain a permit before they built a wastewater treatment permit for a 1.9 million gallon anaerobic settler, did not comply with air quality emission limits, and did not comply with reporting requirements for hazardous air pollutants resulting from organic chemical manufacturing.¹ As a result, in 2011, the Environmental Protection Agency asked the Iowa Attorney General to pursue an enforcement action.²

This was not the first lawsuit the State of Iowa has filed against Grain Processing for pollution; a lawsuit resulted in a \$538,000

¹ This information is based on the Litigation Report prepared by Kelli Book on March 31, 2011.

² Clark Kauffman, "State sues Muscatine facility over emissions violations", Des Moines Register, December 1, 2011

civil penalty in 2006 for failing to comply with construction permits limiting the emissions of particulate matter.³ Over the last decade the Iowa Department of Natural Resources (DNR) has issued 38 notices of violation related to air pollution, including failing to notify the DNR of factory modifications, failing to keep monitors in operation at all times.⁴

Residents of Muscatine have complained for many years about the pollution emitted by Grain Processing. The Department of Natural Resources investigators established that Grain Processing used two types of coal, switching from one type to another based on the direction of the wind was blowing. When the wind was blowing toward the sulfur dioxide monitors, Grain Processing switches to a low-sulfur coal.⁵

Additionally the Environmental Protection Agency (EPA) executed a criminal search warrant in December, 2009.⁶ This was part of an ongoing criminal investigation and could lead to a federal criminal prosecution.⁷

In 2013, EPA announced they had assessed civil penalties of \$129,000 for a series of violations of the Clean Water Act in 2011, including exceeding effluent limits, operations failures, failing to maintain equipment, and failing to comply with monitoring requirements.⁸ The result was that pollution was discharged into the Mississippi River.

This long history of violation of permits shows that the Department of Natural Resources and the Environmental Protection Agency must be vigilant in monitoring GPC to ensure that they follow through with the permit requirements to reduce PM 2.5. The enforcement actions, in the form of fines and criminal penalties, need to be serious enough to force compliance.

³ Donnelle Eller, "Grain Processing Corp. to cut emissions at Muscatine plant", Des Moines Register, May 25, 2011

⁴ Chris Hamby, "Despite lone inspector's efforts, persistent haze envelops Iowa town", I Watch News, Center for Public Integrity, November 30, 2011

⁵ Melissa Regenitter, "Failing the smell test?", The Muscatine Journal, December 19, 2009

⁶ Melissa Regenitter, "Failing the smell test?", The Muscatine Journal, December 19, 2009

⁷ Chris Hamby, "Despite lone inspector's efforts, persistent haze envelops Iowa town", I Watch News, Center for Public Integrity, November 30, 2011

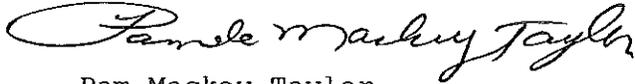
⁸ "Grain Processing Corporation of Muscatine to pay \$129,000 penalty", Corridor Business Journal, Corridor Media Group, Coralville, Iowa, April 16, 2013

Conclusion

The Iowa Department of Natural Resources and the Environmental Protection Agency need to commit to monitoring the PM 2.5 emissions and be aggressive in enforcement if the emissions in Muscatine are not reduced and maintained within permit levels.

Thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script that reads "Pam Mackey Taylor". The signature is written in black ink and is positioned above the typed name.

Pam Mackey Taylor
Energy Chair

CC: EPA Region 7

To: Jim McGraw, DNR, Air Quality Bureau, 7900 Hickman Rd., Suite 1, Windsor Heights, IA 50324 (Jim.Mcgraw@dnr.iowa.gov)

From: Helen Van Hoozer, Muscatine (helen27@machlink.com)

Following are my comments regarding the upcoming June 24 DNR public hearing for revisions to Iowa's State Implementation Plan that will reduce PM2.5 impacts in Muscatine.

I have reviewed DNR's June 24 public hearing report with interest. Table 1 was especially revealing... showing the major facilities within 50 miles of the Garfield monitor which have impact on pollution. These include Wilton, Tipton, Mediapolis, Iowa City, Coralville, Columbus Junction, Davenport, Bettendorf and eight in Muscatine which had the highest predicted impacts (MidAmerican, GPC, SSAB, Central Iowa Power, Heinz, Allsteel, HNI, McKee Button, Monsanto, MPW and Union Tank). Four of these: GPC, MPW, and Union Tank had a significant contribution to at least 1% of the 24-hr. NAAQA exceedance level.

I'm confused however. I thought a permitting program to control emissions of direct PM2.5 preventing ambient concentrations from exceeding the PM2.5 National Ambient Air Quality Standards was to begin January 1, 2012 or even before that. DNR issued an alert in March 2013 that the PM2.5 levels were high enough at Garfield School monitor that the 24 hr. PM2.5 levels would be exceeded by the end of the day. Even before that GPC was ordered to pay a fine and required to fix the particulate emissions problem. I thought GPC was in the process of a major renovation - a stack/bag construction project - that was to make a major reduction in particulate emissions. Of course that hasn't been accomplished as far as I know and there has been no public communication about their progress on this, even though they publically stated they would periodically do so.

The DNR report says DNR has collaborated with facilities in Muscatine to develop air pollution control measures that will result in expeditious attainment of the 24-hour PM2.5 NAAQS through reductions of ambient air impacts of PM2.5 emissions; that "full implementation of the control measures at GPC will reduce PM2.5 emissions from this facility (GPC) by an estimated 367.9 tons per year." Isn't the timeline for completion now longer than the previous one?

The report states that "control measures include restricting public access to the levee that is located between GPC's property and the Mississippi River, beginning July 14, 2013. GPC will restrict public access to the levee by posting signs warning of restricted access on the north and south fence lines that intersect the levee. A third sign will be posted in the area of highest modeled concentrations prohibiting loitering and fishing. **In-person surveillance of the levee will be conducted by GPC security staff periodically throughout the day with documentation as to surveillance times and locations. This levee plan will be included in a future permit to ensure on-going implementation and enforce ability.**" It is interesting to me that the levee will now have restricted access. I have read that harmful particulates spewed from towers into the air spread widely by air currents. If this is true, the levee area

is not the only dangerous area in Muscatine is it? Isn't it ironic that the town's Blue Zone officials and efforts are directed toward getting people to run, walk, bike, etc. ? I think so.

The new DNR report says GPC has developed a phased implementation schedule **that begins in 2013 and concludes in December 2016** and that the DNR believes that the schedule projected by GPC for implementation of the proposed control measures is realistic and achievable, and will allow for the 24-hour PM2.5 NAAQS to be attained as expeditiously as possible in the area. I thought GPC was already in the process of construction to control particulate pollution. Is this promise different than the previous one published by GPC? As far as I know that plan has not reached fruition to date. There has been no word from GPC on progress and I don't have the past information on hand to document what they published previously.

According to the June 24 public hearing report"To further reduce emissions in the area, GPC has also voluntarily implemented a corn truck queuing and idling policy. This policy is designed to reduce overall corn truck wait time, and will result in lower emissions of PM2.5 from truck idling." **Good for them, and** All in all, hopefully the measures stated in the DNR report will be enforced and PM2.5 emissions, as well as other hazardous emissions (SO2, HAPs's, VOCs, Nox, CO) will be reduced quickly in Muscatine as GPC states.

Muscatine Power and Water's detailed summary of the federally enforceable control measures they will take: watering of road surfaces; paving one unpaved road and water road surfaces; removing lime silo and mixing tank, 3 diesel engines, and wet fly ash truck loading; restricting operation of certain processes; reducing the capacity on the limestone hopper loading and handling systems; installing a roofed enclosure with three sides on the limestone hopper; reducing the size of the coal pile, limestone pile, and synthetic gypsum pile; and increasing the stack height and reconfiguring the coal reclaim handling dust collector and the dust collector for the coal crusher feeders; and those of UTLZ; Increasing select stack heights; and restricting operation of certain processes, etc. are encouraging.

I strongly support strengthening the National Ambient Air Quality Standards for fine particle pollution in Muscatine, the entire state, and our nation. This is a major step toward reducing greenhouse gas emissions that cause climate change and endanger our health and welfare. Strong PM2.5 regulations will decrease health care costs and benefit jobs and climate. It will take continued vigilance **and enforcement** by the DNR and the EPA, as well as city, county, state and national government to get this done.

An article by Michael Brune, Sierra Club, Sierra Magazine, July/August 2013, page 4 sums up my feelings about this issue. It ends, "No one should have to sacrifice his or her health for the sake of polluters' profits - no individual and certainly no community."

I and my husband plan to attend the June 24 DNR meeting in Muscatine. Hopefully the presentation will clear up some issues and concerns.

Thank you. Helen Van Hoozer, Muscatine



1808 Mulberry Ave.
Muscatine, IA 52761
(563) 607-0852
www.cleanairmuscatine.org

June 24, 2013

Jim McGraw
Iowa Department of Natural Resources
7900 Hickman Road
Windsor Heights, IA 50324

RE: Proposed State Implementation Plan for the 2006 24-Hour PM_{2.5} Standard in
Muscatine County

On behalf of the Board of Directors of Clean Air Muscatine, Inc. (CLAM), I would like to comment on the proposed State Implementation Plan for the 2006 24-Hour Particulate Matter (PM_{2.5}) Standard in Muscatine County.

CLAM is a non-profit membership corporation established for the purpose of promoting a cleaner environment in Muscatine County. With 150 members, a primary focus of CLAM's efforts has been to bring public attention to, and to support effective remediation of, the very poor air quality in our community that adversely affects the health of our citizens and the economic vitality of our region.

To that end, we are supportive of effective regulatory action, based on sound public health and scientific research, aimed to clean our air. We know that excessive fine particulate matter, or PM_{2.5}, emissions deprive healthy people of their ability to live their lives as actively as they might wish. We know that such emissions pose real threats to the health of our citizens, particularly the most vulnerable: children, the elderly, and those with chronic respiratory health conditions.

We also know that excessive PM_{2.5} emissions impede a community's ability to enjoy economic progress. New businesses and vital workers with skill sets for tomorrow's industries, if given a choice, will choose to live and to work in communities where the air quality does not impede their enjoyment of life and threaten their health and the health of their families. Businesses that are looking for a place to locate or to expand will be deterred from locating in a community that has failed to assure all citizens access to a clean, healthy environment.

Under current law, every-day citizens face a daunting task when trying to advocate for a cleaner environment. On the one hand, it is those very people who suffer most from environmental pollution. They live in the neighborhoods, they attend the schools and

RECEIVED

JUN 24 2013

IDNR AIR QUALITY

they go to work in the places where the atmosphere is often the most polluted, although they make the best of it. On the other hand, every-day citizens do not have the resources to hire expert witnesses or to make independent analyses of the sources of pollutants and available remedies to alleviate those sources and to present those findings to governmental agencies, at public hearings such as this one, that are empowered to regulate the emission of pollutants.

Therefore, when it comes to protecting us from the harmful effects of air pollution, every-day citizens—such as those who are members of CLAM and those for whom CLAM advocates—are extraordinarily dependent upon the competence and good will of those who work in our businesses, and those who are in government and tasked to regulate those businesses, to be certain that our environmental laws are based in good science, are reasonable, and are fairly and firmly applied. We want good jobs in Muscatine. We also want clean air. We should not be forced to make a false choice between them—one, or the other.

We are deeply disturbed that our home, Muscatine, Iowa, has become an outlier—nationally—for the quality of its air. Because of the quality of our air, we are in grave danger of becoming a fly-over community when it comes to those who are looking for a place to start or expand a new business.

Citizens in Muscatine who have experienced the deterioration of their environment are sometimes left to wonder whether, in at least some instances, the enforcement of our environmental laws has been too lax. Muscatine's air quality's deterioration has not happened suddenly—it has been caused over a period of years, and, then, largely by a few regulated businesses whose owners have been indifferent to our laws and the harms caused when those laws are not followed.

We come to this hearing to articulate our unwavering support for a new and better era when it comes to enforcing our environmental laws.

As a citizen-run-environmental-activist group, we are aware that on August 15, 2011, the U.S. Environmental Protection Agency (EPA) found that the Iowa's State Implementation Plan (SIP) is substantially inadequate to maintain the 2006 24-Hour National Ambient Air Quality Standards (NAAQS) for PM_{2.5} in Muscatine County.

For all practical purposes Muscatine met the requirements to be put in non-attainment for PM_{2.5}. Yet, rather than a designation of non-attainment, the EPA gave IDNR the opportunity to address the issue with a revised SIP. It is CLAM's perspective that IDNR's revised SIP falls short of EPA requirements on numerous accounts, two are stated below.

I. Iowa DNR's Proposed Implementation Timeline Violates EPA Requirements, and Potentially Puts CLAM members and All Muscatine County Residents in Harms Way for Years Longer than Necessary.

The EPA's call for Iowa SIP revision says "all adopted measures to achieve reductions...necessary to attain and maintain the 2006 24-hour PM2.5 Standard should be implemented no later than two years after the issuance of this final SIP call."¹ Furthermore, EPA states that "we expect that the date for attainment...will be the first full calendar year following the required implementation of controls...the first full calendar year which begins after the two year anniversary of the effective date of this rule." EPA issued the SIP call on July 14, 2011 and the rule became effective on August 15, 2011.² Therefore the two-year anniversary is August 15, 2013, and the first year anniversary following is in 2014.

The IDNR proposes "a phased implementation schedule that begins in 2013 and concludes in December 2016," and states that the "attainment requirements established by EPA in the SIP call can be achieved by the end of calendar year 2017."³

There is a three to four year discrepancy between the IDNR's proposal and the schedule of implementation in the EPA SIP Call. While IDNR mentions the "scale and complexity" of changes at GPC, and that GPC has "developed a phased implementation schedule,"⁴ there is no adequate explanation as to why there is a delay of attainment until 2017.

II. Iowa DNR's Proposed Contingency Measures Do Not Comply with the EPA's SIP Call

The SIP Call says that, "the SIP revision should clearly identify measures which could be timely adopted and implemented, a schedule and procedure for adoption and implementation, and a specific time limit for action by the state."⁵

The IDNR's Draft SIP does not do this. Instead, regarding contingency measures, there is vague language about "the submission of an emissions control program from applicable sources in the area."⁶ Regarding the timeline, the draft SIP states that the control program "...will be feasible to implement within 24-months"⁷ of 2020. What leads the IDNR to believe this if that state agency cannot clearly identify the control measures?

¹ See EPA, Finding of Substantial Inadequacy; Call for Iowa State Implementation Plan Revision, 76 Federal Register 41426.

² *Id.* At 41424, 41425

³ Iowa DNR, Iowa State Implementation Plan: Fine Particulate Matter, Muscatine Iowa, DRAFT May 21, 2013, at 4, and 11.

⁴ *Id.* At 11

⁵ EPA, Finding of Substantial Inadequacy; Call for Iowa State Implementation Plan Revision, 76 Federal Register 41426.

⁶ Iowa DNR, Iowa State Implementation Plan: Fine Particulate Matter, Muscatine Iowa, DRAFT May 21, 2013, at 13.

⁷ *Id.*

Conclusion

We support the jobs that local industry provides. We also appreciate and look forward to our government's diligent, firm and fair enforcement of our environmental laws. Yet, the lack of specific actions and timeline is not only disheartening, but also contrary to the requirements of the final SIP Call. CLAM urges the IDNR to significantly revise its plan to include specific actions that are needed for implementation, and a timeline. If the timeline does not meet the EPA requirements, then we also urge the IDNR to provide a detailed explanation for the cause of this delay.

Respectfully,

Sherry Leonard
Vice President, Board of Directors
Clean Air Muscatine, Inc.



ENVIRONMENTAL SERVICES

June 24, 2013

VIA REGULAR MAIL AND HAND DELIVERED

Jim McGraw
Iowa Department of Natural Resources
Air Quality Bureau
7900 Hickman Rd, Suite 1
Windsor Heights, IA 50324

Subject: Muscatine PM2.5 SIP Call

Dear Mr. McGraw:

Grain Processing Corporation (GPC) appreciates the opportunity to comment on the Iowa Department of Natural Resources (IDNR) Iowa State Implementation Plan Fine Particulate Matter Muscatine, Iowa document containing the plan to attain and maintain the short-term particulate matter less than 2.5 micron National Ambient Air Quality Standard in Muscatine County.

GPC is strongly committed to the health and safety of our employees and the citizens of Muscatine. GPC has worked and continues to work with the Environmental Protection Agency (EPA) and the IDNR to reduce fine particulate emissions in Muscatine. For some time now, GPC has been planning and implementing control strategies that will positively affect the air quality in Muscatine, including PM2.5 matter. For instance, in 2011, GPC began a \$100 million investment in environmental sustainability, which includes building a \$75 million, state-of-the-art grain dryer at the plant site on the south side of Muscatine. This project, along with many others, represents GPC's control strategies in the present SIP. GPC is very pleased that modeled PM2.5 attainment is possible as set forth in the proposal.

The following are comments on the draft document prepared by the IDNR:

- GPC believes the total emissions from GPC listed in Table 3, Facility-Wide PM2.5 Emissions, are incorrect. GPC's actual PM2.5 emissions, as reported in our Title V emission inventory questionnaire for the years 2008-2012 were 248, 248, 221, 228, and 196 tons per year, respectively. Table 3 lists the total actual emissions as 537.6 tons per year.
- On page 10, there is a statement that full implementation of the control measure at GPC will reduce PM2.5 emissions from GPC by an estimated 367.9 tons per year. Our calculations have this number to be 136.2. As shown above, the 367.9 ton decrease would exceed our total actual emissions reported from the plant in any year.
- Co-Benefits of Emissions Reductions at GPC. In this section, IDNR states that controls and other changes that will be implemented "may also result in emission reductions for several regulated air pollutants" (emphasis added). Table 5 clearly shows a very significant emission reduction for other regulated pollutants. IDNR's terminology diminishes the importance of the co-benefits as well as the high degree of certainty that those benefits will occur. Muscatine industry has worked very hard to address all aspects of air emissions in Muscatine and the citizens should be informed that the impact to our community is certainly going to be more than just reduced particulate emissions.

RECEIVED

JUN 24 2013

- GPC supports the IDNR position on Contingency Measures (page 13) being triggered if violations, not exceedances, of the 24-hour PM2.5 standard occur. GPC believes that any exceedance at the local monitors after implementation of the SIP Call strategies will be related to regional (non-local) events out of the control of any regulated source in Muscatine County.
- Finally, GPC supports the IDNR's use of "paired-sums" approach for adding background to the dispersion modeling results. However the use of Iowa City, Davenport or Des Moines monitoring data clearly is overly conservative as representing background for Muscatine since the population of these cities (as well as number of stationary and mobile sources producing PM2.5 emissions) is from 5 to 15 times greater, based on population. A better representative location for background would be a background air monitoring site, such as Lake Sugema, south of Muscatine. GPC assumes that these monitoring sites were established to collect background data for use as a representative background value for various locations in the state. The Lake Sugema monitoring site would be much more representative of the background levels in and around Muscatine than any of the other proposed sites.

We at GPC live and work in Muscatine. We and our families breathe the air in this community. The company will continue to take the right steps to protect the physical and economic well-being of the people in Muscatine.

Sincerely,

A handwritten signature in black ink, appearing to read "Mick Durham". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mick Durham
Director, Environmental Services



521 East Locust Street, Suite 220
Des Moines, IA 50309-1939
515-244-1194 Phone
515-244-7856 Fax
www.iaenvironment.org

June 24, 2013

By Electronic Mail

Jim McGraw
Iowa Department of Natural Resources
7900 Hickman Road
Windsor Heights, IA 50324

RE: Proposed State Implementation Plan for the 2006 24-Hour PM 2.5 Standard in Muscatine County

The Iowa Environmental Council (“Council”) appreciates the opportunity to submit the following comments regarding the revised draft State Implementation Plan (SIP) for the 24 hour PM 2.5 standard in Muscatine as proposed by the Iowa Department of Natural Resources (Iowa DNR) on May 21, 2013. The Council is a 501(c)(3) nonprofit corporation organized under Iowa law. The Council represents hundreds of individual members and approximately 70 diverse member organizations located across the state of Iowa with environmental, conservation, clean energy, public health, and natural resources missions. The Council focuses on public policy changes that provide a safe, healthy environment for all Iowans.

On August 15, 2011, the U.S. Environmental Protection Agency (EPA) found that the Iowa SIP was substantially inadequate to maintain the 2006 24-hour National Air Quality Standard (NAAQS) for fine particulate matter (PM 2.5) in Muscatine County. EPA’s finding was based on the results of updated air quality monitors that indicated exceedances of the 24-hour PM 2.5 standard. Practically speaking, Muscatine County was in nonattainment, but EPA allowed Iowa DNR to address the air quality problem with a revised SIP rather than a nonattainment designation. EPA’s finding required Iowa DNR to revise the SIP and specify control measures to attain and maintain the 24-hour standard in Muscatine. EPA required that all emission control measures be implemented by August 15, 2013. EPA expected that the plan should result in monitored PM 2.5 values in the area being below the standard by the end of 2014.

The draft SIP revision proposed by Iowa DNR includes emission reductions from Grain Processing Corporation (GPC), Muscatine Power & Water (MP&W), and Union Tank Car Company (UTLX). The majority of emissions reduction controls are proposed to come from GPC and will not be fully implemented until 2016. Iowa DNR has proposed to evaluate the effectiveness of the controls over 2017, 2018, and 2019. If it is found, over those three years, that the controls were not sufficient to maintain the standard, then Iowa DNR will solicit a new emissions control program from sources in the area. Iowa DNR proposes that the new control program would be implemented by the end of 2021.

EPA adopted the new 24-hour standard for PM 2.5 because fine particle pollution causes a range of health problems related primarily to heart and lung function, including asthma, bronchitis, heart attack, and premature death.¹ EPA has estimated that the 2006 24-hour PM 2.5 standard will reduce premature deaths in people with heart and lung disease by 1,200 to 13,000; cases of chronic bronchitis by 2,600; nonfatal heart attacks by 5,000; cases of aggravated asthma by 51,000; lost work or school days by 350,000; and days of restricted activity by 2 million.² EPA estimated that the public health and visibility benefits of achieving the revised 24-hour standard would greatly exceed the costs. EPA estimated the benefits in 2020 to be between \$9 billion and \$76 billion per year, while the costs of meeting the standard were estimated at \$5.4 billion in 2020.³

The Muscatine Garfield School Monitor has recorded design values at or above the 2006 24-hour standard from 2001-2003, 2002-2004, 2003-2005, 2005-2007, 2006-2008, 2007-2009, and 2008-2010.⁴ The 2003-2005 and 2007-2009 design values were 38 micrograms per cubic meter. The only monitoring years below the standard were the 2004-2006 years, at 34 micrograms per cubic meter. The Muscatine area has suffered high fine particle pollution for well over a decade.⁵

I. Iowa DNR's Proposed Implementation Timeline Is Unreasonably Long.

The Iowa DNR is proposing an unreasonably delayed implementation schedule that results in potential ongoing violations of the 2006 24-hour PM 2.5 standard in Muscatine County until 2017. This implementation schedule clearly violates the requirements of EPA's Finding of

¹ See EPA, Fact Sheet: Regulatory Impact Analysis of EPA's Final Revisions to the National Ambient Air Quality Standards for Particle Pollution (Particulate Matter).

² *Id.*

³ *Id.*

⁴ See EPA, Finding of Substantial Inadequacy; Call for Iowa State Implementation Plan Revision, 76 Federal Register 41426.

⁵ *Id.*

Substantial Inadequacy and Call for Iowa State Implementation Plan Revision⁶ as well as the public health goals of the Clean Air Act.

The EPA's Call for Iowa State Implementation Plan Revision (SIP Call) states that "all adopted measures to achieve reductions ... necessary to attain and maintain the 2006 24-hour PM 2.5 standard should be implemented no later than two years after the issuance of this final SIP Call" (emphasis added).⁷ EPA later states "we expect that the date for attainment ... will be the first full calendar year following the required implementation of controls ... the first full calendar year which begins after the two year anniversary of the effective date of this rule." EPA issued the SIP call on July 14, 2011 and the rule became effective on August 15, 2011.⁸ The two-year anniversary from the effective date of the final rule would be August 15, 2013, and the first full year after that anniversary date is 2014. Iowa DNR is proposing to not even come close to meeting these deadlines.

Iowa DNR is proposing that the majority of emissions reductions would come from a single source, GPC, with "a phased implementation schedule that begins in 2013 and concludes in December 2016" (emphasis added).⁹ The DNR further states that the "attainment requirements established by EPA in the SIP call can be achieved by the end of calendar year 2017" (emphasis added).¹⁰ The Iowa DNR is essentially only proposing to complete the revised SIP by the August 15, 2013 time frame, but not fully implement the SIP and attain or maintain the PM 2.5 standard for another four years. This violates the clear and important schedule for implementation in the EPA SIP Call.

EPA further stated in the SIP Call that the two year time frame was reasonable because the Iowa DNR "has already performed a substantial portion of its analysis of the nature of the PM 2.5 problem in the area and the types of controls which might be necessary to address the problem."

Iowa DNR does not adequately address why the delay for attainment until 2017 is justified, given that by 2011 it already knew the causes and solutions to the PM 2.5 air quality problems in Muscatine. Iowa DNR does not address the ongoing public health consequences that are likely to result from the delayed implementation. Iowa DNR does not provide any other appropriate justification for the delay – economic, health, environmental, or otherwise – but rather references the "scale and complexity" of changes at GPC and states that GPC has "developed a phased implementation schedule."¹¹

⁶ See EPA, Finding of Substantial Inadequacy; Call for Iowa State Implementation Plan Revision, 76 Federal Register 41424.

⁷ *Id.* at 76 FR 41426.

⁸ *Id.* at 41424, 41425.

⁹ Iowa DNR, Iowa State Implementation Plan: Fine Particulate Matter, Muscatine Iowa, DRAFT May 21, 2013, at 4.

¹⁰ *Id.* at 4.

¹¹ *Id.* at 11.

Iowa DNR had an opportunity to comment on the proposed implementation schedule before EPA finalized it in the EPA SIP Call. In a comment letter to EPA dated March 23, 2011, the Iowa DNR did not request a four year delay to the implementation schedule or any specific delay to the schedule. Iowa DNR did state that it had additional analysis to complete, that it did not agree with EPA's assertion that a 'substantial portion' of the analysis had been performed, and that EPA should give Iowa an 'adequate amount of time' to develop a plan to achieve the NAAQS. By not raising substantive or specific concerns about the implementation schedule in 2011, Iowa DNR's proposed implementation schedule now is even more unreasonable.

Iowa DNR attaches a list of potential control measures with comments from GPC on the compliance schedule. The GPC comments indicate, among other things, that GPC is still only *planning to evaluate* major emissions control projects for coal boilers that would account for a reduction of more than 250 tons per year of PM 2.5. These reductions are in relation to compliance with EPA Boiler MACT regulations.¹² Therefore almost 70% of the reductions in the draft revised SIP are reductions that are deferred to GPC and will be determined and finalized when and how GPC eventually decides to comply with Boiler MACT regulations that it is required to comply with anyway. In other words, the majority of Iowa DNR's revised SIP is GPC's stated plan that it will comply with Boiler MACT.

Without commenting on the nature, scale or complexity of the proposed changes at GPC, we believe this delay is unreasonable. GPC's preferred compliance timeframe for Boiler MACT is not a reasonable justification for a four-year delay in implementing control measures under this SIP. GPC should be required to expedite the most significant control measures to help ensure attainment within the original 2014 time frame. If the changes at GPC cannot be implemented faster, additional reductions must be identified elsewhere. For example, further reductions are available at MP&W and may be available at other sources not identified in the SIP.

II. Contingency Measures Do Not Comply With EPA's SIP Call.

A. Lack of specific contingency measures is contrary to SIP call.

The final SIP Call published by EPA in the Federal Register requires that Iowa DNR's SIP revision include contingency measures which will be triggered in the event that the proposed control measures prove inadequate. The final SIP Call says,

¹² *Id.* at Appendix C.

To do so, the SIP revision should clearly identify measures which could be timely adopted and implemented, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State.¹³

The draft SIP revision from Iowa DNR does not do this. As to clearly identifying contingency measures which could be timely adopted and implemented, the draft SIP revision states that Iowa DNR “will require the submission of an emissions control program from applicable sources in the area”.¹⁴ This supplemental emissions control program “may include but is not limited to requirements for additional control equipment, or changes in work practices and operations.”¹⁵ Rather than proposing specific contingency measures as called for by EPA in the Federal Register, Iowa DNR seems to be essentially proposing the submittal of *another* SIP revision in the event that the first one doesn’t work.

Iowa DNR does not propose a time limit for action by the state. The draft SIP revision merely concludes that the supplemental control program “will be feasible to implement within 24-months” of 2020.¹⁶ There is no indication of why Iowa DNR believes this. It is not clear how Iowa DNR *could* know this without having clearly identified the control measures that will be required.

As for clearly identifying a schedule and procedure for implementation of contingency measures, as called for in the Federal Register, the draft SIP revision relies on a statement that Iowa DNR “already has statutory and administrative rule provisions in place that will support the submission and implementation” of a supplemental emissions control program.¹⁷ The next page outlines Iowa DNR’s existing authority to modify permits, require monitoring and reporting, and conduct on-site inspections.

The draft SIP revision lacks clearly identified control measures, lacks a schedule and procedure for adopting them, and lacks a stated completion date which Iowa DNR believes is as expeditious as practicable. This lack of specifics is troubling and is contrary to the requirements of EPA’s final SIP Call.

B. Trigger period for contingency measures is contrary to SIP Call.

The final SIP Call printed in the Federal Register called for a SIP revision containing contingency measures which would be triggered if the 98th percentile value for the calendar year

¹³ EPA, Finding of Substantial Inadequacy; Call for Iowa State Implementation Plan Revision, 76 Federal Register 41426.

¹⁴ Iowa DNR, Iowa State Implementation Plan: Fine Particulate Matter, Muscatine Iowa, DRAFT May 21, 2013, at 13.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

after implementation of controls was above the PM 2.5 standard.¹⁸ Iowa DNR has not submitted such a plan. The draft SIP revision proposes a three year trigger period and is directly contrary to the requirements of EPA's final SIP call.

Iowa DNR had a chance to submit comments to EPA in 2011 regarding the requirements of the final SIP Call. Iowa DNR did so, and indeed submitted comments proposing what the Department believed would be a more appropriate trigger period for contingency measures.¹⁹ EPA did not agree with Iowa DNR's view on this issue. EPA stated in the responsiveness section of the final SIP Call, "EPA believes it is reasonable to expect the monitored values in the area to be below the level of the NAAQS in the year after installation of controls."²⁰ EPA concluded, "In other words, in the year after implementation of controls (2014), the 98th percentile of 24-hour concentrations should be equal to or less than 35 micrograms per cubic meter."²¹

Iowa DNR submitted its comments on the draft SIP Call along with members of the public. EPA considered the Department's views and chose not to incorporate them into the final SIP Call. It is not appropriate for Iowa DNR to now submit a draft SIP revision that is clearly contrary to the requirements of the final SIP Call that went through public notice and comment and was published in the Federal Register almost two years ago. EPA has already made it clear where it stands on the reasonableness of the one year contingency trigger period. Iowa DNR needs to bring its draft SIP revision into alignment with the requirements of the SIP call.

III. The Draft SIP Revision Is Fundamentally Flawed Because It Does Not Ensure Maintenance Of The PM 2.5 Standard.

The draft SIP revision is fundamentally flawed in that it does not propose a plan of action for maintaining the PM 2.5 NAQQS in the Muscatine area. The "Dispersion Modeling Results" section of the draft SIP revision states

The final cumulative Muscatine PM 2.5 SIP modeling analysis resulted in predicted exceedances of the 24-hour PM 2.5 NAAQS, however the three facilities determined to be part of the mitigation strategy, GPC, MPW and Union

¹⁸ EPA, Finding of Substantial Inadequacy; Call for Iowa State Implementation Plan Revision, 76 Federal Register 41426.

¹⁹ *Id.* at 41427.

²⁰ *Id.* at 41428.

²¹ *Id.*

Tank Car do not cause any predicted exceedances and do not have a significant contribution to any predicted exceedance.²²

Iowa DNR states that the predicted exceedances occur in the vicinity of two other facilities which were not included in the mitigation strategy. The Department states that these exceedances “will be resolved through the DNR construction permit program and will not be addressed as part of the SIP evaluation.”²³

EPA’s final SIP Call from August, 2011 stated that Iowa must submit several specific plan elements to EPA in order to correct the inadequacy of the current SIP. Items two and three of those specific plan elements are as follows:

(2) a modeling demonstration consistent with Appendix W to 40 CFR part 51 showing what reductions will be needed to attain and maintain the PM 2.5 NAAQS in the area; and

(3) adopted measures to achieve reductions determined necessary to attain and maintain the NAAQS, with enforceable schedules for implementing the measures as expeditiously as practicable²⁴

The draft SIP revision proposed by Iowa DNR does not appear to do this. EPA’s final SIP Call called for a plan that would ensure attainment in the Muscatine area. Iowa DNR has instead proposed a plan that merely ensures the three largest facilities are no longer contributing to exceedances. But exceedances are predicted to persist. Iowa DNR’s statement that it will not address these predicted exceedances as part of the SIP evaluation is contrary to the requirements of EPA’s final SIP Call. EPA must disapprove a state’s proposed SIP that would interfere with any requirement concerning the state’s attainment and maintenance of a NAAQS.²⁵

Iowa DNR needs to propose a SIP revision that will result in maintenance of the 24-hour PM 2.5 standard in the Muscatine area. If the Department is not capable of achieving sufficient reductions from the three largest facilities, then it needs to expand the scope of the mitigation strategy and find reductions elsewhere. To simply conclude that the draft SIP revision will come close to maintaining the standard, and the remaining work will be done later, is contrary to the requirements of EPA’s final SIP Call and falls short of the protection the people of Iowa expect and deserve.

²² Iowa DNR, Iowa State Implementation Plan: Fine Particulate Matter, Muscatine Iowa, DRAFT May 21, 2013, at 27.

²³ *Id.*

²⁴ EPA, Finding of Substantial Inadequacy; Call for Iowa State Implementation Plan Revision, 76 Federal Register 41426.

²⁵ *Michigan Dep’t of Env’tl. Quality v. Browner*, 230 F.3d 181, 183 (6th Cir. 2000).

IV. Iowa DNR's Draft SIP Revision Must Do More To Reduce PM 2.5 Emissions In The Near Term.

The draft SIP revision proposed by Iowa DNR does not do enough to make meaningful emissions reductions in the near term. Of the 292 control measures specified in Appendices B, D, and F, only 109 are actually estimated to reduce PM 2.5 emissions. 99.72% of the total emissions reduction tonnage is slated to come from GPC.²⁶

As noted above, almost 70% of these proposed emissions reductions are attributed to GPC's eventual compliance with Boiler MACT regulations. GPC has not yet stated *how* it will comply with Boiler MACT regulations, but in any event the controls will not be put into place until 2016. This delay is unacceptable and Iowa DNR needs to submit a SIP revision that finds reductions elsewhere.

MP&W significantly contributes to 44% of predicted NAQQS exceedances²⁷, yet under the draft SIP revision the facility is responsible for only 0.19% of the total tonnage reduction. Iowa DNR must propose control measures which can be implemented before 2016. Further reductions at MP&W would be a good place to start.

V. Conclusion

The Iowa DNR needs to make significant changes to its draft SIP revision before submittal for EPA approval. The Department must bring the SIP revision into conformity with the clear requirements of the final SIP Call published in the Federal Register two years ago. The plan must include controls or practices which are sufficient to result in a 2014 value that is below the PM 2.5 standard. The plan must include specific contingency measures, including specific additional controls, which will be implemented if the standard is not met. The trigger period for contingency measures must be the first year after implementation of controls. And the plan must look to all sources – not just GPC – to achieve sufficient reductions such that exceedances of the PM 2.5 standard are no longer predicted in the Muscatine area.

The people of Muscatine have been breathing polluted air for too many years. Iowa DNR was given specific tasks in crafting a plan to fix the problem. EPA will expect those tasks to be met, as will the people of Muscatine. The Iowa Environmental Council urges the Department to revise its plan and put our state on a path to clean air now.

²⁶ Iowa DNR, Iowa State Implementation Plan: Fine Particulate Matter, Muscatine Iowa, DRAFT May 21, 2013, at Appendices B, D, F.

²⁷ *Id.* at 25.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Ralph Rosenberg".

Ralph Rosenberg
Executive Director
Iowa Environmental Council

Cc: Amy Bhesania, EPA Region 7

McGraw, Jim [DNR]

From: Debbie Paulson <djpaulson1@wildblue.net>
Sent: Tuesday, June 25, 2013 3:40 PM
To: McGraw, Jim [DNR]
Subject: Muscatine SIP PM2.5

Dear DNR Air Quality Division-

I appreciated the public hearing in Muscatine yesterday! I would like to say that in my opinion the tightening of the standards to attain the 24 hour PM2.5 NAAQS is desirable for everyone who lives in the area. It is shameful to have industry switch coal sources based on wind direction to "fool" the air quality monitors. It is a sad state of affairs when it is cheaper for industry to pay a fine (the cost of doing business) and continue polluting the air than to do the right thing for everyone in the community.

Thank you for your time!

Don Paulson
2451 Jasper Ave.
Letts, Iowa 52754



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

JUN 26 2013

Mr. Jim McGraw, Section Supervisor
Department of Natural Resources - Air Quality Bureau
7900 Hickman Road, Suite 1
Windsor Heights, Iowa 50324

Dear Mr. McGraw:

We appreciate the opportunity to provide written comments on the Iowa Department of Natural Resources' or the IDNR's draft state implementation plan or SIP for fine particulate matter or PM_{2.5} in Muscatine, Iowa. We are submitting comments pursuant to the public comment period for this plan, which closes June 25, 2013. As indicated in the public notice, the U.S. Environmental Protection Agency or EPA Region 7 found that Iowa's SIP was substantially inadequate to maintain the 2006 24-hour National Air Quality Standard or NAAQS for PM_{2.5} in Muscatine. This finding of substantial inadequacy was published in the Federal Register (76 FR 41424) on July 14, 2011, and was effective on August 15, 2011.

Background:

The EPA's finding required the IDNR to revise the SIP and include measures to attain and maintain the 2006 24-hour PM_{2.5} NAAQS in Muscatine. The final rule provided a description of the specific elements that the SIP must contain. They are as follows:

- (1) a revised emission inventory for all sources that could be expected to contribute to the violating monitor because of their size, proximity, or other relevant factors consistent with 40 C.F.R. § 51.114(a);
- (2) a modeling demonstration to achieve reductions determined necessary to attain and maintain the NAAQS, with enforceable schedules for attaining the NAAQS as expeditiously as practicable;
- (3) adopted measures to achieve reductions determined necessary to attain and maintain the NAAQS, with enforceable schedules for implementing the measures as expeditiously as practicable;
- (4) contingency measures that will be triggered if the monitoring value is above the level of the standard in the calendar year following the implementation of controls necessary for attainment. If triggered, the contingency measures would need to be implemented in an expeditious and timely manner.



In consideration of the specific elements expected to be included in the draft Muscatine PM_{2.5} SIP, the following comments are provided. The EPA is encouraged with the progress the IDNR has made in developing an overarching control plan for the Muscatine area. However, the EPA believes the plan needs to be strengthened and/or clarified in regards to the issues described below. In some cases, additional information is needed before the EPA could take formal action on the Muscatine PM_{2.5} SIP.

Deadlines & Attainment Dates:

In the EPA's July 2011 finding of substantial inadequacy, the EPA identified several significant milestones and deadlines. One significant deadline identified was the required timeline for the IDNR to submit the SIP. The deadline for the SIP to be submitted to the EPA was within 18 months of the effectiveness of the finding, which was August 15, 2011. Accordingly, the due date was February 15, 2013. In the plan, the IDNR indicates that the deadline was extended to provide the IDNR adequate time to complete administrative processing. To be clear and for the record, the EPA does not have the authority to extend the formal deadline for the IDNR to submit the SIP and therefore did not extend this deadline. Section 110(k)(5) of the Clean Air Act provides that after the EPA makes a finding that a plan is substantially inadequate it may establish a reasonable deadline for correcting the deficiencies but the date cannot be later than 18 months after the IDNR is notified of the finding. The EPA established the maximum timeframe allowable under the Clean Air Act in its July 2011 finding of substantial inadequacy. As such, no formal change in the due date for the Muscatine PM_{2.5} SIP call was issued, and the SIP addressing the substantial inadequacy was due in February 2013. The EPA does acknowledge that the IDNR has been continuously working with specific emission sources in addressing the obligations in the finding of substantial inadequacy.

Another significant deadline, identified in the finding of substantial inadequacy, is the date upon which the area must demonstrate attainment. The EPA stated in the final rule that the "... rule requires the state to establish a specific date in its SIP revision by which the Muscatine area will attain the standard. The date must be as expeditiously as practicable based upon implementation of Federal, State, and local measures." The EPA also stated that it expected the attainment date to be the first calendar year following implementation of controls. For purposes of this rule, attainment is established as when 98% percentile 24-hour value is at or below 35 µg/m³. The finding states that the attainment date will be the first calendar year following implementation of controls. The EPA also indicated it will establish a specific date for attainment at the same time it takes final action on the SIP revision in response to the finding of substantial inadequacy.

In the draft Muscatine PM_{2.5} SIP, the IDNR provides that it believes the attainment requirements can be achieved by the end of calendar year 2017, although this is contingent upon successful implementation of control strategies being implemented on the schedule provided by the facilities. It is critical that the IDNR clearly identify the date when attainment will be monitored. It is unclear whether attainment is assessed in the same year that controls are implemented or in the year following control implementation. This should be clarified in Iowa's plan.

On a related note, the IDNR has provided information in Attachment C with a schedule for various control strategy actions at Grain Processing Corporation or GPC and has included a

description of the technical and engineering considerations for design and construction of control equipment. For example, several of the descriptions in Attachment C state that implementation is contingent upon permit approval. Because the permit issuance date is uncertain, the draft Muscatine PM_{2.5} SIP does not clearly demonstrate to the public that controls will be installed as expeditiously as practicable. This attachment can be improved by including specific dates when the public can expect actions to be taken. These specifics will address the IDNR's obligation, as outlined in the finding of substantial inadequacy, to demonstrate that attainment is being reached as expeditiously as practicable based upon implementation of Federal, State, and local measures.

Dispersion Modeling:

The EPA has reviewed the dispersion modeling conducted by the IDNR. From this evaluation, the EPA supports the IDNR's conclusions of the significance of the sources being included in the control strategy. The IDNR provides a good summary of the actual annual emission reductions expected with controls, but the dispersion analysis could be strengthened to include a summary discussion of the predicted percentage reduction in modeled concentration at the design value monitor location and a predicted change in concentration from the base run, which could then be applied to the plan in a relative manner to further assess the impacts of proposed controls.

Enforceability:

The Clean Air Act provides that before a plan can be considered complete and included into the SIP the plan must contain quantifiable, permanent, and enforceable provisions. Specifically, Section 110 (a)(2)(A) of the Clean Air Act states that enforceable emission limits shall be included in the SIP. More information regarding enforceability is referenced in the EPA's September 1987 guidance memorandum¹. Accordingly, a SIP should contain the following information:

- (1) include the required dates for compliance and the order/regulation must be sufficiently specific so that a source is fairly on notice as to the standard it must meet;
- (2) describe explicitly the compliance time frame associated with each emission limit;
- (3) explicitly state those records which sources are required to keep to assess compliance;
- (4) describe explicitly the compliance timeframe associated with each emission limit (e.g. instantaneous, stack test, 3-hour average or daily);
- (5) state explicitly those records which sources are required to keep to assess compliance for the time frame;
- (6) list how compliance is to be determined and the appropriate test method to be used.

In comparing the draft Muscatine PM_{2.5} SIP with the enforceability provisions, as outlined above, the plan and control strategy for GPC do not address enforceability provisions needed to

¹ <http://www.epa.gov/compliance/resources/policies/civil/caa/stationary/review-enf-rpt.pdf>

be included in the SIP. Specifically, the Administrative Consent Order and subsequent permits for GPC do not include the enforceable elements listed above that would allow the EPA to act on the SIP. For example, there are no details for how GPC will achieve emission reductions at the GEP Stack (Emission Point 1) nor is there certainty that the implementation dates are firm and enforceable. The GPC Administrative Consent Order requires installation of controls within a certain timeframe after a construction permit has been issued by the IDNR, which does not establish specific date for compliance. In addition, the Muscatine PM_{2.5} SIP includes control measures and public access restrictions at the GPC facility that are not included in the Administrative Consent Order or current permits. Without additional details and specificity, there is uncertainty regarding implementation of the plan, the date certain for installation of controls, and the timeframe for achieving the necessary emission reductions. In the absence of the above information, the plan lacks enforceable emission limits and the EPA is unable to determine if the area will achieve emission reductions as expeditiously as practicable. The EPA strongly encourages the state to work with GPC to develop the specifics needed to address the enforceable elements needed in order to include this plan into the Iowa SIP.

Completeness

Like the enforceability provisions described, the EPA's ability to act on a revision to a State Implementation Plan is outlined in Section 110 of the Clean Air Act and criteria for completeness is included in Appendix V to Part 51 of the Code of Federal Regulations. This "completeness criteria" addresses both administrative requirements and technical requirements that must be present in each plan. The IDNR has not demonstrated in the draft Muscatine PM_{2.5} SIP that there are permanent and enforceable provisions for GPC's control strategy. The IDNR has provided some details concerning the control strategy in the plan and has made the statement that the GPC control strategy will be implemented as expeditiously as practicable, however without including the specific enforcement mechanism for the controls (e.g. Administrative Consent Order or permits) in the plan provided for public notice and comment, the plan is not complete. There is not enough information on which the EPA or the public can comment. The EPA supports the IDNR in working with GPC to correct this deficiency and provide, for public notice, specific enforceable provisions.

Contingency Measures:

As mentioned at the beginning of this letter, the EPA included requirements for the IDNR to develop contingency measures as part of this plan. The EPA's finding of substantial inadequacy stated that contingency measures are to be triggered if the monitoring value is above the level of the standard in the calendar year following the implementation of controls necessary for attainment. If triggered, the contingency measures would need to be implemented in an expeditious and timely manner. Contingency measures must be included in the Muscatine PM_{2.5} SIP as enforceable commitments to adopt and implement sufficient contingency measures, that once triggered, must be implemented in an expeditious and timely fashion that is comparable to Section 175(A)(d) of the Clean Air Act.

In the draft Muscatine PM_{2.5} SIP, the IDNR includes a commitment for evaluation of the causes of the design value violation and how that evaluation will be conducted. The plan requires a

contingency plan from sources if a violation of the 24-hour PM_{2.5} standard is recorded at the Garfield School monitor. The draft Muscatine PM_{2.5} SIP fails to include actual contingency measures that will be implemented in order to promptly correct the violation. The EPA encourages the IDNR to clearly identify measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the IDNR. As an additional point of clarification, the EPA will look to the year following the full implementation of controls and not at the three year design value trend to determine if the area is attaining and maintaining the 24-hour PM_{2.5} NAAQS. As currently proposed in the Muscatine PM_{2.5} SIP, if controls are fully implemented in 2016 (and this is demonstrated to be as expeditiously as practicable), the EPA will review the 2017 data to determine if contingency measures need to be triggered.

Conclusions

The EPA recognizes that the monitoring value for the 24-hour PM_{2.5} NAAQS in Muscatine (for 2010-2012) is presently 32 µg/m³. However, as described by the EPA in the 2011 finding of substantial inadequacy and by the IDNR in the draft Muscatine PM_{2.5} SIP, the Muscatine area monitoring values have demonstrated fluctuation over the last nine years. To be clear, the finding issued by the EPA is intended to bring permanent and enforceable emission reductions to the Muscatine area and the control strategy is to be implemented even if the area's monitoring values continue to remain below the level of the standard.

The EPA is encouraged by the emission reduction plans developed collaboratively with Muscatine Power and Water, Union Tank Car, and Grain Processing Corporation. In fact, the EPA acknowledges that the cumulative emission reductions by the sources are predicted to have a beneficial impact on the violating monitor and demonstrate that Muscatine will attain and maintain the 24-hour PM_{2.5} NAAQS. In addition, the EPA is also encouraged that GPC's overarching control plan will include work practices, like idle reduction, which will benefit the local community in a tangible, immediate way, and the control strategy will reduce emissions of sulfur dioxide, hazardous air pollutants, volatile organic compounds, nitrogen dioxide, and carbon monoxide (which were outside the scope of the finding of substantial inadequacy.) We understand that Iowa is continuing to work with GPC to obtain the enforceable details but they are not yet available. We encourage both GPC and the IDNR to complete these discussions in order to move towards implementation of the strategy.

If you or your staff have any questions or would like to discuss these comments, please feel free to contact me at (913) 551-7606 or contact Amy Algoe-Eakin of my staff at (913) 551-7942.

Sincerely,



Joshua A. Tapp
Branch Chief
Air Planning and Development Branch