

**MINUTES OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

November 20, 2018

**State of Iowa Capitol
1007 East Grand Avenue, Des Moines, IA**

Approved by the Commission December 18, 2018

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CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Ralph Lents at 10:00 a.m. on November 20, 2018 at the State of Iowa Capitol in Des Moines, Iowa.

COMMISSIONERS PRESENT

- Nancy Couser
- Howard Hill
- Harold Hommes
- Ralph Lents, Chair
- Joe Riding, Vice Chair

COMMISSIONERS ABSENT

- Vacant Seat – Finance & Commerce
- Mary Boote
- Rebecca Guinn, Secretary
- Bob Sinclair

APPROVAL OF AGENDA

Motion was made by Joe Riding to approve the agenda as presented. Seconded by Howard Hill. Motion passes.

AGENDA APPROVED

APPROVAL OF MINUTES

Motion was made by Harold Hommes to approve the October 16, 2018 EPC minutes as presented. Seconded by Nancy Couser. Motion passes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Ed Tormey referenced the quarterly monthly reports within the packet; there were no questions from the Commission.
- Ed Tormey provided an update to the Commission on the Referral to the Attorney General that was removed from the agenda. DNR is negotiating an administrative consent order with the property owner and the operator. DNR is proposing that the settlement will include the following provisions: 1) no additional tires are being accepted by the facility; 2) 50% of the existing tires are to be removed within one year; 3) a timeline for removal of the remaining tires; and 4) the development of fire break paths to lower the risk of fire outbreaks. Ed Tormey shared with the Commission the Iowa Environmental Council has submitted a petition for rulemaking for lake nutrient standards for recreational lakes in Iowa. The petition granted a 6 month review period rather than the Iowa Code required 60 days. This time extension will allow the Department to thoroughly review the petition and bring recommendations to the Commission.
- The monthly report(s) has been posted on the Department’s website under the appropriate meeting month: <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

INFORMATION

ACTING DIRECTOR’S REMARKS

Acting Director Bruce Trautman shared with the Commission all is going well at the Department thanks to the great staff at the agency, the Governor’s team, and the Commission. He also shared the audit report for the Animal Feeding Operations was published just that morning. He was unable to read the information before the EPC meeting but the topic will be presented at the December EPC meeting.

INFORMATION

CONTRACT WITH BURNS AND McDONNELL

Tom Anderson distributed a handout describing the history of Iowa’s integrated solid waste management system since the passage of the Groundwater Protection Act in 1987. He discussed the evolution of permitting and fee collection developments along with creation of programs to address specific waste materials like household hazardous materials.

He presented a contract with Burns and McDonnell to assist in the development of a vision plan for Iowa in creating an integrated solid waste management system through sustainable materials management.

Public Comments – None

Written Comments – None

Motion was made by Nancy Couser to approve the agenda item as presented. Seconded by Joe Riding. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH POLK COUNTY SWCD FOR THE RAIN CAMPAIGN: RAINSCAPING THE DES MOINES METRO

CONTRACT WITH CITY OF CORALVILLE FOR RAISING THE URBAN SOIL HEALTH IQ IN THE LOWER IOWA RIVER WATERSHED

Steve Hopkins presented contracts with Polk County and the City of Coralville. He also passed out an example of an educational resource for homeowners about rain gardens, permeable driveways, and other stormwater runoff best practices. Ed Tormey clarified for the Commission the standard language of all contracts providing the option for up to 6 years of extensions. For this specific project, it is a one-time project and would not be extended.

Public Comments – None

Written Comments – None

Motion was made by Harold Hommes to approve both agenda items with Polk County and City of Coralville as presented. Seconded by Joe Riding. Motion passes.

APPROVED AS PRESENTED

STATE IMPLEMENTATION PLAN (SIP) REVISION FOR OZONE

Wendy Walker presented a revision to the ozone State Implementation Plan. DNR is required to submit a SIP revision to EPA to include the new ozone standard established by EPA. She described ozone in the atmosphere is good for it keeps out the sun’s ultraviolet light but ozone at the ground level is harmful to human and environmental health. She described the monitoring locations are located downwind of larger cities. Ozone at the ground level predominately comes from combustible sources like vehicles and takes time to develop. Jim McGraw, Air Quality Supervisor, stated that Iowa is in a good place for ozone compared to other parts of the country. The southwest has a higher number of ozone nonattainment areas due to many factors like more vehicles, higher temperatures, and meteorological factors. These areas will often see summer time fuel blend differences to reduce ozone formation.

Public Comments – None

Written Comments – None

Motion was made by Joe Riding to approve the agenda item as presented. Seconded by Nancy Couser. Motion passes.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION: AIR QUALITY REGULATORY CERTAINTY RULES PART 3 - CHAPTERS 20, 22, 23 AND 25

Christine Paulson presented a request to begin rulemaking for amendments to Chapters 20, 22, 23 and 25. She shared with the Commission the steps taken in advance of the proposed rules to informally work with many stakeholders to obtain their feedback prior to presenting to the Commission. With the Commission’s approval, she would begin the state required process of public meetings to formally gain feedback for the proposed rules. From formal comments, adjustments may or may not be made and the rule will be brought back to the Commission for final approval.

Public Comments – None

Written Comments – None

Motion was made by Howard Hill to approve the agenda item as presented. Seconded by Joe Riding. Motion passes.

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Ed Tormey further answered questions from the Commission regarding the details of the tire site in relation to recycling opportunities and fire breaks. Jon Tack, Water Quality Bureau Chief, shared with the Commission there is no state standard for the retailer fee for tire disposal.
- Jerah Sheets provided a summary of logistics for the December and January EPC meetings.

Chairperson Lents adjourned the Environmental Protection Commission meeting at 11:15 a.m. on November 20, 2018.

Iowa Integrated Solid Waste Management and Sustainable Materials Management – Vision for Iowa

Iowa's integrated solid waste management system began with passage of the Groundwater Protection Act in 1987. In this act, the Solid Waste Management policy was created for the protection of human health and the environment and also established the solid waste management hierarchy. The waste hierarchy reflects the preferred method for managing solid waste discards at the end of life. The waste hierarchy also introduced the three R's (*reduce, reuse, recycle*) that successfully communicated the preferred methods for managing solid waste and led to a nationwide campaign to modify citizen's waste disposal behavior.

The Solid Waste Management policy also laid the groundwork for Iowa's solid waste permitting programs as well as technical and financial assistance programs designed to decrease reliance on sanitary landfills through state and local landfill diversion programs. Data indicates that landfill diversion in the state has plateaued. The trend of increased recycling being counterbalanced by increases in waste generation and landfilling is seen nationally as well as in Iowa. Before continuing to invest in a system that, at best, is maintaining status quo, reassessing current law, policy, programs, solid waste infrastructure and partnership opportunities is warranted.

The common metric used to measure impact and program success in solid waste permitting and solid waste management programs is weight. Funding for solid waste management programs at the DNR and other state agencies is based on the weight of solid waste being landfilled in Iowa. Weight as a fee structure and program measure is easy to obtain using landfill scales. Weight is also an easily communicated metric when reporting program accomplishments over time. Weight however, does not translate well to public health and environmental impacts when management decisions are based solely on end of life management of waste materials.

Impacts to air, land and water are experienced throughout a product's lifecycle, beginning with extraction (harvesting, mining, etc.), manufacturing, distribution, use and finally disposal. There is also increased awareness that product design and packaging impacts management decisions of waste materials through reuse, recycling or discard. An alternative waste management model, sustainable materials management (SMM), considers environmental impacts at each lifecycle stage before selecting the proper end of life waste management option. By doing so, a more thorough consideration of protecting public health and the environment is ensured in comparison to the waste hierarchy. The waste hierarchy only considers environmental impacts resulting from end of life disposal.

SMM considers and measures a broad range of environmental impacts based on the goals and metrics used to measure success. SMM metrics often include such things as water use, energy use, and greenhouse gas emissions. But can also include toxics, ecological footprint, land use, soil fertility, and so on. Incorporating SMM into decision making, policy and program formation or enacting legislation may lead to different end of life management recommendations or management policies than provided by following the waste management hierarchy. SMM decision making is also valuable at the product design stage when considering lifecycle environmental impacts.

An example provided by the US EPA of where management recommendations under the waste management hierarchy and sustainable materials management recommendations do not always align, is that of coffee packaging. Coffee is generally packaged in a steel can, rigid plastic container, or a

flexible pouch. Each package has different weight, recycling rate, greenhouse gas emissions, energy consumption, and recycling energy benefits. When each of these coffee packaging alternatives are considered, the waste hierarchy would prefer the steel can package because it is easily recyclable with a high recycling rate at the end of its life. Through a sustainable materials management lens, the flexible pouch would be the preferred packaging in spite of the flexible packaging not considered recyclable in almost all recycling programs. Flexible pouch coffee packaging results in fewer GHG emissions and uses the least amount of energy throughout its lifecycle.

In May 2018, a solid waste stakeholder meeting was held with an open discussion regarding achieving greater landfill diversion in response to results of the recently completed Statewide Waste Characterization Study that showed 70 percent of what was being landfilled could have been diverted through existing recycling, reuse or composting programs. Stakeholders also provided direction for the DNR through the following recommended action items:

- a. conduct life cycle analyses of waste materials to prioritize management action;
- b. investigate alternative measures of environmental benefit/impact;
- c. evaluate existing waste management programs provided by the Department; and
- d. determine if the existing fee structure needs to change.

Based on the direction and outcomes of the May stakeholder meeting and consideration of sustainable materials management, the Department issued an RFP for the development of a sustainable materials management vision for Iowa, including a diverse group of solid waste stakeholders establishing a vision for Iowans living and consuming sustainably.

Following development of the sustainable materials management vision, a detailed implementation framework would then be developed in support of the SMM vision. The framework for action may include revising existing laws, policy and programs, creating new sustainable materials management based programs, developing new fee structures for services that are fair and equitably applied to all Iowans, developing the infrastructure for managing waste for its best and highest use, increased producer responsibility and so forth.

The Department's commitment to pursuing sustainable materials management is based on providing waste related programs and services that improve public health and environmental protection in a way that allows Iowans to live well and live sustainably. The process of establishing a sustainable materials management vision and moving toward implementation, will be a multi-year process requiring considerable collaboration, public education, awareness and engagement and partnership building.

Agenda

Environmental Protection Commission

Tuesday, November 20, 2018
State of Iowa Capitol
1007 East Grand Ave
Room 116
Des Moines, Iowa

Tuesday, November 20, 2018

10:00 AM – EPC Business Meeting

There will be no scheduled period for public participation. At the discretion of the chairperson, requests to speak during the business meeting will be limited to comments that specifically address agenda items at the time the item appears on the agenda.

If you are unable to attend the business meeting, comments may be submitted to Jerah Sheets at Jerah.Sheets@dnr.iowa.gov or 502 East 9th St, Des Moines IA 50319 up to one day prior to the business meeting for the public record. The Commission encourages data, reports, photos, and additional information provided by noon the day before the meeting to allow ample time for review and consideration.

1	Approval of Agenda	
2	Approval of the Minutes	
3	Monthly Reports	Ed Tormey (Information)
4	Acting Director's Remarks	Bruce Trautman (Information)
5	Contract with Burns and McDonnell	Tom Anderson (Decision)
6	Contract with Polk County SWCD for The Rain Campaign: Rainscaping the Des Moines Metro	Steve Hopkins (Decision)
7	Contract with City of Coralville for Raising the Urban Soil Health IQ in the Lower Iowa River Watershed	Steve Hopkins (Decision)
8	State Implementation Plan (SIP) Revision for Ozone	Wendy Walker (Decision)
9	Notice of Intended Action: Air Quality Regulatory Certainty Rules Part 3 - Chapters 20, 22, 23 and 25	Christine Paulson (Decision)
10	General Discussion	
11	Items for Next Month's Meeting	
	<ul style="list-style-type: none">Tuesday, December 18, 2018 – EPC Business Meeting – Des MoinesWednesday, January 23, 2019 – Joint NRC/EPC Meeting – Des MoinesWednesday, January 23, 2019 – EPC Business Meeting – Des Moines	

For details on the EPC meeting schedule, visit <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

¹Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

Any person attending the public meeting and has special requirements such as those related to mobility or hearing impairments should contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or Webmaster@dnr.iowa.gov, and advise of specific needs.

Updated 11/16/18

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Meeting Minutes

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Ralph Lents at 10:00 a.m. on October 16, 2018 at the State of Iowa Capitol in Des Moines, Iowa.

COMMISSIONERS PRESENT

- Rebecca Guinn, Secretary (arrived during the Monthly Reports and left during the Public Comments of the Demand for Hearing)
- Howard Hill
- Harold Hommes
- Ralph Lents, Chair
- Joe Riding, Vice Chair
- Bob Sinclair

COMMISSIONERS ABSENT

- Vacant Seat – Finance & Commerce
- Mary Boote
- Nancy Couser

APPROVAL OF AGENDA

Motion was made by Joe Riding to approve the agenda as presented. Seconded by Bob Sinclair. Motion passes.

AGENDA APPROVED

APPROVAL OF MINUTES

Motion was made by Harold Hommes to approve the September 18, 2018 EPC minutes as presented. Seconded by Bob Sinclair. Motion passes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Ed Tormey introduced himself as Acting Division Administrator after the retirement of Bill Ehm. During his acting role, Kelli Book will be Acting General Counsel for the Department. After the election, permanent appointments will be made for all the roles at the agency.
- The monthly report(s) has been posted on the Department’s website under the appropriate meeting month: <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

INFORMATION

ACTING DIRECTOR’S REMARKS

Acting Director Bruce Trautman shared with the Commission his efforts in maximizing the rental spaces currently being underutilized to save money and gain efficiencies. He is also working on transition plans and resources for the next administration. In November, he will be presenting the Department budget to the Governor’s staff.

INFORMATION

CONTRACT WITH POLK COUNTY CONSERVATION BOARD – EASTER LAKE SOUTH ENTRANCE STABILIZATION PROJECT

Kyle Ament presented a contract for watershed improvement projects. He distributed photos showing the current state of eroding waterways and aerial photos of the area. The visuals also had graphics showing the projected practices to be developed to correct the stream bank issues. Easter Lake is on the impaired waters list for sediment and phosphorous which is included in the Watershed Improvement Plan. The majority of the land in the watershed is urban with 10% or less in agricultural production. Additional projects focus on residential storm water runoff and maintaining fertilizer where applied.

Public Comments – Margret Pinot

Margret Pinot is a resident of the Easter Lake community. She presented information from the Polk County water monitoring results indicating nitrate and phosphorous levels were normal. She questioned the use of 319 funds to address phosphorus when the monitoring shows there is not a problem. She believes the area in Phase 2 should be preserved and that the proposed re-meandering of the creek and development into a public use area would create more nitrate and phosphorus issues. During the discussion, Commissioners determined the area of concern she focused on was not part of the contract being presented and encouraged her to stay engaged with the City of Des Moines who is leading the efforts of the Easter Lake projects.

Written Comments – None

Ed Tormey clarified for Commissioners the materials in front of them are for up to a 6 year contract which is the maximum amount of time allowed by the Department of Administrative Services. If the contract amount exceeds 10% of the original contract value or \$25,000, whichever is greater, an amendment would need Commission approval.

Motion was made by Bob Sinclair to approve the agenda item as presented. Seconded by Joe Riding. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH IOWA DEPARTMENT OF PUBLIC HEALTH

Russel Tell presented a contract with the Department of Public Health. He summarized the program benefits to well owners to protect the water supply. Working with the counties allows local resources for residents. No matter the size of the well, they are all eligible for a \$500 grant towards improvements. On average, plugging a 5” diameter and 200’ deep well would be about \$800 but each well size, depth, condition, topography, and other variables adjust the costs. Well owners hire a contractor to perform the work and then the owners send in their paid invoices for review and reimbursement.

Public Comments – None

Written Comments – None

Motion was made by Howard Hill to approve the agenda item as presented. Seconded by Joe Riding. Motion passes.

APPROVED AS PRESENTED

2019 EPC MEETING DATES

Jerah Sheets presented recommendations for EPC business meeting dates, locations, and educational tour options. There were no changes to the recommendations.

Public Comments – None

Written Comments – None

Motion was made by Bob Sinclair to approve the agenda item as presented. Seconded by Howard Hill. Motion passes.

APPROVED AS PRESENTED

Chairperson Ralph Lents called for a recess at 10:45 a.m. and restart at 11:00 a.m. for the scheduled Referral to the Attorney General.

REFERRAL TO THE ATTORNEY GENERAL – JOHN GOLDSMITH

David Scott, DNR Attorney, introduced the referral to the Commission. He announced that neither John Goldsmith nor representatives for John Goldsmith were present for the presentation. Mr. Scott presented videos from the Woodbury County Police who responded to the event and videos from a property neighbor.

Video 1 August 11, 2018 from the Woodbury County Police showed the black smoke from the fire at Mr. Goldsmith’s property.

Video 2 August 11 , 2018 from the Woodbury County Police showed how far the smoke plume travelled.

Video 3 August 12, 2018 from a property neighbor showed the size of the fire.

Video 4 August 13, 2018 from a property neighbor showed the size of the fire in comparison to a truck driving next to the fire.

John Goldsmith contacted authorities and stated he planned to burn railroad ties and told the authroities to not come to his property. He was instructed by authorities not to burn the railroad ties. The authorities contacted the Department. On August 7, 2018, the field office contacted Mr. Goldsmith and told him not to burn railroad ties because the burning was against the regulations. Starting on August 11, 2018, Mr. Goldsmith began burning the railroad ties. The Department notified Mr. Goldsmith on September 24, 2018 of the Department’s intent to seek referral to the Attorney General’s Office at the October Commission meeting.

On September 30 , 2018, Mr. Goldsmith began burning again. Mr. Scott provided the Commission with photographs of the burning on September 30. The materials were not able to be identified but were presumed to be railroad ties based on the color of the smoke and August incidents.

Open burning is prohibited for public safety because the smoke carries pollutants that can be inhaled or deposited on items around. He requested for the Commission to refer Mr. Goldsmith to the Attorney General’s Office to review the case and negotiate the proper action.

Public Comments – None

Written Comments – None

Motion was made by Joe Riding to refer the matter to the Attorney General. Seconded by Harold Hommes.

Joe Riding-yea, Bob Sinclair-yea, Ralph Lents-yea, Howard Hill-yea, Nancy Couser-absent, Rebecca Guinn-yea, Mary Boote-absent, Harold Hommes-yea, and Finance and Commerce Vacant Seat.
Motion passes.

REFERRED TO THE ATTORNEY GENERAL

Chairperson Ralph Lents called for a recess at 11:15 a.m. and restart at 11:30 a.m. for the scheduled Demand for Hearing.

DEMAND FOR HEARING – CALHOUN COUNTY – BURR OAK LLC

Carl Legore, Calhoun County Board of Supervisors, presented on behalf of the county. The county attorney was unable to attend the meeting because she was in court during the EPC meeting. Mr. Legore read the following statement:

The Calhoun County Board of Supervisors has a history of supporting Confined Animal Feeding Operations in our county, at times to the angst of many in this room today. As the numbers of confinements continue to grow we have become more vocal on demanding that those facilities in our county do more than just the minimum. Asking anything less than that is a disservice to those that we represent.

Our intentions were never to arrive here today at this appeal. Our hopes were that Burr Oaks would hear the voices of citizens of Lohrville and decide on their own, like a good neighbor, and find a more suitable location for their operation. But that isn't the case and now we are here facing an uphill battle. We are not opposed to this type of facility. We are opposed to the location they chose, its proximity to the town of Lohrville. We are moved by the overwhelming opposition to this facility of the residents who live in this community. We have listened to their opinions. We are a representative democracy and these are the people whom we serve. Thomas Jefferson once said, ""The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to." We have heard their voices and in as much.

It is our position that the Burr Oak, LLC Confined Animal Feeding Operation that is to be constructed on Section 3, Union Township, Calhoun county Iowa should not be built. It is the opinion of the Calhoun County Board of Supervisors that CAFOs of this size should not be constructed within 2 miles of an incorporated town or densely populated area within the county.

The board believes that Burr Oaks LLC has not acted as a Good Neighbor, throughout this process, Burr Oaks LLC could have and should have selected another site for this facility, they could have and should have taken points on the matrix for simple items that would have shown they care about those around them, items such as, installation of filters to reduce odors, landscaping, comprehensive maintenance and emergency plans. But they chose to do the minimum. In Calhoun County the minimum is not acceptable.

There is no doubt that the Matrix system we use as it is today is flawed. It truly needs to be addressed. Our citizens deserve better.

We get told at the supervisor level that we can make a difference, we can deny and appeal.

Our public hearings have become a chorus of the same old groups singing the same old songs as we sit and listen, knowing that there really isn't that much that we can do. We tell them change must take place in the legislature and we hope that those big companies that want to put a facility up in our county will try and be a good neighbor, go beyond the minimum and use some of the latest technologies available to negate the negative impacts these facilities may have on air and water quality.

Air emissions from CAFOs can cause health and life style changes for those living near them. CAFOs emit a complex mixture of ammonia, hydrogen sulfide and carbon dioxide. Odors from waste are carried away from the site on dust and other air particles. Asthma rates in children are higher in areas where CAFOs are located. Depending on weather conditions and the efforts taken to reduce odor emissions, CAFO odors can be detected 3 - 6 miles away. These odors can make lifestyle changes for those living near the CAFOs.

Strong odors cause people to spend more time indoors, with the windows closed. Fewer children may play outside. Fewer people attend outdoor events planned in the area, or take advantage of outdoor recreational facilities. Burr Oak, LLC has not taken any points in areas on the MATRIX that would help to reduce odor emissions and act as Good Neighbors to the residents of Lohrville.

The impact of the Burr Oak LLC on Calhoun County cannot go unnoticed either. The increased truck traffic for the loading and unloading of the animals will weigh heavy on the maintenance of the county road system. Burr Oak LLC's plan to transport of manure up to 15 miles from the site will increase traffic to and from the facility. This will produce a negative economic impact for the County.

The Calhoun County Board of Supervisors request that the decision to grant the construction permit for Burr Oak, LLC to construct a Confined Animal Feeding Operation in Section 3 of Union Township in Calhoun County, Iowa be reversed. The construction of this CAFO will greatly and most likely negatively affect the lives of the residents of Lohrville and the County. This would be unfortunate for everyone. Burr Oak, LLC has not listened to the concerns of the citizens of Lohrville or Calhoun County. Communities the size of Lohrville struggle to exist and adding the presence of a CAFO so close to town could make that struggle even harder. Burr Oak, LLC has not done anything to indicate that they would be Good Neighbors for the citizens of Lohrville and therefore would not be an asset to Calhoun County.

Carl Legore shared with the Commission the County has met with representatives of Burr Oak but not the owners. The Board of Supervisors were aware of the ICCI letter of concerns prior to the County's review and passing of the Master Matrix. The County is not arguing the Master Matrix passed but rather the concern for the facility not being a good neighbor. The County wants the facility to go above and beyond with newer technologies.

Eldon McAfee, Attorney, introduced himself as representing Burr Oak Grower, LLC. To his aid was Rhonda Leerar, MMP developer, and Leroy Hoffman, employee of Burr Oak. Late Monday, October 15, 2018, Mr. McAfee submitted a response on behalf of his client. He also distributed hard copies of the response to the Commission. He started his presentation by agreeing with the Department. The Master Matrix passed with more points than the required minimum.

Mr. McAfee focused on why Burr Oak feels they will be good neighbors rather than going through each point section of the Master Matrix. Burr Oak may not have taken some of the points in the Master Matrix but under community impact they received the greatest possible points for separation distance from residences.

Mr. Hoffman shared the company's approach to look for sites at least a mile away from a residence which is almost impossible to find. He stated Burr Oak will be a good neighbor and if there would be interviews of current neighbors of existing facilities, they would give favorable comments. He plans to plant trees where feasible. They did not take the points in the Master Matrix for planting trees but they plan to plant trees.

In the Master Matrix application, there is a field located 15 miles away. Burr Oak did not need the field, but kept the field in the plan in case it was needed in the future. Burr Oak plans to inject manure. Burr Oak plans to hire a person from the area to run the facility. Burr Oak hopes to work with the community and be a benefit to the community. The ownership is in Wisconsin but has 100 employees in Iowa with offices in Webster City and Sioux City. The Calhoun County facility is owned by the company and not a contract facility.

Burr Oak plans to be a good neighbor. They are going to plant trees. It may not occur in the first year while they are establishing the grounds but it is the plan by year 3. All of their facilities use pit additives. At the public hearing, Burr Oak shared the plans of the facility but the County may not have got the same message. Burr Oak has had no violations.

Burr Oak does not plan to add filters because being a mile away from the community, filters would not be impactful. Filters are usually used when there is a minimal distance to a residence. Burr Oak has their own company safety plan and thus a separate site specific plan was not needed.

Burr Oak is looking into the new technology of electrostatic fences but currently is not using the technology. The fans are on the north side of the barn and the town is on the south side so the electrostatic fence would not be impactful.

Calhoun County stated with the tree planting and pit additives commitment from Burr Oak, the county representatives likely would still not be able to support the facility being built without the additional electrostatic fences.

Kelli Book, DNR Acting General Counsel, did not have additional items to add to the presentations. She introduced Department permit engineer, Cindy Garza, and field office inspector, Doyle McKeever, to be of aid to the Commission for questions. The County passed the Master Matrix so the Department does not have authority to re-score the Master Matrix. The Department provides an overview to ensure the categories and steps have been fulfilled. In the past 5 years, Burr Oak has had no violations.

Public Comment

Chairperson Ralph Lents counted the number of people wishing to make public comments on the matter. There were no interested parties to speak in favor of approving the permit. There were only people interested in speaking to deny the permit. The Chairperson provided 15 minutes, in addition to the extra time from the County, for public comments.

Thomas Burkhead – Iowa Citizens for Community Improvement

Thomas Burkin expressed he is against the project. We all understand how the Master Matrix works. We need to send a message to the legislature. Without a denial of this application, the Legislators are not going to get the message. If the facility says they are going to do it they should take the points. The trees they plant are small and it takes 20-30 years to have an impact on air quality. We know these people are out of state. They are not family farmers and they are not helping the community.

Terri Vote – Iowa Citizens for Community Improvement

Terry Vote is a member of the community with 100 acres of land. She is concerned about odor from hog confinements. The wetland south of the confinement is registered CRP land which drains through her property. After the water goes through her property, it then runs next to a recreational trail in town. She questions who is going to clean up Burr Oak's manure spills.

Mary Hayes – Iowa Citizens for Community Improvement

Mary Hays is concerned for clean water. The public health presentation this morning stated old wells are a danger to aquifers. No one has talked about the old well on the site near the truck turnaround. There is ample opportunity for a manure spill getting into the well. The community has made significant investments to protect the water. The EPA said the City of Lohrville was polluting the water. So the community invested into a new well and septic tanks for the community for around \$4 million which the residents are paying with higher utility costs. Residents are trying to protect the waterway and this facility would add to the pollution. Burr Oak does not have an intention to be a good neighbor. We tried to set up a meeting to talk with them. The phone number they gave us was a wrong number. They do not intend to be a good neighbor. She lives 1.3 miles away from the site and does not have an air conditioner and needs the windows open. National Collaborating Center for Environmental Health says there is higher mood disorders, respiratory, and asthma in schools within 3 miles of confinements. She wants to see Burr Oak go back to Wisconsin.

Scott Jacobs – Calhoun County Board of Supervisors

Scott Jacobs stated he is not against hog confinements. This is his first time he has voted against one. But this specific one is not going to be a good neighbor.

Michael Cruse – Iowa Citizens for Community Improvement

Michael Cruz chose to move to Iowa a year and half ago to retire. He ran a finisher farm before and believes this large scale facility is too close to town. Burr Oak says they have the right to build because they pass a self-grading test. His right is to fight the facility. He asked the Commissioners what they would do if this was their home or town.

Bev Evanson – Iowa Citizens for Community Improvement

Bev Evison bought a home in the community and moved there from out of state a year and a half ago. She did not know a large corporation was going to build a facility. She is concerned for her home value decreasing and her taxes will increase to repair the road from the facility wear and tear. She asked the Commission to vote no and protect her community.

Jake Thompson – Iowa Citizens for Community Improvement

Jake Thompson lives north of the facility and is an attorney for the area. Many of these people have come to him with questions. We cannot do anything about it without going through the process. He is running for the House of Representatives. Go to the legislature is the answer we get all the time but CAFOs are the biggest donors to legislators which is a conflict of interest. This is the route we have to go through to have someone listen to us. The person he is running against has the job of filling out the Master Matrix and manure plans for clients. He asked the Commission to step up and help us deny the facility.

Lindsey Macave – Iowa Citizens for Community Improvement

Lindsey Macave read testimony for John Schmidt – everyone in this room knows where they come from. It is your duty to enforce the law so water from a well is not polluted. Liberty is to be able to travel from my home without odor. Neighbors should not be able to ruin his air by having a lot of animals. Boston Harbor did not happen overnight but arose over time as hard working people were just trying to make a living. He asked the Commission to do their duty and stop this facility.

Emma Schmitt – Iowa Citizens for Community Improvement

Emma Schmidt has been a resident of Calhoun County all her life. In recent years Calhoun County has been the target for factory farms which is now up to 165 sites. Calhoun County was in a lawsuit with the Des Moines Water Works for nitrates in water. She submitted a signed petition from 150 people from the community to stop the factory farm. Factory farms are hurting our rural communities. She asked the Commission to deny the farm.

Commission Rebecca Guinn left the meeting.

Jess Mazour – Iowa Citizens for Community Improvement

Jess Mazour stated Burr Oak is not a family farm but rather a corporation. The owners do not show up to hearings. The public is not going to be benefit from factory farms. Air and water become polluted, residential property values decrease, and agricultural buildings bring no new revenue to the property tax base. Large scale operations provide more costs to counties by destroying the roads. Hardin County had to change its sales tax to fix their roads. The profits from this facility go to Wisconsin. Burr Oak is only going to create one new job. Burr Oak says different things at different meetings. She is impacted by living downstream having to pay higher water rates to clean the polluted water. This issue crosses party lines and it is an industry taking advantage of Iowa.

Ava Auen-Ryan – Iowa Citizens for Community Improvement

Ava has visited the community often and remembers a couple who has scrimped and saved to build their dream home and property. They are retired and now they have a factory farm 3/4 of a mile from them. The community has come together to fight the factory farm. The community has met with as many people as possible including Bruce Trautman from the DNR. He said he would look into the matter and then the next day issued the permit. She is tired of hearing excuses. She asked the EPC to vote no.

David Hayes – Iowa Citizens for Community Improvement

David Hays has lived in the community for 17 years. He enjoys taking his grandkids to local parks to have quality time to create memories for a lifetime. He has lived there, worked there as an emergency service provider, and he loves his community. He is watching it slowing slip away with companies coming into our state and taking our assets and leaving the crap. Our kids and grandkids deserve better. We need to stop it and regulate the industry. You have the power to make a change to stop it until regulations are in place. We can make things better. He wants Iowa to be the best place to live.

Adam Mason – Iowa Citizens for Community Improvement

Adam Mason believes the Commission has hit the nail on the head with their questions. Calhoun County asked the same questions too. Burr Oak hit the Master Matrix score to pass but we know the Master Matrix is broken. ICCI asked questions about Burr Oak's Master Matrix which indicated there might be 10,000 ween hogs but it is not referenced in the Manure Management Plan. ICCI questions if Burr Oak is really going to do what they say they are going to do. ICCI is asking the EPC to hold Burr Oak to their promises because if it is not in their permit, then it will not occur.

Patti McKee – Iowa Citizens for Community Improvement

Patti McKey is appalled from photos of the aftermath of the hurricane in North Carolina with manure in the water, dead hogs floating through homes, and barns under water. Iowa does not have hurricanes but we do have 7-10" rainfalls which make the manure pits overflow. The manure makes it way to waterways and then to the Des Moines Water Works. As a rate payer she has to pay to clean up the nitrate in the water. Iowa does not need additional manure from Burr Oak. She asked the Commission for a moratorium on new

and expanding CAFOs until there are 100 or less impaired waterways in Iowa. She asked the Commission to vote no on the Burr Oak facility.

Paula Egan – Iowa Citizens for Community Improvement

Paula Egan is going to ditch her script because someone else turned in the petition. She looks at the EPC and cannot imagine what they are thinking by approving huge factory farms. These factory farms are spoiling Iowa and contribute to the dead zone in the Gulf of Mexico. She moved from California to Iowa about two years ago. California has problems but more people are in charge and making decisions. She does not know how the Commissioners live with themselves by approving these factory farms because it is just evil.

Shari Hawk – Iowa Citizens for Community Improvement

Cherrie Hawk recited the Department's mission statement to conserve for future generations. Burr Oak may see improvements in Wisconsin from their profits being taken from Iowa. Neighbors to the facility will see a significant decrease to their quality of life with increased asthma, exposure to MERSA, and the inability to play outdoors. Neighbors will no longer enjoy a picnic outdoors or open their windows from the stink and disease carrying flies. She believes the only option for the Commission is to deny the Burr Oak permit or change the mission statement of the Department.

Written Comments – Marcy Burkhead

I am a fifth generation Iowa farmer and own, operate and have preserved a Century Farm and homestead in Calhoun County. For generations, our roots and pride in the county run deep. I am the first to say rural life and agriculture is the backbone of Iowa's economy. While no one can deny farming technology and methods have changed over the years, our rural values, morals and ethics have not!

Calhoun County is horrifically saturated with CAFOS. There is no local control and the Matrix is horrendously flawed. The idea of building a CAFO in such close to proximity to the incorporated town of Lohrville, is incomprehensible! These CAFOS are owned and operated by Out of State Corporations—not local farmers (Burr Oak is from Wisconsin.) Please take into consideration the issues of Iowa's water quality, water usage, air quality and the Quality of Life!

It is impossible for me to be present today; however, **I am imploring you to Do the Right Thing!** You have a perfect and monumental opportunity. What do you want your legacy to be?? What do you wish to tell your Grandchildren that you did to preserve rural life in Iowa for generations to come??

Thomas Burkin, Iowa Citizens for Community Improvement, requested for the record to note that the applicant did not provide its response to the public and missed the deadline for submitting its response. The applicant provided their materials at the meeting.

Kelli Book, DNR Acting General Counsel, shared with the Commission a denial of the permit would provide the opportunity for Burr Oak to file an appeal with district court.

No motion was made by the Commission

Eric Dirth, Attorney General representing the Commission, summarized for the audience that five affirmative votes are required to change or support the Agency's action. Without any action, the Agency's action moves forward to issuance of the permit.

NO MOTION BY THE COMMISSION

GENERAL DISCUSSION

- Commissioner Bob Sinclair requested the Department to follow up with Margret Pinot and provide her resources to focus her energy and passion to assist the environment.
- Commissioner Bob Sinclair thanked the Department for inviting him to a local employee meeting and educational tour. He appreciated hearing the stories from the Department staff and seeing their conservation practices.
- Jerah Sheets summarized the November and December meeting logistics.
- Acting Director Bruce Trautman shared with the Commission the efforts the Department is taking to work with livestock producers with the potential late harvest and tight timeframe to apply manure. Overall, the message to producers is to reach out to local Department Field Offices in a preventative manner to avoid spills and capacity concerns and ensure safety.

Chairperson Lents adjourned the Environmental Protection Commission meeting at 12:40 p.m. on October 16, 2018.

DRAFT

Monthly Variance Report

September 2018

Item #	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency Reference
1	John Curtin	Bunn-O-Matic	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for Insulating Foam Application for Beverage Machines	approved	9/4/18	18aqv274
2	Karen Kuhn	Rockwell Collins	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/4/18	18aqv275
3	Michael Hermsen	Van Diest Supply Company	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/5/18	18aqv277
4	Michael Hermsen	Van Diest Supply Company	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/5/18	18aqv278
5	Ashley Dvorak	Forterra Concrete Products	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/6/18	18aqv279
6	Priyanka Painuly	Linwood Mining & Minerals Corp	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/6/18	18aqv280
7	Priyanka Painuly	MidAmerican Energy Company	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/6/18	18aqv281
8	Danjin Zulic	BASF Corporation	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/7/18	18aqv282
9	Casey Laskowski	Iowa Army Ammunition Plant	Air Quality	IAAP is requesting a variance from the provisions of IAC 567 IAC 23.1 [Prohibition of open burning] for an emergency burn to remove residual explosive material in a 10,000 gallon steel tank that is unsafe for continued storage or transport.	approved	9/11/18	18aqv283
10	Rachel Quill	Barton Solvents, Inc.	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/12/18	18aqv284
11	Reid Bermel	Continental Cement Company	Air Quality	CCC for the Davenport, IA location to start construction of the HES before issuance of the construction permit.	approved	9/12/18	18aqv285
12	Marty Jacobs	City of Vinton	Wastewater	The City of Vinton is requesting a variance from the Iowa Wastewater Facilities Design Standards Chapter 12 -Sewer Systems-12.5.7.1(c) (Cleanouts) for installing a cleanout in place of a manhole on a gravity sewer line with a length of 250 feet.	approved	9/14/18	18cpv286
13	Jason Christopherson	Genesis Medical Center	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/17/18	18aqv287
14	Jason Christopherson	Flint Hills Resources Fairbanks	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/18/18	18aqv288
15	Jason Christopherson	John Deere Davenport Works	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/19/18	18aqv289
16	Matt Phoenix	Dallas Center Water Supply	Water Supply Construction	A variance from requirements to construct conflicting sanitary sewers of water main material by instead placing water main within a sealed casing pipe.	approved	9/20/18	18wcv290
17	Skipp Slattenow	Adel	Water Supply Construction	Construct a well within separation distance for generator fuel storage.	approved	9/20/18	18wcv291
18	Robert Campbell	City of Oakland	Water Supply Construction	The intent is to locate a shallow public well approximately 175 feet from a diesel fueled emergency generator and 185 feet from a mineral oil cooled electrical transformer. Rule requires 200 feet of separation from above ground chemical storage.	approved	9/21/18	18wcv292
19	Ashley Dvorak	PB Leiner USA	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/24/18	18aqv295

20	Ashley Dvorak	Weiler	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/24/18	18aqv296
21	Michael Hermsen	Latham Pool Products, Inc.	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	approved	9/26/18	18aqv297
22	Tara Naber	Cedar Rapids Water Department	Water Supply Construction	Water main (wm) crossing conflicts with sewers for Cedar Rapids Supplemental Specifications to SUDAS, PWSID 5715093, Project W2018-0607. Variance to allow alternate materials at sewer conflicts as outlined in variance letter.	approved	9/27/18	18wcv293
23	John Curtin	Metro Park West Landfill	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for a portable grinder and IC engine.	approved	9/27/18	18aqv294
24	Reid Bermel	Linwood Mining & Minerals Corporation	Air Quality	Linwood is requesting a construction timeline extension of the windscreens associated with construction permit 18-A-117.	approved	9/28/18	18aqv298
25	Reid Bermel	Roquette American, Inc.	Air Quality	DNR received a request for a variance to operate a temporary 300 hp natural gas fired boiler during a planned plant-wide steam shutdown.	approved	9/28/18	18aqv299

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: October 2018
TO: Environmental Protection Commission
FROM: Kelli Book
SUBJECT: Attorney General Referrals (July 21, 2018 – October 25, 2018)

Name, Location and Region Number	Program	Alleged Violation	DNR Action	Status	Date
Abatement Specialties, LLC Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	2/16/16
City of Sioux City (3)	Wastewater		Referred to Attorney General	Referred	6/27/16
Sedore Inc.; Troy and Emily Sedore Stockport (6)	Air Quality Solid Waste Wastewater	Open Burning; Operation Permit Violations. Illegal Disposal; SWAP Agreement Violations; Operation Without a Permit	Referred to Attorney General	Referred Petition Filed Answer-Troy Sedore Answer-Sedore Inc. State's Motion for Summary Judgement Order Setting Trial for 9/19/17 Order Granting Partial Summary Judgement (injunction, \$10,000 penalty, and \$89,201.41 for breach of contract) Application for Contempt of Court Consent Decree – Emily Sedore (\$500 civil penalty; permanent injunction) Trial Consent Decree – Troy Sedore (\$15,000 civil penalty; permanent injunction) Contempt Order against Troy Sedore (\$500 fine; 30-days in jail suspended; court costs; attorney fees) 2 nd Contempt Hearing set for May 8, 2018 Contempt hearing held Contempt Order against Troy Sedore (\$500 fine; 14-days in jail (all but two days suspended); one year probation) Appeal of contempt order filed by Sedore	6/27/16 9/19/16 10/12/16 10/24/16 11/18/16 11/18/16 1/13/17 5/05/17 9/14/17 9/19/17 9/20/17 9/22/17 2/23/18 5/8/18 7/3/18 8/1/18
Swiss Valley Farms Cooperative Luana (1)	Air Quality	Permit Violations	Referred to Attorney General	Referred	9/28/16

Name, Location and Region Number	Program	Alleged Violation	DNR Action	Status	Date
Recycletronics (Aaron Rochester) (3)	Solid Waste	Illegal management and storage of CRTs and other electronic waste; SWAP Agreement Violations	Referred to Attorney General	Referred Petition Filed Defendants served Aaron Rochester filed chpt 7 bankruptcy Woodbury Co. District Court-Order holding case in temporary abeyance Bankruptcy Court-Order lifting automatic stay from Iowa enforcement action Woodbury Co. Court Order lifting stay in district court case Trial Set for 6/5/19 Discovery Requests issued	8/15/17 1/9/18 1/17/18 2/23/18 3/15/18 4/13/18 7/27/18 9/10/18 9/24/18
Thys Automotive Group Belle Plaine (6)	Air Quality Solid Waste	Asbestos; open dumping; open burning	Referred to Attorney General	Referred	9/18/17
Deere & Company (1)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	2/20/18
61 Park LLC Muscatine (6)	Wastewater Solid Waste	NPDES violations; Open Dumping	Referred to Attorney General	Referred	3/20/18
Jason & David Wright d/b/a Recycling Serv's Atlantic (4)	Wastewater Solid Waste Haz. Cond.	NPDES violations; contaminated soil; illegal disposal of solid waste	Referred to Attorney General	Referred	5/15/18
John Goldsmith (3)	Air Quality Solid Waste	Open Burning Open Dumping	Referred to Attorney General	Referred	10/16/18

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: October 2018
TO: Environmental Protection Commission
FROM: Kelli Book
SUBJECT: Contested Cases (August 1, 2018 – October 26, 2018)

Date Received	Name Of Case	Action Appealed	Program	Assigned Attorney	Status
6/10/13	Mike Jahnke	Dam Application	FP	Schoenebaum	<p>Hearing held 7/30/14. ALJ upheld the permit issued by the Department. Mr. Jahnke appealed but on 11/3/14 he asked that his appeal be put on hold until April, 2015. For various reasons has asked that the appeal be postponed.</p> <p>Sept. 2017 – Mr. Jahnke called and asked that his appeal be put on hold until Spring 2018.</p> <p>September 2018 Mr. Jahnke called and asked that the matter be postponed to Spring 2019.</p>
4/27/16	City of Waterloo	Permit Issuance	WW	Crotty	<p>Disputed permit limits were stayed on 5/18/16. DNR and city have agreed to delay setting a hearing while city completes facility improvements. Improvements expected to be completed 9/18. Then will re-evaluate if hearing is needed. DNR has agreed to postpone setting a hearing date until Waterloo has completed facility repairs which it believes will resolve the appeal. Repairs are expected to be complete by Spring 2019.</p>
6/27/16	Plum River Fault Line Golf Inc.; Meadowcrest Farms, Ltd.	Order/Penalty	WS	Schoenebaum	<p>Assigned to new attorney. negotiating. August 2017 - Settlement offers mailed. April 2018 – Dept sent an updated settlement offer. 10/25/18 – still negotiating</p>

Date Received	Name Of Case	Action Appealed	Program	Assigned Attorney	Status
7/26/17	University of Iowa – Sovereign Lands	Permit Issuance	SL	Brees	Negotiation pending results of mussel survey (may take a little longer). 10/25/18 – still negotiating
8/1/17	Cargill Inc – Cargill Corn Milling (Eddyville)	Permit Issuance	AQ	Preziosi	10/25/18 – settlement negotiations still taking place
9/5/17	Brant Lemer	Order/Penalty	AQ	Preziosi	7/30/18 - Neogotiations continuing. Working with appellant, appellant's attorney, and the county to get trailer court cleared out. Making progress. 10/25/18 – still negotiating
11/9/17	IA Regional Utilities Association	Permit Issuance	WW	Crotty	10/25/18 –Negotiating before setting a hearing date. A final meeting with facility's new director is expected before the end of 2018.
12/28/17	Jai Parkash dba JMD Oil, Inc	Order/Penalty	WS	Schoenebaum	Consent Order was issued 5/22/18; appeal withdrawn
1/17/18	Hickory Grove Golf Course	Permit Issuance	WS	Schoenebaum	Appeal withdrew 8/22/18. Entity withdrew appeal and accepted settlement in form of Bilateral Compliance Agreement for additional equipment installation.
2/1/18	Hickory Hills	Permit Issuance	WS	Schoenebaum	Appeal withdrew 8/8/18. Entity withdrew after accepting DNR's terms of the Bilateral Compliance Agreement.
4/16/18	Global Masters Investments LLC dba Johnson's Dry Cleaners	Order/Penalty	AQ	Book	10/25/18 - Settlement negotiations still taking place

Date Received	Name Of Case	Action Appealed	Program	Assigned Attorney	Status
4/20/18	Ag Processing, Inc (Eagle Grove)	Permit Issuance	AQ	Preziosi	7/30/18 - Appellant has agreed to permit language to resolve issues and has submitted revised permit application. Appellant will withdraw appeal when revised permits have been issued. 10/25/18 – still negotiating
7/5/18	Luft & Sons, Inc	Order/Penalty	AQ/SW	Poppelreiter	Hearing was held 9/21/18. Denial of reconsideration of Default Judgment entered by ALJ on 10/05/18. Order became final agency action on that day. No further administrative appeal allowed; no court appeal at this time. Payment became due at that time. Letter sent stating as much.
7/16/18	Denny Winterboer Jerry Voss	Order/Penalty	AQ/SW	Poppelreiter	Hearing was held 9/19/18. Order was rescinded Oct 2018
7/18/18	City of Ottumwa	Permit Issuance	WW	Crotty	Negotiating before setting a hearing date. A final proposal is expected from Ottumwa by mid-November.
7/20/18	HP Properties, LLC	Order/Penalty	SW	Scott	10/25/18 – still negotiating
7/30/18	Lake MacBride Golf Club	Permit Issuance	WS	Schoenebaum	Appeal was withdrawn 8/28/18
8/13/18	Troy Budde	Order/Penalty	UT	Scott	Negotiating and trying to reach settlement prior to hearing.
10/11/18	MedQuarter	Order/Penalty	UT	Scott	Negotiating and trying to reach settlement prior to hearing.

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: October 2018
TO: Environmental Protection Commission
FROM: Kelli Book
SUBJECT: Enforcement Report Update (August 1, 2018 – October 25, 2018)

The following new enforcement actions were taken during this reporting period:

Individual/Entity (County)	Program	Alleged Violation	Type of Order/Action	Penalty Amount Due	Date
Carolyn Guttenfelder	Water Supply	Licensee discipline - operator certification revoked	Consent	\$ 0.00	8/3/2018
Richard Reser	Air Quality; Solid Waste	illegal disposal; open burning	Administrative	\$ 1,600.00	8/7/2018
Bhupinder Gangahar, Saroj Ganahar, and International Business INC	Underground Storage Tanks	rescind penalty (uncollectible) - was 7934.32	Amendment to Admin Order	\$ 0.00	8/10/2018
J & S Kramer, L.L.C.	Animal Feeding Operation	Prohibited Discharge - confinement; General criteria water quality violations	Consent	\$ 2,250.00	8/14/2018
Whiskey Creek Feedlot, Inc.	Water Supply	construction violations; operation without permit	Consent	\$ 7,000.00	8/16/2018
City of Storm Lake	Wastewater	pollution prevention plan violation	Consent	\$ 8,000.00	8/20/2018
Walz Energy LLC	Wastewater	pollution prevention plan violation	Consent	\$ 10,000.00	8/22/2018
Heller Enterprises, LLC	Air Quality	open burning	Consent	\$ 3,000.00	8/22/2018
Fred Zenk	Animal Feeding Operation	separation distance; failure to submit plan	Consent	\$ 4,500.00	8/23/2018
Clark Farms, Ltd	Wastewater; Solid Waste	illegal disposal; other water violations	Administrative	\$ 0.00	8/23/2018
Whitecap LLC	Wastewater	pollution prevention plan violation	Consent	\$ 7,000.00	9/14/2018
City of Clarence	Wastewater	amend compliance schedule for wastewater treatment improvements	Consent Amendment	\$ 0.00	9/18/2018
David & Thomas Britt	Air Quality; Solid Waste	open burning	Consent	\$ 2,000.00	9/19/2018
Slavic Illnitsky	Air Quality; Solid Waste	illegal disposal; open burning	Consent	\$ 1,000.00	9/20/2018

Individual/Entity (County)	Program	Alleged Violation	Type of Order/Action	Penalty Amount Due	Date
Medquarter, Inc.	Underground Storage Tanks	site assessment	Administrative	\$ 3,000.00	9/25/2018
Brian Sherron	Underground Storage Tanks	site assessment	Administrative	\$ 6,500.00	9/25/2018
William & Kristi Wollesen	Air Quality	open burning	Consent	\$ 5,000.00	10/3/2018
Sunrise Farms Rentals, LLC	Animal Feeding Operation	failure to submit plan	Consent	\$ 10,000.00	10/5/2018
Clifford Krueger	Air Quality; Solid Waste	illegal disposal; open burning	Consent	\$ 3,100.00	10/8/2018
Minsa Corporation	Air Quality	emission standard violations	Consent	\$ 8,000.00	10/11/2018
Scott & Pam Kock Revocable Trust and Scott Kock	Animal Feeding Operation	nutrient managment plan violations	Consent	\$ 3,000.00	10/17/2018
Wayne Hotels, Inc. and Mukesh Patel d/b/a Kinghts Inn	Water Supply	operation permit violations - public notice	Consent	\$ 6,715.00	10/22/2018
Iowa Fertilizer	Air Quality	Air quality violations	Consent	\$ 0.00	10/22/2018
Grover Farms, Inc	Animal Feeding Operation	Failure to submit plan	Consent	\$ 2,500.00	10/25/2018
Jayson Schlafke	Animal Feeding Operation	Failure to update plan	Administrative	\$ 3,000.00	10/25/2018
Grand Total				\$97,165.00	

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: October 2018 (August 1, 2018-October 25, 2018)

TO: Environmental Protection Commission

FROM: Kelli Book

SUBJECT: Rulemaking Status Report

Proposal	Sent for Governor's Pre-Approval (Job Impact Statement)	Received Governor's Pre-Approval	Notice to EPC	Notice Published	ARRC No.	ARRC Mtg.	Hearing Date(s)	Comment Period	Final Summary to EPC	Rules Adopted	Rules Published	ARRC No.	ARRC Mtg	Rules Effective
Ch. 61, Ch. 62 - Water Quality Criteria & Revised Documents	12/7/16	5/4/17	6/20/17	7/19/17	3202C	8/4/17	8/8/17	8/8/17	12/19/17	12/19/17	1/17/18	3583C	2/9/18	2/21/18
Ch. 64 - Wastewater Construction and Operation Permits No. 4	6/1/17	7/24/17	8/15/17	9/13/17	3310C	10/10/17	10/3/17	10/3/17	12/19/17	12/19/17	1/17/18	3585C	2/9/18	3/1/18
Ch. 64 - Wastewater Construction and Operation Permits NO. 1 - 3	6/12/17	7/24/17	8/15/17	9/13/17	3309C	10/10/17	10/10/17	10/18/17	12/19/17	12/19/17	1/17/18	3584C	2/9/18	3/1/18
Ch. 20, 22, 23, 25, 30, 33 and 34 – AQ Regulatory Certainty	8/1/17	10/31/17	11/21/17	12/20/17	3520C	1/5/18	1/22/18	1/22/18	2/20/18	2/20/18	3/14/18	3679C	4/6/18	4/18/18
Ch. 40, 41, 42, 43, 81 and 83 – State Drinking Water Act (SDWA)	8/1/17 10/3/17	10/31/17	12/19/17	1/17/18	3568C	2/9/18	2/8/18	2/9/18	3/20/18	3/20/18	4/11/18	3735C	5/8/18	5/16/18
Ch 111 - Environmental Management Systems	11/6/17	12/8/17	12/19/17	1/17/18	3569C	2/9/18	2/13/18	2/14/18	3/20/18	3/20/18	4/11/18	3736C	5/8/18	5/16/18
Ch. 64 - Wastewater Construction and Operation Permits No. 8 & 9	11/6/17	12/7/17	1/17/18	2/14/18	3625C	3/9/18	3/14/18	3/19/18	4/17/18	4/17/18	5/9/18	3786C	6/12/18	7/1/18
Ch. 30 - Asbestos Fees	11/27/17	1/3/18	1/17/18	2/14/18	3622C	3/9/18	3/6/18	3/6/18	6/19/18	6/19/18	8/1/18	3927C	8/14/18	8/1/18
Ch 119, 123, 144, 212, 214 - Hazardous Materials	12/11/17	4/17/18	5/15/18	6/6/18	3826C	7/10/18	6/27/18	6/27/18	8/21/18	8/21/18	9/12/18	3995C	10/9/18	10/17/18
Ch 61 – Use Attainability Analysis	7/31/18													
Ch 20, 22, 23 and 25 – AQ Regulatory Certainty 3	9/11/18	10/17/18	11/20/18											
Ch 50, 51, 53, 65, 72, 82, 137 – DNR ESD Legislative Changes	10/1/18													

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: October 2018
TO: Environmental Protection Commission
FROM: Kelli Book
SUBJECT: Summary of Administrative Penalties (July 28, 2018 – October 25, 2018)

The following administrative penalties are being collected by DRF:

NAME/LOCATION	PROGRAM	AMOUNT (remaining)
Jon Knabel (Clinton Co.)	AQ/SW	1,408.98
Rick Renken (LeMars)	AFO	728.39
Millard Elston III; The Earthman (Jefferson Co.)	AQ/SW	1,815.00
Randy Wise; Wise Construction (Buena Vista Co.)	AQ/SW	2,081.32
Annie's LLC; Togie Pub (Lime Springs)	WS	1,250.00
Gary Eggers (Stacyville)	SW/WW	10,000.00
Dennis R. Phillips; Marty's Convenience Mart (Riverton)	UT	9,954.53
Frank Robak (Little Sioux)	UT	10,000.00
Kenneth Grandstaff (Clay co)	AQ/SW	3,000.00
James Bockoven/Lehigh Gas Service (Webster Co)	UT	1,650.00
Mary Jo Engle; Doug Engle; Jo's Longbranch Bar (Cresco)	WS	3,884.77
City of Dedham	WW	1,000.00
Jerry Passehl	HC/WW/SW	2,800.00
Randy Cates	AQ/SW	10,000.00
JS Properties LLC (Terry Anderson)	AQ	7,500.00
Jeff Gray dba Grayz Metal Recycling	AQ/SW	2,867.53
James & Sheila Klingborg	AQ	250.00
Keaven Faber	AQ/AFO	5,500.00
Michael Matthews	AFO	6,000.00
Grand Total		\$81,690.52

The following administrative penalties are DUE (and being collected by DNR):

NAME/LOCATION	PROGRAM	AMOUNT (remaining)
Joshua Van Der Weide (Lyon Co.)	AFO	3,500.00
AKD Investments, LLC (Muscatine Co)	UT	8,950.00
Convenience Stores Leasing & Management LLC (Poweshiek Co)	UT	9,890.00
Sport Wade, Inc. (Decatur Co)	UT	10,000.00
Massey Properties, LLC; The Wharf (Dubuque)	WS	10,000.00
Recycling Services	WW/HC/SW	7,000.00
Scott Heise dba Tricounty Tree Pros	AQ	5,500.00
Grand Total		\$54,840.00

The following administrative penalties have been COLLECTED:

NAME/LOCATION	PROGRAM	AMOUNT (Collected)
Whiskey Creek Feedlot, Inc	WS	7,000.00
Todd Van Middendorp	AFO	2,500.00
Richard Reser	AQ/SW	1,600.00
Sheryl Sovereign (Togie Pub)	WS	225.00
Timothy Van Eaton	AFO	810.69
Jerry Passehl	SW/HC/WW	120.00
James Bockoven	UT	450.00
Jeff Gray	AQ/SW	1,568.01
Heller Enterprises	AQ	3,000.00
Matt McCollum	SW	75.00
J&S Kramer, LLC	AFO	2,250.00
Jeffrey Turkle	AQ	720.00
City of Storm Lake	WW	8,000.00
Central States Coatings LLC	WW	1,875.00
David Albrecht	AFO	500.00
Darryl or Michelle Humpal	AFO	1,934.74
Feeder Creek Group, Inc	WW	10,000.00
Slavic Illnitsky (ZSI Transport)	AQ/SW	1,000.00
Clifford Krueger	AQ/SW	3,100.00
Sunrise Farms	AFO	10,000.00
Gary and Lori Porter	AQ/SW	4,000.00
David Britt	AQ/SW	1,000.00
Thomas Britt	AQ/SW	1,000.00
MK Mini Mart	UT	1,100.00
Gary & Robin Holtz	UT	40.00
Whitecap, LLC	WW	7,000.00
Scott & Pam Kock Revocable Trust	AFO	3,000.00
Justin Clasen	AFO	5,000.00
William & Kristi Wollesen	AQ	250.00
DW Zinswer Co, Inc	UT	6,500.00
T & V Grover Farms Inc	AFO	1,250.00
Grover Farms Inc	AFO	1,250.00
Jerry Wineland	AQ/SW	2,250.00
Denny Winterboer	AQ	1,850.00
Grand Total		\$92,218.44

**Iowa Department of Natural Resources
Environmental Services Division
Third Quarter 2018 Report of Wastewater By-passes**

During the period July 1, 2018 through September 30, 2018, 57 reports of a wastewater by-pass were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events or by-passes resulting in basement backups.

Quarter	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
1 ST Quarter '18	52(43)	0.689	0.038	1	0(0)
2 ND Quarter '18	59(48)	0.337	0.333	3	0(0)
3 RD Quarter '18	57(34)	2.222	0.071	8	0(0)
4 TH Quarter '17	29(39)	0.203	0.043	7	0(0)

(numbers in parentheses are for same period last year)

Total Number of Incidents per Field Office This Quarter:

Field Office	1	2	3	4	5	6
Reports	16	6	7	10	10	8



Iowa Department of Natural Resources
 Environmental Services Division
 Third Quarter Report of Hazardous Conditions

During the period July 1, 2018, through September 30, 2018, 118 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

		Substance								Mode													
		Total Incidents		Agrichemical		Petroleum Products		Other Chemicals		Transport		Fixed Facility		Pipeline		Railroad		Fire		Other*		CR-ERNS	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2018	19	29	0	1	13	21	5	7	9	10	8	14	0	1	1	1	0	2	0	1	1	8
Feb	2018	38	30	0	1	30	22	8	7	17	11	19	16	0	0	1	3	0	0	1	1	0	0
Mar	2018	30	59	2	2	21	44	5	13	12	19	12	34	0	0	1	1	0	1	1	5	4	2
Apr	2018	67	50	9	7	39	32	9	11	23	27	27	31	1	0	2	2	0	0	3	6	11	9
May	2018	60	45	21	5	30	28	12	12	17	18	36	29	1	0	2	3	0	0	2	0	2	0
Jun	2018	55	36	14	0	31	29	12	7	23	18	25	21	0	1	4	4	0	0	2	1	1	0
Jul	2018	41	43	5	2	27	37	10	4	11	15	26	24	0	2	3	5	0	0	1	1	0	3
Aug	2018	49	46	3	0	32	39	11	7	15	16	28	27	1	1	2	2	0	0	0	4	3	5
Sep	2018	28	25	2	2	21	16	5	7	9	6	15	18	1	0	2	1	0	0	1	5	0	2
Total		387	363	56	20	244	268	77	75	136	140	196	214	4	5	18	22	0	3	11	24	22	29

*Other includes dumping, theft, vandalism and unknown
 ** CR-ERNS incidents are ongoing releases as defined by Federal regulations.

Total Number of Incidents per Field Office This Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Year Ago										
Total	17	25	13	4	10	14	22	29	30	28	26	36



**Iowa Department of Natural Resources
Environmental Services Division
Third Quarter Report of Manure Releases**

During the period July 1, 2018, through September 30, 2018, 7 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

		Total Incidents		Surface Water Impacts		Feedlot		Confinement		Land Application		Transport		Hog		Cattle		Poultry		Other	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb	2018	1	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0
Mar	2018	1	1	0	1	0	0	1	0	0	1	0	0	0	0	1	1	0	0	0	0
Apr	2018	2	4	0	0	0	0	1	1	0	2	1	1	1	1	0	2	1	1	0	0
May	2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jun	2018	1	0	1	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0
Jul	2018	2	0	0	0	1	0	1	0	0	0	0	0	1	0	1	0	0	0	0	0
Aug	2018	0	1	0	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0
Sep	2018	5	0	3	0	0	0	3	0	1	0	1	0	2	0	2	0	1	0	0	0
Total		12	6	4	2	1	0	8	2	1	3	2	1	4	2	6	3	2	1	0	0

Total Number of Incidents per Field Office for the Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Previous										
Total	2	0	2	0	1	1	2	0	0	0	0	0

Iowa Department of Natural Resources
Environmental Protection Commission

5

Decision Item

Contract with Burns and McDonnell

Commission approval is requested for a contract with Burns and McDonnell, of Bloomington, MN.

Contract Terms:

Amount: Not to exceed \$48,500

Dates: December 1, 2018 to September 1, 2019.

Funding Source(s): Solid Waste Tonnage Fee – Solid Waste Alternatives Program (50%) Solid Waste Section (50%)

Statutory Authority: 455E.11

Contract Background: It has been thirty years since Iowa's ground breaking solid waste and recycling laws were enacted with little evaluation or updates made since that time. The state's waste management policy has driven state and local programs that have produced numerous accomplishments but is not without limitations and inconsistencies in how waste management is viewed today.

Iowa's integrated solid waste management system is structured in the context of managing waste at the end of a product's life, based on a hierarchy of waste management preferences. This traditional view of waste management serves well as a guiding principle and as a public awareness and communication tool, but fails to consider the environmental impacts of a product beginning with material extraction through manufacture, distribution and use. When considering the environmental impacts throughout the product's full life cycle, following the waste hierarchy for end of life management does not necessarily lead to providing the highest protection of public health or the environment.

Increased awareness and data accessibility related to the environmental impacts of materials used in the production of goods at each stage of its life, highlights the limitations of the traditional waste management hierarchy and has initiated a global shift in perspective for managing discards to that of sustainable materials management. Viewing waste management from a sustainable materials management perspective considers impacts from raw material extraction to manufacturing, distribution, use and disposal, recognizing such things as energy and water input requirements, and greenhouse gas emissions at each stage of a product's full life cycle.

Another limitation of the waste management hierarchy involves measuring waste management program success based on weight. While weight based measurement of materials landfilled provides valuable information, it is not sufficient for measuring environmental impact. Sustainable materials management measures for determining success includes a wide variety of measures depending on individual program goals. Program goals may include a reduction in greenhouse gas emissions or reduced water and energy use, or reducing the waste stream's toxicity, resource depletion and land use.

Contract Purpose: The Department is seeking to review Iowa's integrated solid waste management system through researching a system based on sustainable materials management. The first step in this process is to develop a vision plan for Iowa that would serve as the basis in developing a strategy and framework for implementing sustainable materials management principles. The vision for Iowa may include such things as

materials have the most useful life possible before and after disposal, producers manufacture products sustainably or lowans have the understanding, ability and resources required to live sustainably. Once a vision for Iowa is established, the next step in the process would be to identify how to make this vision a reality. This could include enacting extended producer responsibility, implementing an adequate and sustainable funding source for management programs, redefining solid waste program measures, etc.

The selected service provider will assist the DNR in developing a vision for Iowa plan through a review and comparison of Iowa’s existing solid waste management laws, policy and programs and those of other states that have enacted materials management and use sustainable materials management as their guiding principles. The service provider will develop a detailed process plan for stakeholder engagement and facilitate up to five stakeholder meetings leading to development of a solid waste management vision for Iowa that results in greater environmental protection.

Selection Process Summary: The Department issued a competitive Request for Proposals. Five (5) proposals were received by the stated deadline of September 28, 2018. Proposals were reviewed and ranked by four persons of the Land Quality Bureau. Proposals were also reviewed and comments provided by two persons knowledgeable of the solid waste industry and sustainable materials management, one at the state level and one at the national level.

Scoring criteria was based on the vendor’s capacity to complete the Statement of Work, time frame by which each step in the process would be completed, vendor’s experience and past performance of work that is similar or identical to the Statement of Work, experience with solid waste management and sustainable material management, and finally cost.

Burns and McDonnell is the vendor recommended from the review process to move forward with the visioning phase of the sustainable materials management project.

RFP Evaluation Results

Vendor	Location	Score	Rank	Bid Amount
delta institute	Chicago, IL	73	4	\$47,000
Foth	Johnston, IA	80	3	\$48,700
SCS Engineers	Pasadena, CA	83	2	\$49,999
Burns McDonnell	Bloomington, MN	88	1	\$48,500
GBB	Des Moines, IA	70	5	\$49,990

Contract History: There have been no previous contracts between the Land Quality Bureau and the recommended company, Burns and McDonnell. The company however, is well known and respected in the solid waste industry in Iowa and nationally. The Company has provided similar deliverables as requested in the Sustainable Materials Management – Vision for Iowa RFP through work with the Colorado Department of Public Health and Environment, the Minnesota Pollution Control Agency, the City of Sioux Falls, and the City of Minneapolis.

Tom Anderson, Executive Officer II, Land Quality Bureau
 Environmental Services Division
 November 20, 2018

Iowa Department of Natural Resources
Environmental Protection Commission

6

Decision Item

Contract with Polk County SWCD for *The Rain Campaign: Rainscaping the Des Moines Metro*

Commission approval is requested for a contract with Polk County Soil and Water Conservation District, Ankeny, IA.

Contract Terms:

Amount: Not to exceed \$75,000

Dates: 11/20/2018 – 5/15/2020

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): This contract will be funded through U.S. EPA Section 319 funds

Statutory Authority: Funds are administered by DNR under statutory authority granted by Iowa Code 466B.32

Contract Background: Polk County Soil and Water Conservation District (SWCD) will implement a stormwater-focused Clean Water Awareness and Education Campaign, titled *The Rain Campaign: Rainscaping the Des Moines Metro*. This campaign will be implemented across the Des Moines metro using previously established Watershed Management Authority partnerships to distribute media developed as part of this contract. The Contractor will engage a marketing firm to develop a package of education and outreach tools to enhance the campaign’s messaging. This package of tools is intended to be usable by the Watershed Management Authorities of Central Iowa and statewide, once completed.

Additional services include training municipal staff in rainscaping funding/construction methods as well as education and outreach. Trained full-time municipal stormwater staff can continue the campaign’s messaging beyond the term of this contract, enhancing sustainability.

Selection Process Summary:

COMPETITIVE – FEDERAL SUBAWARD GRANT: A competitive grant application solicitation was drafted by DNR targeted at Iowa public entities (city, county government entities and 28E, 28H, and 28I entities). Applications were then reviewed by a team of DNR and non-DNR stakeholders with external participants from ISU and IDALS.

Contract History:

The Watershed Improvement Section

Steven Konrady, Nonpoint Source Project Officer, Water Quality Bureau
Environmental Services Division
EPC Meeting: November 20, 2018

Project Name: The Rain Campaign: Rainscaping the Des Moines Metro

Amount: \$75,000

Time Frame: November 20, 2018 to May 15, 2020 (18 months)

Description: New contract to support the statewide education campaign goals of Iowa's Nonpoint Source Management Plan (Goal 2, Objective 2.5)

Project Goal: Boost awareness and use of cost share funds made available to Des Moines Metro residents for soil health improvement and other rainscaping practices and provide materials and education to municipal staff to improve stormwater education messaging in the metro.

Project Summary

This project will (1) train municipal stormwater and communication staff in the metro area on how to effectively manage a stormwater cost share program and how to use stormwater outreach tools, (2) develop a package of stormwater outreach and education marketing tools, and (3) promote the use of metro stormwater practice cost share usage through those goals.

Project Background

The Polk County Soil and Water Conservation District, on behalf of and in conjunction with several Des Moines Metro communities, submitted an application to a DNR solicitation for Clean Water Awareness and Education Campaigns. The submission was selected for funding from a pool of six applications. The \$75,000 DNR contribution to the campaign was matched by over \$30,000 in cash and in-kind from the municipalities, not including future cost share. The cities hope to boost the use of their cost share for soil quality restoration and other urban stormwater infiltration BMPs applicable to residential lots. Additionally, they will be training metro stormwater and communication staff in methods to sustain the outreach and resultant cost share interest once the grant-funded project is over.

Project Management

The contract will be between the Iowa DNR and the Polk County Soil and Water Conservation District (SWCD). The City of Johnston will be acting as Fiscal Agent for this project. Project partners include metro area Watershed Management Authorities (Mud/Camp/Spring Creek WMA, Walnut Creek WMA, Beaver Creek WMA, Fourmile Creek WMA); the cities of Des Moines, Pleasant Hill, Clive, Johnston, Ankeny, and Waukee (and other, secondary partner communities in the metro); the Easter Lake Watershed Project; Iowa Stormwater Education Partnership; Dallas and Polk counties; IDALS Urban Conservationists.

Project Objectives

Polk County SWCD will work to obtain the following **objectives**:

1. Training local city staffs on how to manage cost share programs, apply stormwater education and outreach tools in their communities, and work in / around residential neighborhoods for stormwater improvement projects.
2. Provide marketing tools developed by a professional marketing firm for the purpose of outfitting the trained local staff with supplies useful in education and outreach with a strategy to implement them.
3. Provide the framework for ongoing stormwater education and outreach efforts that will continue into the future and be applicable to other cities in the region.
4. Evaluate the change in usage of urban stormwater BMP cost share funds and survey municipal staff trained as part of Objective 1 to better understand impacts of training sessions and status of metro stormwater programs.

Iowa Department of Natural Resources
Environmental Protection Commission

7

Decision Item

Contract with City of Coralville for Raising the Urban Soil Health IQ in the Lower Iowa River Watershed

Commission approval is requested for a contract with the City of Coralville, Coralville, IA.

Contract Terms:

Amount: Not to exceed \$75,000

Dates: 11/20/2018 – 5/15/2020

DNR shall have the option to extend this Contract for up to six years from the beginning date of the original contract by executing a signed amendment prior to the expiration of this Contract.

Funding Source(s): This contract will be funded through U.S. EPA Section 319 funds

Statutory Authority: Funds are administered by DNR under statutory authority granted by Iowa Code 466B.32

Contract Background: The City of Coralville, in partnership with the Cities of Iowa City and North Liberty, will implement a stormwater-focused Clean Water Awareness and Education Campaign, titled *Raising the Urban Soil Health IQ in the Lower Iowa River Watershed*. The primary goals of this campaign will be to boost the awareness and use of cost share funds available to residents in each of these cities for soil quality restorations and other home lawn rainscaping practices, and to increase knowledge of how those practices improve water quality. The Contractor will engage a marketing firm to develop a package of education and outreach tools to enhance the campaign's messaging as well as a marketing strategy. The media products will be usable by the broader region and particularly the Lower Iowa River watershed once completed.

Additional efforts will include holding several community events to further promote the campaign's messages. These events will include backyard tours of successful rainscaping implementation projects, a soil health field day, and a landowner education event designed to provide outreach to women landowners on conservation issues (Goal 2: Objective 8 of the Iowa Nonpoint Source Management Plan). These events, coupled with creative media products, will work together to inform residents of the impact their home properties have on local streams – streams strongly linked to residents' sense of place. Previous surveys have indicated strong knowledge of some water quality issues, but less knowledge or willingness to implement at-home changes. Making citizens aware of the local tools and funding available to help them be better stewards of their local watershed should be reflected in increased use of cost share funds provided by these cities.

Selection Process Summary:

COMPETITIVE – FEDERAL SUBAWARD GRANT: A competitive grant application solicitation was drafted by DNR targeted at Iowa public entities (city, county government entities and 28E, 28H, and 28I entities). Applications were then reviewed by a team of DNR and non-DNR stakeholders with external participants from ISU and IDALS.

Contract History:

The Watershed Improvement Section held a previous contract for unrelated services with the East Central Iowa Council of Governments on behalf of the Clear Creek Watershed Management Coalition in this region. The City of Coralville was involved in initial contract establishment discussions as a potential fiscal agent. Clear Creek had also been the subject of a nonpoint source implementation project from fiscal years 2006-2012. The City of Coralville has had their most recent audit report reviewed as part of the application process for this grant and it was deemed acceptable under risk assessment methodologies referenced in Federal regulations 2 CFR 200.

Steven Konrady, Nonpoint Source Project Officer, Water Quality Bureau
Environmental Services Division
EPC Meeting: November 20, 2018

Project Name: Raising the Urban Soil Health IQ in the Lower Iowa River Watershed

Amount: \$75,000

Time Frame: November 20, 2018 to May 15, 2020 (18 months)

Description: New contract to support the statewide education campaign goals of Iowa’s Nonpoint Source Management Plan (Goal 2, Objective 2.5)

Project Goal: Boost awareness and use of cost share funds made available to Coralville/Iowa City/North Liberty residents for soil health improvement and other rainscaping practices and how those practices can improve local stream water quality.

Project Summary

This project will (1) support the development of a media portfolio for the region’s Urban Soil Health IQ campaign, (2) develop demonstration sites in three city parks in the region, and (3) hold community events and distribute developed media to enhance awareness and knowledge of cost share available in the region and water quality benefits of improving home lawns.

Project Background

The Lower Iowa River Watershed communities of Iowa City, North Liberty, and Coralville submitted an application to a DNR solicitation for Clean Water Awareness and Education Campaigns. The submission, led by Coralville, was selected for funding from a pool of six applications. The \$75,000 DNR contribution to the campaign was matched by over \$50,000 in cash and in-kind from the municipalities. The cities hope to boost the use of their cost share for soil quality restoration and native landscaping – two BMPs for urban stormwater infiltration applicable to residential lots. Additionally they hope to raise overall awareness of and connection to local nonpoint source pollution issues that impact the creeks residents identify strongly with, such as Clear Creek, Muddy Creek, Ralston Creek, and the Lower Iowa River.

Project Management

The contract will be between the Iowa DNR and the City of Coralville. Project partners include primarily the cities of North Liberty and Iowa City as well as: Johnson County, Johnson County SWCD, Johnson County Extension (ISU), Clear Creek Watershed Coalition, Women Food and Agriculture Network, ISU Master Gardeners, IDALS Urban Conservationists.

Project Objectives

Coralville will work to obtain the following **objectives**:

1. Establish “Raise Your Soil Health IQ” campaign in Lower Iowa River Watershed communities.
2. Conduct educational outreach about soil health benefits to communities.
3. Illustrate benefits of improved soil health for landscaping through demo sites and educational signage.
4. Increase the number of applications to the soil health and native landscaping cost share programs in each community.

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

8

DECISION

TOPIC

State Implementation Plan (SIP) Revision for Ozone

The Commission is requested to approve the SIP revision for the National Ambient Air Quality Standards (NAAQS) for ozone. Upon approval from the Commission, the SIP will be forwarded to U.S. Environmental Protection Agency (EPA) for federal notice and approval.

EPA revised the NAAQS for ozone on October 1, 2015. In 2008 the primary and secondary standards were lowered from 0.08 part per million (ppm) to 0.075 ppm. In the 2015 NAAQS revision the standards were lowered to 0.070 ppm. This decision was based upon the latest review of available scientific information linking health effects to ozone concentrations. On November 6, 2017, EPA signed designations for the entire state of Iowa for the 2015 8-hour ozone NAAQS, designating each county as Attainment/Unclassifiable.

Within 3 years of a NAAQS revision, Iowa must submit a revision to its State Implementation Plan (SIP) addressing the implementation, maintenance, and enforcement of the revised NAAQS. This SIP revision demonstrates that the DNR has the necessary plans, programs, and statutory authority to implement the requirements of section 110 of the federal Clean Air Act as they pertain to the 2015 ozone NAAQS.

Summary of Public Comment Activities

The public comment period for the SIP revision was held from September 18, 2018 through October 19, 2018. A public hearing was held on October 19, 2018. Two comments were received during the public comment period. One comment requested more stringent standards. The second comment recommended additional ozone monitoring across the state. The response to comments is included in the SIP revision.

Wendy Walker
Environmental Specialist Senior
Program Development Section, Air Quality Bureau
Memo date: October 29, 2018

**Iowa State Implementation Plan Revision
for the 2015 Ozone
National Ambient Air Quality Standards**



**Iowa Department of Natural Resources
Environmental Services Division
Air Quality Bureau
502 E 9th Street
Des Moines, IA 50319**

**Final
November 20, 2018**

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Introduction

This State Implementation Plan (SIP) revision demonstrates that the Iowa Department of Natural Resources (DNR) has the necessary plans, programs, and statutory authority to implement the requirements of Section 110 of the federal Clean Air Act (CAA) as they pertain to the 2015 ozone National Ambient Air Quality Standards (NAAQS). Under the current SIP and Iowa Code 455B.133 the State has the necessary infrastructure, resources, and general authority to implement the 2015 ozone NAAQS.

This document is organized by addressing: each pertinent section of CAA Section 110 (a)(2); the DNR's legal authorities; and the public comment period and public hearing. The appendix at the end of the document provides additional information on the administrative rule process. But first, a brief historical review is provided.

Background

The CAA requires the U.S. Environmental Protection Agency (EPA) to set NAAQS for specific pollutants known as criteria pollutants. The CAA also requires EPA to periodically review and update the standards as necessary to ensure they provide adequate health and environmental protection.

Each time EPA establishes a new or revises an existing NAAQS each state must adopt and submit a SIP revision that provides for the implementation, maintenance, and enforcement of that NAAQS. The SIP must demonstrate that the state meets the requirements of each applicable element of Section 110(a)(2) of the CAA. Since many of these elements pertain to the basic infrastructure of air quality management programs, such as having the necessary legal authority and adequate resources, this SIP is often referred to as an "Infrastructure SIP." The Infrastructure SIP is required by Section 110(a)(1) of the CAA and is due three years after any NAAQS is added or revised.

The ozone NAAQS was revised on October 1, 2015.¹ The ozone NAAQS began as a total photochemical oxidant standard in 1971. In 1979 the standard changed to ozone and was not revised again until 1997. In 2008 the primary and secondary standards were lowered from 0.08 part per million (ppm) to 0.075 ppm. In the 2015 NAAQS revision the standards were lowered to 0.070 ppm. This decision was based upon the latest review of available scientific information linking health effects to ozone concentrations.

Whenever EPA revises a NAAQS the CAA requires EPA to designate areas as "attainment" (meeting), "nonattainment" (not meeting), or "unclassifiable" (insufficient data). EPA must generally issue designations within 2 year of a NAAQS revision. If sufficient information is not available, EPA may delay designations for an additional year. On June 6, 2017, ([82 FR 29246](#), June 28, 2017) EPA announced that there was insufficient information to complete area designations for the 2015 ozone NAAQS and that they were extending the designations deadline until October 1, 2018. On August 2, 2017, ([82 FR 37318](#), August 10, 2017) EPA announced the withdrawal of that extension. On November 6, 2017, EPA signed designations for the entire state of Iowa for the 2015 8-hour ozone NAAQS, designating each county as Attainment/Unclassifiable. The designations were published in the Federal Register on November 16, 2017 ([82 FR 54232](#)) and became effective January 16, 2018. While designations are an important component of the NAAQS implementation process, it should be noted that most aspects of the Infrastructure SIP are independent of an area's designation.²

¹ This revision date is defined as the promulgation date. Promulgation occurs when a NAAQS is signed by the EPA administrator and publicly disseminated. The final rule was signed and distributed on October 1, 2015, was published in the Federal Register on October 26, 2015 ([80 FR 65291](#)), and was effective on December 28, 2015.

² Those elements in CAA 110(a)(2) that apply only to nonattainment areas (and thus do not apply in Iowa for the 2015 ozone NAAQS) are typically addressed in attainment plans that are due on a different schedule than infrastructure SIPs.

Statutory and Regulatory Requirements

The requirements under Section 110(a)(2) of the CAA mandate that each SIP shall:

Section 110(a)(2)(A) Emission limits and other control measures

“(A) include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter;” (42 USC 7410(a)(2)(A))³

The DNR fulfills the requirements of 110(a)(2)(A) through Iowa law, administrative rules, permits, and consent orders. The DNR is the designated agency to prevent, abate, or control air pollution (Iowa Code 455B.132). The Environmental Protection Commission (EPC) is the governing commission for the environmental services portion of the DNR (Iowa Code 455A.6).

The EPC has the duty and authority to develop plans for the abatement, control, and prevention of air pollution, which includes emission limits and schedules for compliance. The EPC is required to adopt, amend, or repeal rules as necessary to obtain approval of the SIP under Section 110 of the federal CAA. Further, the EPC is charged with adopting, amending, or repealing ambient air quality standards necessary to protect the public health and welfare. EPC also shall adopt, amend or repeal emissions limits relating to the maximum quantities of air contaminants that may be emitted from an air contaminant source (Iowa Code 455B.133(1-4)).

Administrative rules establish procedures for compliance with emission limits and variance provisions (567 Iowa Administrative Code (IAC) Chapter 21). The 2015 ozone NAAQS are anticipated to be adopted in 2019 and will be codified in IAC Chapter 28.⁴ The DNR has an established process for performing administrative rulemakings (see Appendix A).

Iowa has statutory and regulatory authority to establish additional emissions limitations and other measures, as necessary to address attainment and maintenance of the ozone standard.⁵ The Iowa SIP adequately addresses the requirements of Section 110(a)(2)(A) for the 2015 ozone NAAQS.

Section 110(a)(2)(B) Ambient air quality monitoring/data system

“(B) provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—

- (i) monitor, compile, and analyze data on ambient air quality, and*
- (ii) upon request, make such data available to the Administrator;” (42 USC 7410(a)(2)(B))*

The DNR ambient air quality monitoring program meets the requirements of 110(a)(2)(B). The Iowa Code requires the DNR Director to monitor air quality (455B.134(4)). Ambient air monitoring is implemented with agreements with the University of Iowa’s State Hygienic Laboratory, the Linn County Local Program, and the Polk County Local Program. The ambient air quality monitoring program collects air monitoring data, quality assures the results, and reports the data. DNR submits an annual monitoring network plan to EPA for approval, including

³ The Clean Air Act was incorporated into the United States Code as Title 42, Chapter 85.

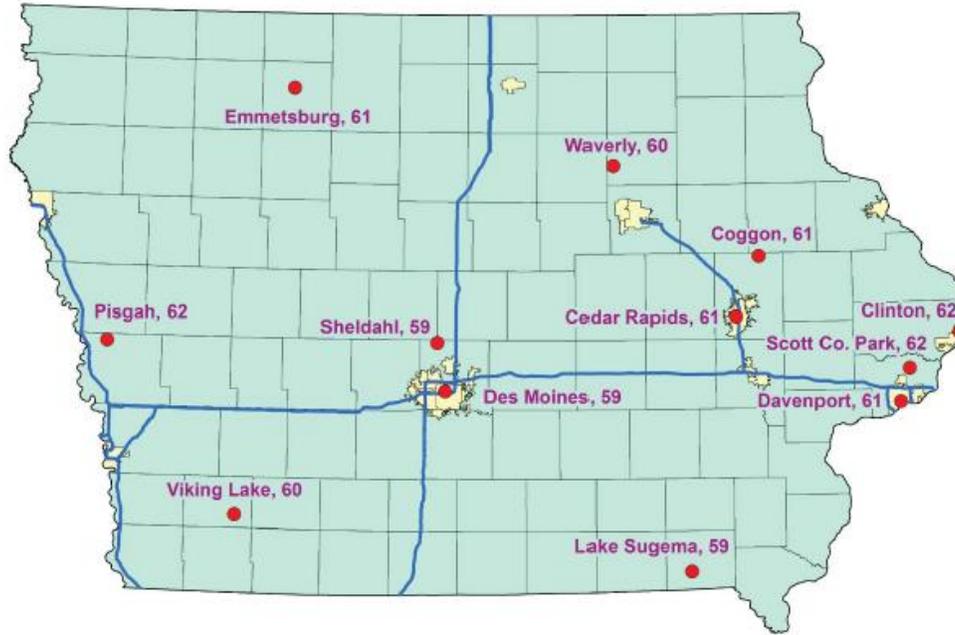
⁴ In the meantime, the 2015 ozone NAAQS as codified in 40 CFR 50.19 are still fully applicable in Iowa.

⁵ Specific emissions limits or other control measures necessary to resolve ozone nonattainment or monitored NAAQS violations are addressed in attainment plans and not infrastructure SIPs. No such measures are needed in Iowa at this time because all areas in the state attain the 2015 ozone NAAQS.

plans for its ozone monitoring network, as required by 40 CFR 58.10. Prior to submission, Iowa provides the plans for public review on DNR’s website.

The DNR operates monitors in the largest metropolitan statistical areas,⁶ monitors to measure background concentrations, and monitors for regional transport (see Figure 1 for ozone monitor locations in Iowa). Iowa is currently in attainment with the 2015 ozone standards.

Figure 1. Iowa Ozone Monitoring Network with the 2015-2017 ozone design values (part per billion).



Section 110(a)(2)(C) Program for enforcement of control measures

“(C) include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;” (42 USC 7410(a)(2)(C))

Iowa statute requires the DNR to enforce the requirements of control measures necessary to meet the requirements of Section 110(a)(2)(C). The EPC approves administrative rules that establish the schedule or range of civil penalties (Iowa Code 455B.109, 567 IAC Chapter 10). The DNR Director has the duty and authority to issue orders consistent with administrative rules to control air pollution or ensure compliance with permit conditions (Iowa Code 455B.134(9); 455B.138). The State of Iowa may seek judicial review and legal action to enforce the rules and regulations (Iowa Code 455B.140-141). Criminal penalties may also be sought by the State of Iowa (Iowa Code 455B.146A).

The DNR’s compliance program has staff in both the central office and six field offices to ensure that industry, businesses, institutions, and individuals are in compliance with state and federal air quality regulations.

⁶ Maximum ozone concentrations are typically measured downwind of a metropolitan statistical area (MSA). The site intended to record the maximum ozone concentration resulting from a given MSA may be located outside the MSA boundaries.

DNR is required to implement a SIP approved pre-construction permit and prevention of significant deterioration (PSD) program (Iowa Code 455B.133(6); 37 FR 10842, 50 FR 37176, and [72 FR 27056](#)). The pre-construction permit program reviews design and performance objectives for sources of air contaminants to determine their likely compliance with state and federal requirements. New facilities must be designed to meet emissions standards and shall not cause or contribute to a violation of ambient air quality standards. DNR is prohibited from issuing a permit if the project would result in violation of emission limits or other provisions in the SIP (567 IAC Chapters 22-23 and 33).

The DNR also is required to implement a fully approved operating permit program (Iowa Code 455B.133(8), 567 IAC Chapter 22) which is commonly known as Title V. A Title V facility, also referred to as a major stationary source of air pollutants, is a facility that has the potential to emit 100 tons per year (tpy) or more of any air pollutant subject to regulation; or the potential to emit 10 tpy or more of any individual hazardous air pollutant; or the potential to emit 25 tpy or more of any combination of hazardous air pollutants.

A Title V operating permit incorporates into one document all of the pre-construction permits and state and federal regulatory requirements of the air quality program for each facility that is a major source of air pollution. The operating permit includes provisions describing how compliance with each requirement will be maintained on a continuous basis. Facilities are required to provide semi-annual emissions monitoring reports and an annual compliance certification report. The Title V operating permit provides a comprehensive review of a facility's requirements under the Act.

Section 110(a)(2)(D) Interstate transport

“(D) contain adequate provisions—

(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,

(ii) insuring compliance with the applicable requirements of sections 7426 and 7415 of this title (relating to interstate and international pollution abatement);” (42 USC 7410(a)(2)(D))

Section 110(a)(2)(D)(i) includes four distinct interstate transport, or “good neighbor,” components which the state must address in this SIP. The first two components, or prongs, are codified in Section 110(a)(2)(D)(i)(I) and require that the SIP contain adequate provisions that prohibit any source or other type of emissions activity in the state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) or interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in Section 110(a)(2)(D)(i)(II), require that the SIP contain adequate provisions that prohibit emissions activity in the state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or interfering with measures to protect visibility in another state (prong 4).

Through the development and implementation of several previous federal rulemakings,⁷ including most recently the Cross-State Air Pollution Rule (CSAPR) Update, the following four-step process has emerged as the framework for addressing interstate transport prongs 1 and 2 for the ozone NAAQS: 1) identify downwind areas, often referred to as receptors, expected to have problems attaining or maintaining the NAAQS; 2) identify upwind states that contribute enough to those areas to warrant further review and analysis; 3) identify the

⁷ See, for example, the Clean Air Interstate Rule (CAIR) Final Rule ([70 FR 25161](#), May 12, 2005); the CSAPR Final Rule ([76 FR 48207](#), August 8, 2011); and the CSAPR Update Final Rule ([81 FR 74504](#), October 26, 2016).

emissions reductions necessary (if any), considering cost and air quality factors, to prevent an identified upwind state from contributing significantly to those areas; and 4) adopt permanent and enforceable measures needed to achieve those emissions reductions.

Fully implementing step 2 requires that a state's contribution to each downwind area (the receptors identified in step 1) be compared to a screening threshold to determine if further review is warranted under steps 3 and 4. A state whose downwind impacts are less than the screening threshold does not contribute significantly to nonattainment or interfere with maintenance of the NAAQS in a downwind area. Historically, EPA has used 1% of the NAAQS as the screening threshold. However, Attachment A to EPA's March 27, 2018, memo⁸ discusses potential analytical flexibilities states may consider when developing their SIPs, including the use of a different contribution (screening) threshold.

On April 17, 2018, EPA released a memo⁹ and supporting information which documents a threshold for determining whether an ozone air quality impact is significant. That threshold, or significant impact level (SIL), is 1 part per billion (ppb). Although SILs are generally employed within the context of new source review (NSR), and most commonly within the PSD program, EPA notes in the SIL technical basis document¹⁰ that the statistical methods and data reflected in their analysis "may be applicable for multiple regulatory applications where EPA and state agencies seek to quantify a level of impact on air quality that they consider to be either 'significant' or 'not significant.'"

Additional support for use of a 1 ppb screening threshold is found in EPA's August 31, 2018, contribution thresholds analysis memo.¹¹ The purpose of that memo is to provide analytic information for the 2015 ozone NAAQS regarding the degree to which certain air quality thresholds capture the collective amount of upwind contribution to downwind receptors. Three alternative contribution thresholds were evaluated by EPA: 1% of the NAAQS (0.70 ppb), 1 ppb, and 2 ppb. Based on the results of their analyses, EPA believes that a threshold of 1 ppb may be appropriate for states to use to develop SIP revisions addressing the good neighbor provisions for the 2015 ozone NAAQS.

EPA's analysis shows that the amount of upwind contributions captured using the 1% and 1 ppb screening thresholds are generally similar. This statement is true for the Milwaukee County, Wisconsin, and Allegan County, Michigan, receptors. These are the only receptors to which Iowa is linked at the historical 1% (0.70 ppb) screening threshold.¹² According to the data provided in Table 3 of the August 31, 2018 memo, for the

⁸ March 27, 2018, "Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)," Memorandum from Peter Tsigotis, Director, EPA Office of Air Quality Planning and Standards, to EPA Regional Air Division Directors.

⁹ April 17, 2018, "Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program," Memorandum from Peter Tsigotis, Director, EPA Office of Air Quality Planning and Standards, to EPA Regional Air Division Directors.

¹⁰ April 2018, "Technical Basis for the EPA's Development of the Significant Impact Thresholds for PM_{2.5} and Ozone," EPA Office of Air Quality Planning and Standards, EPA-454/R-18-001.

¹¹ August 31, 2018, "Analysis of Contribution Thresholds for Use in Clean Air Act Section 110(a)(2)(D)(i)(I) Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards," Memorandum from Peter Tsigotis, Director, EPA Office of Air Quality Planning and Standards, to EPA Regional Air Division Directors.

¹² Attachments to the March 27, 2018, memo include results of technical analyses conducted by EPA that help inform steps 1 and 2 of the four-step framework. Attachment B contains a list of areas (receptors) projected to have problems attaining or maintaining the 2015 ozone NAAQS (step 1). Attachment C provides the projected ozone contributions from each state to those receptors (used in step 2). The projected ozone contributions, which were calculated using state-level ozone source apportionment modeling with the CAMx Anthropogenic Precursor Culpability Analysis (APCA) technique,

Milwaukee County (WI) receptor the 1 ppb threshold captures 83.0% of those contributions captured using the 1% threshold. For the Allegan County (MI) receptor, that percentage increases to 94.2%. This means a substantial portion of the transported contribution at the 1% threshold is also captured at these receptors using the 1 ppb threshold, and it supports the conclusion that a 1 ppb screening threshold is appropriate.

Based on the contribution modeling conducted by EPA, sources in Iowa are not linked to any nonattainment or maintenance receptors using the more appropriate 1 ppb screening threshold. The DNR agrees with the results of that analysis and concludes that emissions in the state do not contribute significantly to nonattainment (prong 1) or interfere with maintenance (prong 2) of the 2015 ozone NAAQS. This satisfies the requirements of Section 110(a)(2)(D)(i)(I) of the CAA.

For prong 3, the Department's implementation of the SIP approved pre-construction review and PSD program prevents source emissions in Iowa from interfering with any other state's part C program, as required by Section 110(a)(2)(D)(i)(II), and it fulfills the notification requirements of Section 110(a)(2)(D)(ii).

The visibility (prong 4) requirements of Section 110(a)(2)(D)(i)(II) are being addressed under the regional haze program. The DNR submitted the initial regional haze SIP to EPA in March 2008, before the DC Circuit Court remanded the Clean Air Interstate Rule (CAIR). On June 26, 2012 ([77 FR 38006](#)) EPA approved all aspects of Iowa's regional haze SIP that were unrelated to the state's reliance on CAIR. That action, combined with EPA's prior publication ([77 FR 33642](#), June 7, 2012) of a Federal Implementation Plan (FIP) that replaced reliance on CAIR with reliance on the CSAPR, satisfied the applicable obligations of the initial regional haze SIP.¹³ The DNR submitted the five-year progress review in July 2013 and it was approved by EPA on August 15, 2016 ([81 FR 53924](#)). The next ten-year regional haze planning period, 2021-2028, will be assessed in a regional haze SIP currently due July 31, 2021. As needed, the DNR will work with states containing downwind mandatory federal Class I areas to address visibility impairment attributable to Iowa sources.

The state's SIP also contains adequate provisions to comply with the remaining obligations (relating to interstate and international pollution abatement) of Section 110(a)(2)(D)(ii). As evidence, no source or sources within Iowa are the subject of a finding under 42 USC 7426 (Section 126 of the CAA) or 42 USC 7415 (Section 115 of the CAA) with respect to ozone (or any other NAAQS).

Section 110(a)(2)(E) Adequate authority and resources

“(E) provide

(i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof),

(ii) requirements that the State comply with the requirements respecting State boards under section 7428 of this title, and

(iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;” (42 USC 7410(a)(2)(E))

are also available in the spreadsheet [“2015 Ozone NAAQS Interstate Transport Assessment Design Values and Contributions.”](#)

¹³ On September 29, 2017 ([82 FR 45481](#)), EPA affirmed their previous decision ([77 FR 33642](#), June 7, 2012) that participation in CSAPR satisfied Best Available Retrofit Technology (BART).

The DNR has adequate personnel, funding, and authority to fulfill the requirements of the SIP. Detailed information on authority is listed above in the portion on Section 110(a)(2)(A). There are no legal impediments to implementing the 2015 ozone NAAQS. The program's budget is funded by the State General Fund, the State Environment First Fund, EPA grants authorized under Sections 103 and 105 of the CAA, and fees. More information on fees is provided under CAA Section 110(a)(2)(L). EPA conducts periodic program reviews to ensure that the state has adequate resources and funding to implement the SIP.

As indicated earlier, the EPC was established in Iowa Code 455A.6. Members of the EPC must comply with ethics, gift restrictions, and conflict of interest requirements as outlined in Iowa law (Iowa Code 68B, 69). The Governor's Office provides annual training to new board and commission members to explain the requirements.

DNR has delegated the duties for the abatement, control, and prevention of air pollution to the Linn County Health Department Air Quality Division and the Polk County Public Works Air Quality Division, for each of their respective counties (Iowa Code 455B.144-146). The Linn County and Polk County programs were initially approved into the SIP in 1989 (54 FR 33526, 54 FR 33528).

DNR and the Linn & Polk County Local Programs annually negotiate and sign comprehensive letters of agreement or contracts. Program emphasis is placed on the collection and assessment of information regarding air quality, the permitting of sources of air emissions, the enforcement of emission limits and the attainment and maintenance of ambient air quality standards. Funding for activities in the scope of work under each contract is paid for by a portion of the DNR's EPA grants under Sections 103 and 105 of the CAA, and fees. DNR conducts biennial program reviews.

Section 110(a)(2)(F) Stationary source monitoring system

“(F) require, as may be prescribed by the Administrator—

- (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,*
- (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and*
- (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection;” (42 USC 7410(a)(2)(F))*

Administrative rules (567 IAC Chapter 25) provide detailed requirements for owners or operators of stationary sources to monitor emissions. Stack testing observation (Iowa Code 455B.134(4)) ensures the quality of emissions data. The data quality may be assured through field test audits and reviewing test reports. The field audits consist of making sure the correct methodology is followed, approving on-site variations, ensuring the tested emission source is operating in an acceptable manner, and answering questions posed by the testing group and the facility. The report review verifies the test results by checking the calculations and lab analysis. A stack test summary is generated and the compliance status of the emission point is determined.

DNR also receives and reviews annual compliance certifications and semi-annual monitoring reports required under the Title V program (Iowa Code 455B.133(8), 567 IAC Chapter 22). Information collected through emission inventories are submitted to EPA in accordance with federal air emissions reporting requirements.

Iowa uses this information to track progress towards maintaining the NAAQS, developing control and maintenance strategies, identifying sources and general emission levels, and determining compliance with emission regulations and additional EPA requirements. The reports are available to the public at the DNR's Records Center during normal business hours with some reports available electronically. [DocDNA](#) is the DNR's online electronic records system for many public records.

Section 110(a)(2)(G) Emergency power

“(G) provide for authority comparable to that in section 7603 of this title and adequate contingency plans to implement such authority;” (42 USC 7410(a)(2)(G))

The DNR Director has the authority to issue an emergency order if any person is causing air pollution which requires immediate action to protect public health and safety (Iowa Code 455B.139). Administrative rules (567 IAC Chapter 26) have been developed to prevent the excessive buildup of air contaminants and have been previously approved into the SIP ([74 FR 68692](#)).

Section 110(a)(2)(H) Future SIP revisions

“(H) provide for revision of such plan—

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter;” (42 USC 7410(a)(2)(H))

Iowa is required to adopt, amend, or repeal rules pertaining to the evaluation, abatement, control, and prevention of air pollution which may be necessary to ensure that Iowa complies with Section 110 of the CAA (Iowa Code 455B.133(2)). This includes a requirement to revise rules as necessary to respond to a revised NAAQS and to respond to EPA findings of substantial inadequacy.

Section 110(a)(2)(I) Nonattainment areas

“(I) in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas);” (42 USC 7410(a)(2)(I))

Not applicable at this time. All areas in Iowa attain the 2015 ozone NAAQS.

Section 110(a)(2)(J) Consultation with government officials; public notification; PSD and visibility protection

“(J) meet the applicable requirements of section 7421 of this title (relating to consultation), section 7427 of this title (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection);” (42 USC 7410(a)(2)(J))

§ 7421. Consultation

“In carrying out the requirements of this chapter requiring applicable implementation plans to contain—

(1) any transportation controls, air quality maintenance plan requirements or preconstruction review of direct sources of air pollution, or

(2) any measure referred to—

(A) in part D (pertaining to nonattainment requirements), or

(B) in part C (pertaining to prevention of significant deterioration),

and in carrying out the requirements of section 7413(d)[...] of this title (relating to certain enforcement orders), the State shall provide a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials of local governments and any Federal land manager having authority over Federal land to which the State plan applies, effective with respect to any such requirement which is adopted more than one year after August 7, 1977, as part of such plan. Such

process shall be in accordance with regulations promulgated by the Administrator to assure adequate consultation. The Administrator shall update as necessary the original regulations required and promulgated under this section (as in effect immediately before November 15, 1990) to ensure adequate consultation. Only a general purpose unit of local government, regional agency, or council of governments adversely affected by action of the Administrator approving any portion of a plan referred to in this subsection may petition for judicial review of such action on the basis of a violation of the requirements of this section.” (42 USC 7421)

DNR has the duty and authority and resources to meet the requirements of Section 7421 including consultation for transportation controls, air quality maintenance plan requirements, or preconstruction review. The DNR also is required to provide a satisfactory process of consultation with local government, designated organizations of elected officials of local governments such as council of governments, and applicable federal land managers, to carry out the consultation requirements of Section 7421 (455B.133(1,4)).

The DNR provides a copy of each PSD permit to EPA prior to the start of the public comment process. Public notifications of proposed PSD projects are posted to the air quality [Public Participation](#) page on the DNR’s website. Additional notice of the availability to comment is given to the public through public list serve announcements. List serve subscription information is available on several portions of the website. All new visitors to the site are encouraged to subscribe. The public notification contains the notice of application; preliminary determination; opportunity for comment at a public hearing as well as written comment. A copy of the notice of public comment is then sent to the applicant; the regional EPA office, the DNR Field Office; and officials and agencies having an interest in the proposed construction (567 Chapter 33.3(17)).

§ 7427. Public notification

*“(a) Warning signs; television, radio, or press notices or information
Each State plan shall contain measures which will be effective to notify the public during any calendar¹⁴ on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded or was exceeded during any portion of the preceding calendar year to advise the public of the health hazards associated with such pollution, and to enhance public awareness of the measures which can be taken to prevent such standards from being exceeded and the ways in which the public can participate in regulatory and other efforts to improve air quality. Such measures may include the posting of warning signs on interstate highway access points to metropolitan areas or television, radio, or press notices or information.” (42 USC 7427(a))*

DNR has the duty, authority, and resources to meet the requirements of Section 7427(a) to notify the public regarding exceedances of the NAAQS which include public awareness measures which can be taken to prevent exceedances (455B.133(2), 455B.134(7)). The DNR utilizes press releases, online reports, and list serves to notify the public of exceedances. Awareness messages are included in these outreach methods as well as in public meetings.

DNR holds semi-annual air quality client contact meetings to focus on current and upcoming air program issues and changes. The meetings provide an open forum for stakeholders and the general public to discuss new state and federal air quality rules or air program developments and are a good source of information for anyone who works with or has an interest in activities related to air quality.

¹⁴ So in original. As noted by others, probably should be “calendar year.”

The DNR's Environmental Services Division (ESD) holds a monthly client contact group meeting prior to the EPC meetings. The ESD client contact group is an open forum to discuss issues related to all of the department's environmental programs.

Section 110(a)(2)(K) Air quality modeling/data

“(K) provide for—

- (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and*
- (ii) the submission, upon request, of data related to such air quality modeling to the Administrator;” (42 USC 7410(a)(2)(K))*

The DNR has the authority to conduct modeling to complete ambient air impact analyses (Iowa Code 455B.133 (1-2)). DNR is prohibited from issuing a permit if the project would result in or significantly contribute to a violation of the ambient air quality standards (567 IAC 22.3(1)) or other provisions in the federally approved SIP (567 IAC Chapters 22-23 and 33).

Atmospheric modeling allows the impacts of pollution from a proposed air pollution source to be determined before a source is constructed or modified. Ozone is predominantly a regional pollutant formed through secondary reactions of precursor emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) from numerous and diverse existing sources. Regional photochemical models combine meteorological, emissions, and atmospheric chemistry information to predict the fate and formation of ozone and its precursors. Regional photochemical modeling results may support single source ozone assessments for permitting, SIP development, interstate pollutant transport analyses, and visibility impact assessments. Single source assessments, if required, will follow 40 CFR Part 51, Appendix W, Section 5.0, *Models for Ozone and Secondarily Formed Particulate Matter*.

Rarely, an individual source may emit ozone directly. If necessary in such cases, air dispersion modeling is conducted with an EPA approved model that uses mathematical formulations and information about the source emissions along with the local terrain and meteorological data to predict ozone concentrations at locations selected by the user. Modeling is conducted in accordance with Department's modeling guidelines and with Appendix W of 40 CFR Part 51. DNR has the authority to collect and report data to EPA, upon request (Iowa Code 455B.134 (5, 7)).

Section 110(a)(2)(L) Permitting fees

“(L) require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover—

- (i) the reasonable costs of reviewing and acting upon any application for such a permit, and*
- (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),” (42 USC 7410(a)(2)(L))*

New source review construction and Title V operating permit applications are subject to application fees. Major sources are also subject to Title V annual emissions fees (567 IAC Chapter 30). Title V operating permit application and emissions fees are deposited in the air contaminant source fund (Iowa Code 455B.133B). Asbestos demolition notification projects regulated under the asbestos NESHAP are subject to fees. New source review construction permit applications and asbestos demolition notifications are deposited in the air quality fund (Iowa Code 455B.133C). The DNR website has additional information on all air quality [fees](#).

Prior to the March EPC meeting, DNR holds fee advisory group meeting(s) to review the draft budget and provide recommendations. Each March the DNR presents an estimated or proposed budget to cover the reasonable cost of administering the fee programs to the EPC. Each May the EPC sets the fees as needed. The new fee rates, if changed at the May EPC meeting, would become effective on July 1. If no action is taken at the May EPC meeting, the existing fee amount(s) continue.

Section 110(a)(2)(M) Consultation/participation by affected local entities

“(M) provide for consultation and participation by local political subdivisions affected by the plan.” (42 USC 7410(a)(2)(M))

DNR has delegated authority to the Linn County Health Department Air Quality Division and the Polk County Public Works Air Quality Division (Local Programs) to conduct programs for the abatement, control, and prevention of air pollution in their respective county (Iowa Code 455B.144-146).

The Local Programs are required to meet all the requirements of 567 IAC Chapter 27 to keep their status. The Local Programs issue permits, perform compliance inspections, respond to air quality complaints, and maintain a network of monitors for ambient air in each respective county. DNR issues PSD and Title V operating permits in Linn and Polk Counties.

The Local Programs have adopted air quality ordinances to implement federal, state, and local air pollution control requirements. The ordinances cannot be less stringent than federal or state standards; however, they can be more stringent. The ordinances are incorporated into the SIP in the same manner that the IAC is incorporated into the SIP.

Each year DNR negotiates an agreement to pass through federal funds and provide Title V funds sufficient to implement the programs. Revenue from local fee systems provides additional funding and required match to a portion of the pass through federal funds. The contracts are approved by the EPC for each new state fiscal year. DNR conducts biennial audits to ensure the Local Programs are meeting all requirements of the contract.

Both the DNR’s and the Local Programs’ administrative processes provide a public comment period. The comment period provides an opportunity for other local political subdivisions that may be affected by the plan to comment.

DNR frequently holds public meetings, like the semi-annual air quality client contact meetings. The open forum allows stakeholders and the general public to dialogue on a variety of topics. The DNR also communicates using press releases, online reports, and list serves. Rulemakings are also published on the DNR’s website and in the Iowa Administrative Bulletin.

Legal Authority

The DNR is the primary state agency responsible for protecting the environment, as indicated in Iowa Code § 455A. The Environmental Protection Commission, established in the Iowa Code § 455A.6, is the governing commission for the environmental protection portion of the DNR. The DNR's authority is provided under Iowa Code § 455B.133 and 455B.134 which are listed below. Additional information on the [Iowa Code](#) is posted online.

455B.133 Duties.

The commission shall:

1. Develop comprehensive plans and programs for the abatement, control, and prevention of air pollution in this state, recognizing varying requirements for different areas in the state. The plans may include emission limitations, schedules and timetables for compliance with the limitations, measures to prevent the significant deterioration of air quality and other measures as necessary to assure attainment and maintenance of ambient air quality standards.
2. Adopt, amend, or repeal rules pertaining to the evaluation, abatement, control, and prevention of air pollution. The rules may include those that are necessary to obtain approval of the state implementation plan under section 110 of the federal Clean Air Act as amended through January 1, 1991.
3. Adopt, amend, or repeal ambient air quality standards for the atmosphere of this state on the basis of providing air quality necessary to protect the public health and welfare and to reduce emissions contributing to acid rain pursuant to Tit. IV of the federal Clean Air Act Amendments of 1990.
4. Adopt, amend, or repeal emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source. The standards or limitations adopted under this section shall not exceed the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended through January 1, 1991. This does not prohibit the commission from adopting a standard for a source or class of sources for which the United States environmental protection agency has not promulgated a standard. This also does not prohibit the commission from adopting an emission standard or limitation for infectious medical waste treatment or disposal facilities which exceeds the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act as amended through January 1, 1991. The commission shall not adopt an emission standard or limitation for infectious medical waste treatment or disposal facilities prior to January 1, 1995, which exceeds the standards or limitations promulgated by the administrator of the United States environmental protection agency or the requirements of the federal Clean Air Act, as amended through January 1, 1991, for a hospital, or a group of hospitals, licensed under chapter 135B which has been operating an infectious medical waste treatment or disposal facility prior to January 1, 1991.
 - a. 1) The commission shall establish standards of performance unless in the judgment of the commission it is not feasible to adopt or enforce a standard of performance. If it is not feasible to adopt or enforce a standard of performance, the commission may adopt a design, equipment, material, work practice or operational standard, or combination of those standards in order to establish reasonably available control technology or the lowest achievable emission rate in nonattainment areas, or in order to establish best available control technology in areas subject to prevention of significant deterioration review, or in order to adopt the emission limitations promulgated by the administrator of the United States environmental protection agency under section 111 or 112 of the federal Clean Air Act as amended through January 1, 1991.
 - 2) If a person establishes to the satisfaction of the commission that an alternative means of emission limitation will achieve a reduction in emissions of an air pollutant at least equivalent to the reduction in emissions of the air pollutant achieved under the design, equipment, material,

work practice or operational standard, the commission shall amend its rules to permit the use of the alternative by the source for purposes of compliance with this paragraph with respect to the pollutant.

- 3) A design, equipment, material, work practice or operational standard promulgated under this paragraph shall be promulgated in terms of a standard of performance when it becomes feasible to promulgate and enforce the standard in those terms.
- 4) For the purpose of this paragraph, the phrase “not feasible to adopt or enforce a standard of performance” refers to a situation in which the commission determines that the application of measurement methodology to a particular class of sources is not practicable due to technological or economic limitations.
- b. The degree of emission limitation required for control of an air contaminant under an emission standard shall not be affected by that part of the stack height of a source that exceeds good engineering practice, as defined in rules, or any other dispersion technique. This paragraph shall not apply to stack heights in existence before December 30, 1970, or dispersion techniques implemented before that date.
5. Classify air contaminant sources according to levels and types of emissions, and other characteristics which relate to air pollution. The commission may require, by rule, the owner or operator of any air contaminant source to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such emissions in accordance with such methods at such locations and intervals, and using such procedures as the commission shall prescribe, and provide such other information as the commission may reasonably require. Such classifications may be for application to the state as a whole, or to any designated area of the state, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.
6. a. Require, by rules, notice of the construction of any air contaminant source which may cause or contribute to air pollution, and the submission of plans and specifications to the department, or other information deemed necessary, for the installation of air contaminant sources and related control equipment. The rules relating to major stationary sources shall allow the submission of engineering descriptions, flow diagrams and schematics that quantitatively and qualitatively identify emission streams and alternative control equipment that will provide compliance with emission standards. Such rules shall not specify any particular method to be used to reduce undesirable levels of emissions, nor type, design, or method of installation of any equipment to be used to reduce such levels of emissions, nor the type, design, or method of installation or type of construction of any manufacturing processes or kinds of equipment, nor specify the kind or composition of fuels permitted to be sold, stored, or used unless authorized by subsection 4 of this section.
- b. The commission may give technical advice pertaining to the construction or installation of the equipment or any other recommendation.
7. Commission rules establishing maximum permissible sulfate content shall not apply to an expansion of an industrial anaerobic lagoon facility which was constructed prior to February 22, 1979.
8. a. 1) Adopt rules consistent with the federal Clean Air Act Amendments of 1990, Pub. L. No. 101-549, including those amendments effective on January 1, 1991, regulations promulgated by the United States environmental protection agency pursuant to that Act, the provisions of this chapter, and rules adopted by the commission pursuant to this chapter, which require the owner or operator of an air contaminant source to obtain an operating permit prior to operation of the source. The rules shall specify the information required to be submitted with the application for an operating permit and the conditions under which a permit may be granted, modified, suspended, terminated, revoked, reissued, or denied. For sources subject to the provisions of Tit. IV of the federal Clean Air Act Amendments of 1990, operating permit conditions shall include emission allowances for sulfur dioxide emissions.
- 2) a) The commission may establish fees to be imposed and collected by the department, including operating permit application fees and fees upon regulated pollutants emitted from

an air contaminant source, in an amount sufficient to cover, on a state fiscal year basis as described in section 455B.133B, all reasonable costs, direct and indirect, required to implement and administer the operating permit program as described in subparagraph (1) in conformance with the federal Clean Air Act Amendments of 1990. Affected units regulated under Tit. IV of the federal Clean Air Act Amendments of 1990 shall pay fees in the same manner as other sources subject to operating permit requirements, except as provided in section 408 of that Act.

- b) The fees collected by the department pursuant to subparagraph division (a) shall be credited to the appropriate accounts of the air contaminant source fund created pursuant to section 455B.133B, and shall be utilized to cover all reasonable costs required to implement and administer the programs required by Tit. V of the federal Clean Air Act Amendments of 1990, including the operating permit program pursuant to section 502 of that Act and the small business stationary source technical and environmental compliance assistance program pursuant to section 507 of that Act. The amount of the fees credited to and expended from each account of the air contaminant source fund shall be subject to the limitations provided in section 455B.133B.
 - c) (c) Fees established pursuant to this subparagraph (2) shall not be imposed for the regulation of an activity that exceeds the requirements of the federal Clean Air Act Amendments of 1990.
- b. Adopt rules allowing the department to issue a state operating permit to an owner or operator of an air contaminant source. The state operating permit granted under this paragraph may only be issued at the request of an air contaminant source and will be used to limit its potential to emit to less than one hundred tons per year of a criteria pollutant as defined by the United States environmental protection agency or ten tons per year of a hazardous air pollutant or twenty-five tons of any combination of hazardous air pollutants.
 - c. Adopt rules for the issuance of a single general permit, after notice and opportunity for a public hearing. The single general permit shall cover numerous sources to the extent that the sources are representative of a class of facilities which can be identified and conditioned by a single permit.
- 9. Adopt rules allowing asphalt shingles to be burned in a fire set for the purpose of bona fide training of public or industrial employees in fire fighting methods only if a notice is provided to the director containing testing results indicating that the asphalt shingles do not contain asbestos. Each fire department shall be permitted to host two fires per year as allowed under this subsection.
 - 10. Adopt rules allowing a city to conduct a controlled burn of a demolished building subject to the requirements that are in effect for the proper removal of all asbestos-containing materials prior to demolition and burning. The rules shall include provisions that a burn site have controlled access, that a burn site be supervised by representatives of the city at all times, and that the burning be conducted only when weather conditions are favorable with respect to surrounding property. For a burn site located outside of a city, the rules shall include a provision that a city may undertake not more than one such controlled burn per day and that a burn site be limited to an area located at least six-tenths of a mile from any inhabited building. For burn sites located within a city, the rules shall include a provision that a city may undertake not more than one such controlled burn in every six-tenths-of-a-mile-radius circle in each calendar year. The rules shall prohibit a controlled burn of a demolished building in Cedar Rapids, Marion, Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, Pleasant Hill, Buffalo, Davenport, Mason City, or any other area where area-specific state implementation plans require the control of particulate matter.

[C71, §136B.4; C73, 75, 77, 79, 81, §455B.12; 82 Acts, ch 1124, §1]

C83, §455B.133

91 Acts, ch 242, §1; 91 Acts, ch 255, §8; 92 Acts, ch 1163, §87 – 89; 93 Acts, ch 137, §3; 94 Acts, ch 1040, §1; 95 Acts, ch 2, §1; 2002 Acts, ch 1162, §45; 2002 Acts, 2nd Ex, ch 1003, §241, 262; 2004 Acts, ch 1138, §1; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1010, §2; 2015 Acts, ch

Referred to in §455B.133B, §455B.134

For the commission's authority to establish or adjust certain designated fees, see 2015 Acts, ch 100, §4, 5

455B.134 Director — duties — limitations.

The director shall:

1. Publish and administer the rules and standards established by the commission. The department shall furnish a copy of such rules or standards to any person upon request.
2. Provide technical, scientific, and other services required by the commission or for the effective administration of this division II and chapter 459, subchapter II.
3. Grant, modify, suspend, terminate, revoke, reissue, or deny permits for the construction or operation of new, modified, or existing air contaminant sources and for related control equipment subject to the rules adopted by the commission. The department shall furnish necessary application forms for such permits.
 - a. No air contaminant source shall be installed, altered so that it significantly affects emissions, or placed in use unless a construction permit has been issued for the source.
 - b. The condition of expected performance shall be reasonably detailed in the construction permit.
 - c. All applications for permits shall be subject to such notice and public participation as may be provided by rule by the commission. Upon denial or limitation of a permit, the applicant shall be notified of such denial and informed of the reason or reasons therefor, and such applicant shall be entitled to a hearing before the commission.
 - d. A regulated air contaminant source for which a construction permit has been issued shall not be operated unless an operating permit also has been issued for the source. However, if the facility was in compliance with permit conditions prior to the requirement for an operating permit and has made timely application for an operating permit, the facility may continue operation until the operating permit is issued or denied. Operating permits shall contain the requisite conditions and compliance schedules to ensure conformance with state and federal requirements including emission allowances for sulfur dioxide emissions for sources subject to Tit. IV of the federal Clean Air Act Amendments of 1990. If construction of a new air contaminant source is proposed, the department may issue an operating permit concurrently with the construction permit, if possible and appropriate.
- e. 1) Notwithstanding any other provision of division II of this chapter or chapter 459, subchapter II, the following siting requirements shall apply to anaerobic lagoons and earthen waste slurry storage basins:
 - a) Anaerobic lagoons, constructed or expanded on or after June 20, 1979, but prior to May 31, 1995, or earthen waste slurry storage basins, constructed or expanded on or after July 1, 1990, but prior to May 31, 1995, which are used in connection with animal feeding operations containing less than six hundred twenty-five thousand pounds live animal weight capacity of animal species other than beef cattle or containing less than one million six hundred thousand pounds live animal weight capacity of beef cattle, shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. Anaerobic lagoons or earthen waste slurry storage basins, which are used in connection with animal feeding operations containing six hundred twenty-five thousand pounds or more live animal weight capacity of animal species other than beef cattle or containing one million six hundred thousand pounds or more live animal weight capacity of beef cattle, shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. For the purpose of this paragraph the determination of live animal weight capacity shall be based on the

average animal weight capacity during a production cycle and the maximum animal capacity of the animal feeding operation.

- b) Anaerobic lagoons which are used in connection with industrial treatment of wastewater where the average wastewater discharge flow is one hundred thousand gallons per day or less shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road. Anaerobic lagoons which are used in connection with industrial treatment of wastewater where the average wastewater discharge flow is greater than one hundred thousand gallons per day shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the lagoon or from a public use area other than a public road. These separation distances apply to the construction of new facilities and the expansion of existing facilities.
- 2) A person may build or expand an anaerobic lagoon or an earthen waste slurry storage basin closer to a residence not owned by the owner of the anaerobic lagoon or to a public use area than is otherwise permitted by subparagraph (1) of this paragraph, if the affected landowners enter into a written agreement with the anaerobic lagoon owner to waive the separation distances under such terms the parties negotiate. The written agreement becomes effective only upon recording in the office of the recorder of deeds of the county in which the residence is located.
- f. All applications for construction permits or prevention of significant deterioration permits shall quantify the potential to emit greenhouse gases due to the proposed project.
4. Determine by field studies and sampling the quality of atmosphere and the degree of air pollution in this state or any part thereof.
 5. Conduct and encourage studies, investigations, and research relating to air pollution and its causes, effects, abatement, control, and prevention.
 6. Provide technical assistance to political subdivisions of this state requesting such aid for the furtherance of air pollution control.
 7. Collect and disseminate information, and conduct educational and training programs, relating to air pollution and its abatement, prevention, and control.
 8. Consider complaints of conditions reported to, or considered likely to, constitute air pollution, and investigate such complaints upon receipt of the written petition of any state agency, the governing body of a political subdivision, a local board of health, or twenty-five affected residents of the state.
 9. Issue orders consistent with rules to cause the abatement or control of air pollution, or to secure compliance with permit conditions. In making the orders, the director shall consider the facts and circumstances bearing upon the reasonableness of the emissions involved, including but not limited to, the character and degree of injury to, or interference with, the protection of health and the physical property of the public, the practicability of reducing or limiting the emissions from the air pollution source, and the suitability or unsuitability of the air pollution source to the area where it is located. An order may include advisory recommendations for the control of emissions from an air contaminant source and the reduction of the emission of air contaminants.
 10. Encourage voluntary cooperation by persons or affected groups in restoring and preserving a reasonable quality of air within the state.
 11. Encourage political subdivisions to handle air pollution problems within their respective jurisdictions.
 12. Review and evaluate air pollution control programs conducted by political subdivisions of the state with respect to whether the programs are consistent with the provisions of division II of this chapter and chapter 459, subchapter II, and rules adopted by the commission.
 13. Hold public hearings, except when the evidence to be received is confidential pursuant to section 455B.137, necessary to accomplish the purposes of division II of this chapter and chapter 459, subchapter II. The director may issue subpoenas requiring the attendance of witnesses and the

production of evidence pertinent to the hearings. A subpoena shall be issued and enforced in the same manner as in civil actions.

14. Convene meetings not later than June 1 during the second calendar year following the adoption of new or revised federal ambient air quality standards by the United States environmental protection agency to review emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source as provided in section 455B.133, subsection 4. By November 1 of the same calendar year, the department shall submit a report to the governor and the general assembly regarding recommendations for law changes necessary for the attainment of the new or revised federal standards.

[C71, §136B.4, 136B.5; C73, 75, 77, 79, §455B.12, 455B.13; C81, §455B.13; 82 Acts, ch 1124, §2, 3]
C83, §455B.134

86 Acts, ch 1245, §1899; 90 Acts, ch 1153, §2, 3; 91 Acts, ch 255, §11 – 13; 93 Acts, ch 137, §4; 95 Acts, ch 195, §14; 2007 Acts, ch 120, §2, 3; 2010 Acts, ch 1115, §1; 2011 Acts, ch 25, §49, 50; 2014 Acts, ch 1010, §3 – 5

Referred to in §455B.145

For regulations establishing separation distances between anaerobic lagoons or earthen manure storage structures constructed or expanded on or after May 31, 1995, and various locations and objects, see chapter 459. For regulations governing the construction of earthen storage structures within agricultural drainage well areas, see chapter 460.

567 Iowa Administrative Code Chapters for Air Quality

Chapters 20-31, and 33-34 of 567 Iowa Administrative Code contain the administrative rules that allow for the implementation of the relevant air quality laws contained in Iowa statute and the CAA, including Section 110.

- Chapter 20 provides general definitions and rules of practice.
- Provisions for compliance schedules are found in Chapter 21.
- Standards and procedures for the permitting of emission sources and periodic monitoring are found in Chapter 22.
- Air emission standards for contaminants are found in Chapter 23.
- Chapter 24 provides for the reporting of excess emissions and the equipment maintenance and repair requirements.
- Testing and sampling requirements for new and existing sources are found in Chapter 25.
- Chapter 26 identifies air pollution emergency episodes and the preplanned abatement strategies for ozone.
- Conditions that political subdivisions must meet in order to secure acceptance of a local air pollution control program are set forth in Chapter 27.
- Chapter 28 identifies the state's adopted ambient air quality standards.
- Qualifications for observers of visible emission are found in Chapter 29.
- Chapter 30 contains requirements to pay fees for specified activities.
- Chapter 31 contains requirements for nonattainment areas.
- Chapter 33 contains special regulations and construction permit requirements for major stationary sources and includes the requirements for PSD.
- Provisions for air quality emissions trading programs are found in Chapter 34.

Public Comment & Hearing

The public comment period was held from September 18, 2018, to October 19, 2018. Two written comments were received during the comment period. The public hearing was held on October 19, 2018. No oral comments were received.

Public Participation Responsiveness Summary

Public Comment

Submitted on September 25, 2018 by Ed Kocal

Please leave the current standards in place or make them stricter. I have personally noticed an increase in ozone odor in the air in Eastern Iowa over the last several years.

Department Response

This proposed SIP revision implements the most current federal standards for ground-level ozone. Iowa Code 455B.133(4) does not allow the DNR to establish a standard more stringent than one established by the U. S Environmental Protection Agency.

Public Comment

Submitted on October 4, 2018 by the Iowa Chapter of the Sierra Club

The DNR should expand the network of ozone monitors across the state. Ozone monitors should be placed in more urban areas across the state. Efforts to expand the use of E15 in the summer will put more Iowans at risk of increased exposure to ground-level ozone. Climate change will increase the levels of ground-level ozone. Ozone exacerbates serious health issues.

Department Response

DNR meets EPA's current requirements to monitor ozone.

Appendix A: Rulemaking and Public Participation Process

The DNR's rulemaking process is governed by Iowa Code § 17A, also referred to as the Iowa Administrative Procedure Act (IAPA). The IAPA details the procedures and format of state agency rulemakings. All rulemakings must be adopted within 180 days following either the published notice or the last date of the oral presentations on the proposed rule, whichever is later. Administrative rules are approved by the Environmental Protection Commission (EPC) as authorized under Iowa Code 455A.6.

Additional requirements associated with the rulemaking process have been contained in Executive Orders (EO). EO 80 directs agencies to create stakeholder groups for specific rulemaking activities if requested to do so by the agency director or the Administrative Rules Coordinator. Stakeholder group members are determined by the agency in consultation with the Administrative Rules Coordinator. Stakeholder groups are advisory and do not constitute agencies for rulemaking purposes. Stakeholder groups solicit input from the public and submit formal recommendations to the DNR.

An example of the rulemaking process is listed below:

1. **Job Impact Statement & Informal Stakeholder Input:** Gather stakeholder input for the Job Impact Statement (JIS). Inform the EPC of plans associated with the proposed rulemaking.
2. **Governor's Office pre-clearance:** Submit the JIS, fiscal impact statement, and the draft Notice of Intended Action to the Governor's office for approval.
3. **Notice of Intended Action:** After preclearance, the DNR proposes the rulemaking through a Notice of Intended Action. If approved by the EPC, the proposed rulemaking will be published in the IAB.
4. **Public Comment Period and Public Hearing(s):** The IAB indicates the length of the comment period, the agency contact, and the details of the public hearing(s). The minimum amount of time for the public comment period and public hearing date is 30 days for rules that the DNR plans to submit in a SIP revision.
5. **Initial Administrative Rules Review:** At some point during the rulemaking process, the proposed rule is reviewed by the Iowa General Assembly's Administrative Rules Review Committee (ARRC). The DNR provides an overview of the rulemaking and responds to questions at the ARRC's public meeting.
6. **Adopted and Filed:** After the close of the public comment period, the DNR returns to the EPC to request adoption of the rulemaking. A summary of public comments and responses are included with the proposed rulemaking. If adopted, the rulemaking is published in the IAB.
7. **Final Publication:** The adopted and filed rulemaking will be published in the IAB and the Iowa Administrative Code (IAC).
8. **Final Administrative Rules Review:** Upon publication of the final rulemaking, the ARRC conducts their final review at their public meeting. The ARRC does have the discretion to object to a rule. The ARRC may also delay the effective date of a proposed rule pending additional review by the Iowa General Assembly.
9. **Rule Effective:** Typically, the rulemaking becomes effective 35 days after final publication in the IAB. The DNR can propose a later effective date, if necessary.



ACCOUNT NAME Ia Dept Of Natural Resources		ACCOUNT # 69095	PAGE # 1 of 1
INVOICE # 0002028608	BILLING PERIOD Sep 1- Sep 30, 2018	PAYMENT DUE DATE October 20, 2018	
PREPAY (Memo Info) \$0.00	UNAPPLIED (included in amt due) \$0.00	TOTAL AMOUNT DUE \$156.84	
BILLING ACCOUNT NAME AND ADDRESS IA DEPT OF NATURAL RESOURCES 502 E 9TH ST DES MOINES, IA 50319-5005 		BILLING INQUIRIES/ADDRESS CHANGES 1-877-556-0332 or desm@ccc.gannett.com	FEDERAL ID 42-1095802
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9/1/18	Balance Forward	\$119.17

Package Advertising:

Start-End Date	Package Description	PO Number	Package Cost
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	ACCOUNT NAME Ia Dept Of Natural Resources		PAYMENT DUE DATE October 20, 2018		AMOUNT PAID	
	ACCOUNT NUMBER 69095		INVOICE NUMBER 0002028608			
CURRENT DUE \$37.67	30 DAYS PAST DUE \$0.00	60 DAYS PAST DUE \$0.00	90 DAYS PAST DUE \$0.00	120+ DAYS PAST DUE \$119.17	UNAPPLIED PAYMENTS \$0.00	TOTAL AMOUNT DUE \$156.84
REMITTANCE ADDRESS (Include Account# & Invoice# on check) Des Moines Register PO BOX 677357 Dallas, TX 75267-7357			TO PAY WITH CREDIT CARD PLEASE FILL OUT BELOW: <input type="checkbox"/> VISA <input type="checkbox"/> MASTERCARD <input type="checkbox"/> DISCOVER <input type="checkbox"/> AMEX Card Number _____ Exp Date / / CVV Code _____ Signature _____ Date _____			

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Environmental Protection Commission

ITEM

9

DECISION

TOPIC

Notice of Intended Action: Air Quality Regulatory Certainty Rules Part 3 - Chapters 20, 22, 23 and 25

The Department is requesting permission from the Commission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 20, “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 22 “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” and Chapter 25, “Measurement of Emissions.”

Reason for Rulemaking

Affected businesses and the public benefit from up-to-date air quality requirements and increased effectiveness.

The proposed changes to air quality rules:

1) Reduce the cost of government, while providing streamlined services to the public and regulated community.

2) Update rules to provide regulatory certainty and flexibility. The proposed rules will implement a portion of the Department’s 5-year rules review, achieving a purpose similar to air quality rulemaking packages adopted earlier this year and in 2017.

3) Offer uniform rules by making changes that match federal regulations. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa’s air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities.

Summary of Proposed Rule Changes

The proposed rule changes continue previous efforts to improve rules for air quality programs.

Electronic Emissions Reporting

To simplify the reporting requirements for industry, increase reporting efficiency and reduce cost to the state, the Department is proposing to require the use of electronic emissions reporting for all Title V facilities, beginning with reports due to the Department by March 31, 2019. The transition to electronic reporting will make air emissions information more quickly available to industry seeking to build new facilities or expand existing facilities, and to the public because the Department will be able to access and provide to stakeholders emissions data electronically. Additionally, electronic reporting will reduce the cost to the state because Department staff will

no longer need to data-enter this information prior to providing it in the annual federally required emissions report.

Address Updates

The proposed rule changes update several references for the new location and mailing address of the Department's Air Quality Bureau.

Consistency with Federal Regulations

The rule revisions adopt technical corrections that EPA made to continuous methods for measuring air pollutant emissions. The rule changes also include adoption of revisions to federal air toxics standards (also known as National Emissions Standard for Hazardous Air Pollutants or NESHAP), new source performance standards (NSPS) and EPA's Emission Guidelines. Adopting EPA's amendments allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders.

Stakeholder Involvement

The Department prepared a draft rulemaking package and, on August 13, 2018, announced the opportunity for informal public input on the draft proposal. The Department announced the public input period through the air quality e-newsletter (through GovDelivery) and posted the draft proposal on its air quality public input page (www.iowadnr.gov/airpublicinput). The Department's air quality newsletter currently reaches 12,000 subscribers, which includes industry, businesses associations, trade groups, small businesses, state and federal agencies and many other organizations and individuals.

The Department received two comments during the informal input period in favor of the rule changes. One of the commenters also made a general recommendation for future electronic reporting initiatives that the selected systems(s) should have sufficient security to ensure confidentiality of data stored electronically. The Department did not receive any comments opposed to the rule changes.

The Department discussed the rule changes at a meeting of the Iowa Association of Business and Industry (ABI) on August 15, 2018. ABI members did not express any concerns about the proposed rule changes, nor did they provide any specific comments on the rule changes.

The Department has reached out to Title V facilities regarding the transition to electronic reporting for annual emissions inventories. **Please see the attached Support Document.**

Public Comments and Public Hearing

If the Commission approves the proposed rulemaking, the Department will hold a public hearing on Monday, January 21, 2019, at 1:00 pm, at the DNR offices in the Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa. The Department will accept written public comments until 4:30 p.m. on January 21, 2019.

Christine Paulson, Environmental Specialist Senior
Program Development Section, Air Quality Bureau
Environment Services Division
Memo date: October 29, 2018

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 20, “Scope of Title—Definitions,” Chapter 22, “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” and Chapter 25, “Measurement of Emissions,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 455B.133.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 455B.133.

Purpose and Summary

The purposes of this rule making are to:

1. Reduce the cost of government, while providing streamlined services to the public and regulated community
2. Update rules to provide regulatory certainty and flexibility. The amendments implement a portion of the Department of Natural Resources’ (Department’s) five-year review of rules plan to accomplish the requirements of Iowa Code section 17A.7(2).
3. Offer uniform rules by making changes that match federal regulations and eliminate inconsistencies between federal regulations and state rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa’s air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department,

rather than the U.S. Environmental Protection Agency (EPA), to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities.

Items 1 and 6 propose to amend the definition of “EPA reference method” to adopt the technical corrections that EPA made to continuous methods for measuring air pollutant emissions. The corrections were published on August 7, 2017, in the Federal Register and codified in 40 Code of Federal Regulations (CFR) Part 60, Appendix B. **Item 15** also proposes to adopt these federal updates into the methods and procedures established in 567 Chapter 25 for continuous monitoring systems. Adopting EPA’s updates ensures that state reference methods match current federal reference methods and are no more stringent than the federal methods.

Item 2 proposes to add a cross reference to the rules for nonattainment areas specified in 567 Chapter 31.

Items 3, 4, 5, 7, 9, 10 and 11 update the location and mailing address for the Department’s Air Quality Bureau.

Item 8 proposes to establish electronic submittal of the annual emissions inventories required under the Title V Operating Permit program. To simplify the reporting requirements for industry, increase reporting efficiency and reduce cost to the state, the Commission is proposing to require the use of electronic reporting for all Title V facilities, beginning with reports due to the Department by March 31, 2019.

Facilities required to obtain Title V permits are required to annually report their actual air pollution emissions. “Title V facilities” are those that are permitted to emit over 100 tons of air pollution annually (or significant levels of specified hazardous air pollutants). There are currently 289 Title V facilities in Iowa, including electric generating utilities, grain processing

facilities, manufacturing plants, and others.

The Department has since 2002 offered an electronic submission system for reporting air pollution emissions. In 2015, SLEIS (the State and Local Emissions Inventory System) was introduced, offering a significantly more streamlined method for reporting. This year, 82% of Title V facilities submitted their inventories on SLEIS. SLEIS is the current e-submittal system for emissions inventories. Annually, the Department provides in-person emissions inventory and SLEIS user training at several locations in the state. Online training tutorials also are available on-demand on the Department's website.

Item 12 amends subrule 23.1(2) to adopt by reference new and revised New Source Performance Standards (NSPS).

The Commission proposes to adopt the federal NSPS for sewage sludge incineration (SSI) units. The federal standards were published in the Federal Register on March 21, 2011, and apply to SSI units for which construction commenced after October 14, 2010 or for which modification commenced after September 21, 2011. Since publication, the SSI NSPS has been subject to reconsideration petitions and litigation. The Commission is proposing adoption of these federal amendments because EPA's reconsiderations and the litigation of the federal standards have recently been resolved. At this time, no facilities in Iowa are affected by this NSPS. A facility that constructs a new SSI unit, or an existing facility that modifies its SSI unit, could become subject to this NSPS in the future. (See Item 14 for a related amendment.)

The amendment in Item 12 also adopts the changes EPA made to the NSPS test methods, as explained in the description above for Items 1, 6 and 15. The amendments to the NSPS are adopted by reference through revision of the adoption date specified in the introductory paragraph of subrule 23.1(2).

Item 13 amends subrule 23.1(4) to adopt federal amendments to the federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for source categories, as described below. The federal amendments are adopted by reference through revision of the adoption date specified in the introductory paragraph of subrule 23.1(4). The text in parentheses in each section heading below indicates the applicable subpart in 40 CFR Part 63 and the corresponding paragraph in subrule 23.1(4).

Phosphoric Acid Manufacturing and Phosphate Fertilizer Production (Subpart AA; paragraph “aa”)

Updates to this NESHAP were published in the Federal Register on September 28, 2017. In response to petitions for reconsideration from stakeholders, EPA extended some compliance dates for affected sources, as well as clarifying one option and adding a new option for monitoring requirements. At this time, no facilities in Iowa are affected by this NESHAP. New facilities, or existing facilities that change their production lines, could become subject to this NESHAP in the future.

Offsite Waste and Recovery Operations (Subpart DD; paragraph “ad”)

The amendment adopts changes to the standards for offsite waste and recovery operations published in the Federal Register on January 29, 2018. EPA’s final amendments address petitions for reconsideration regarding requirements for continuous monitoring on pressure relief devices (PRDs) on containers. EPA’s action removes the additional monitoring requirements for PRDs on containers because EPA determined that the requirements were unnecessary. At this time, no facilities in Iowa are affected by this NESHAP. New facilities, or existing facilities that change their production lines, could become subject to this NESHAP in the future.

Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills (Subpart MM; paragraph “am”)

EPA’s rule changes, published in the Federal Register on October 11, 2017, include reducing the opacity (visible emissions) monitoring allowance for recovery furnaces and for lime kilns, adding electronic reporting requirements for semiannual compliance reports, updating monitoring and testing requirements, and requiring periodic stack testing and electronic reporting of stack test results. At this time, no facilities in Iowa are affected by this NESHAP. New facilities, or existing facilities that change their production lines, could become subject to this NESHAP in the future.

Portland Cement Manufacturing (Subpart LLL, paragraph “bl”)

EPA’s amendments to this NESHAP were published in the Federal Register on July 25, and August 3, 2018, and reflect corrections and clarifications of the rule requirements and provisions. EPA states that the amendments results in improved monitoring, compliance, and implementation of the rule. This NESHAP affects three facilities in Iowa (one facility is currently idled).

Wool Fiberglass Manufacturing (Subpart NNN; paragraph “bn”)

Amendments to this NESHAP were published in the Federal Register on December 26, 2017. EPA revised the federal standard to require affected facilities to conduct additional monitoring and recordkeeping activities. In addition, affected facilities with flame attenuation lines will need to demonstrate compliance with new emission standards. EPA provided existing affected facilities a 3-year period to comply with new NESHAP requirements. At this time, no facilities in Iowa are affected by this NESHAP. New facilities, or existing facilities that change their production lines, could become subject to this NESHAP in the future.

Item 14 proposes to adopt by reference the federal Emission Guidelines for existing SSI units. EPA's Emission Guidelines provide "model rules" that states may adopt by reference in setting the requirements for existing sources. When a state does not have an approved State Plan by EPA's specified deadline, EPA promulgates a Federal Plan for affected facilities in 40 CFR Part 62 with rules essentially identical to the "model rules." EPA's Federal Plan for existing SSI is set forth in 40 CFR Part 62.

Concurrent with the NSPS provisions for SSI units described above in Item 12, EPA published the Emission Guidelines for SSI units in the Federal Register on March 21, 2011. The standards apply to SSI units for which construction commenced on or before October 14, 2010. As with the NSPS, the Emission Guidelines have been subject to reconsideration petitions and litigation since publication. The Commission is proposing adoption of the federal regulations for existing SSI because EPA's reconsiderations and the litigation of the federal standards have recently been resolved. One facility in Iowa is currently affected by these amendments.

As with the NSPS and NESHAP, the Commission adopts EPA's Emission Guidelines by reference so that the requirements are no more or less stringent than federal requirements. In this case, the Commission is proposing to adopt EPA's Federal Plan for SSI (rather than the "model rules" for states) because the one facility affected by the Emission Guidelines is already complying with the Federal Plan, as set forth in 40 CFR Part 62 Subpart LLL. Adoption of the provisions in Part 62 will provide regulatory certainty and continuity for the affected facility.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the Fiscal Impact Statement is available upon request from the Department.

Jobs Impact

A summary of the jobs impacts is provided below. A copy of the complete Jobs Impact Statement is available upon request from the Department.

After analysis and review of this rule making, the Commission has determined that the amendments specified in Items 1-11 and Item 15 will have a neutral impact on private sector jobs. The Commission does note that some of the amendments may benefit the private sector because they streamline current air quality programs. Affected businesses and the public benefit from up-to-date air quality requirements and increased effectiveness. These changes also implement a portion of the Department's 5-year rules review plan as required under Iowa Code section 17A.7(2).

In particular, the Department is proposing to require the use of electronic reporting for all Title V facilities (see Item 8), which will simplify the reporting requirements for industry, increase reporting efficiency and reduce cost to the state. The transition to electronic reporting will also make air emissions information more quickly available to industry seeking to build new facilities or expand existing facilities, and to the public because the Department will be able to access and provide to stakeholders emissions data electronically. Additionally, electronic reporting will reduce the cost to the state because Department staff will no longer need to data-enter this information prior to providing it in the annual federally required emissions report.

For the amendments specified in Items 12, 13 and 14, the Commission has determined that there may be fiscal impacts to Iowa businesses. However, the amendments only are implementing federally mandated regulations. The amendments are identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law.

In some cases, the revised federal standards being proposed for adoption provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private sector jobs. Further, the amendments allow the Department, rather than EPA, to be the primary agency to implement the standards in Iowa, thereby allowing the Department to provide compliance assistance to affected facilities. The Department's compliance assistance increases efficiencies and possible cost savings for facilities, potentially offering a positive impact on private sector jobs.

Waivers

This rule is subject to the waiver provisions of 561—Chapter 10. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 21, 2019. Comments shall be directed to: Christine Paulson, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319; fax (515)725-9501; or by email to Christine.Paulson@dnr.iowa.gov.

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

Monday, January 21, 2019 at 1 p.m. at the Department's offices located at the Wallace State Office Building at 502 East 9th Street, Des Moines, Iowa. (Upon arrival to the Wallace

Building, attendees should proceed to the fourth floor to check in at the DNR reception desk to receive a visitor's badge and be directed to the hearing location.)

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Christine Paulson at (515) 725-9510 or by email at Christine.Paulson@dnr.iowa.gov and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action proposed:

ITEM 1. Amend rule **567—20.2(455B)**, definition of “EPA reference method,” as follows:

“*EPA reference method*” means the following methods used for performance tests and continuous monitoring systems:

1. No change.
2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as

specified in 40 CFR 60, Appendix B (as amended through ~~August 30, 2016~~ August 7, 2017); 40 CFR 60, Appendix F (as amended through August 30, 2016); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016).

ITEM 2. Amend subrule 22.1(1) as follows:

22.1(1) *Permit required.* Unless exempted in subrule 22.1 or to meet the parameters established in paragraph “c” of this subrule, no person shall construct, install, reconstruct or alter any equipment, control equipment or anaerobic lagoon without first obtaining a construction permit, or permit pursuant to rule 567—22.8(455B), or permits required pursuant to rules 567—22.4(455B), 567—22.5(455B), 567—31.3(455B), and 567—33.3(455B) as required in this subrule. A permit shall be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary source or anaerobic lagoon.

a. and *b.* No change.

c. New, reconstructed, or modified sources may initiate construction prior to issuance of the construction permit by the department if they meet the eligibility requirements stated in subparagraph (1) below. The applicant must assume any liability for construction conducted on a source before the permit is issued. In no case will the applicant be allowed to hook up the equipment to the exhaust stack or operate the equipment in any way that may emit any pollutant prior to receiving a construction permit.

(1) Eligibility.

1. and 2. No change

3. The source is not subject to rule 567—22.4(455B), 567—subrule 23.1(2), 567—subrule 23.1(3), 567—subrule 23.1(4), 567—subrule 23.1(5), 567—31.3(455B), or paragraph “b” of this subrule. Prevention of significant deterioration (PSD) provisions and prohibitions remain applicable until a proposed project legally obtains PSD synthetic minor status (i.e., obtains permitted limits which limit the source below the PSD thresholds).

(2) through (4). No change.

d. No change.

ITEM 3. Amend subrule 22.1(3), introductory paragraph, as follows:

22.1(3) *Construction permits.* The owner or operator of a new or modified stationary source shall apply for a construction permit. One copy of a construction permit application for a new or modified stationary source shall be presented or mailed to Department of Natural Resources, Air Quality Bureau, ~~7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324~~ 502 E. 9th Street, Des Moines, Iowa 50319. Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department. An owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or 567—33.3(455B) (prevention of significant deterioration (PSD)) shall present or mail to the department one hard copy of a construction permit application to the address specified above and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, and hand delivery. Applications are not required to be submitted by certified mail. The owner or operator of any new or modified industrial anaerobic

lagoon shall apply for a construction permit as specified in this subrule and as provided in 567—Chapter 22. The owner or operator of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567—Chapter 65.

ITEM 4. Amend subrule 22.3(8) as follows:

22.3(8) *Ownership change of permitted equipment.* The new owner shall notify the department in writing no later than 30 days after the change in ownership of equipment covered by a construction permit pursuant to rule 22.1(455B). The notification to the department shall be mailed to the Air Quality Bureau, Iowa Department of Natural Resources, ~~7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324~~ 502 E. 9th Street, Des Moines, Iowa 50319, and shall include the following information:

a. through c. No change.

ITEM 5. Amend subrule 22.9(3) as follows:

22.9(3) *Duty to self-identify.* The owner or operator or designated representative of a facility meeting the conditions of subrule 22.9(2) shall submit two copies of a completed BART Eligibility Certification Form #542-8125, which shall include all information necessary for the department to complete eligibility determinations. The information submitted shall include source identification, description of processes, potential emissions, emission unit and emission point characteristics, date construction commenced and date of startup, and other information required by the department. The completed form was required to be submitted to the Air Quality Bureau, Department of Natural Resources, ~~7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324~~ 502 E. 9th Street, Des Moines, Iowa, 50319, by September 1, 2005.

ITEM 6. Amend rule ~~567—22.100(455B)~~, definition of “EPA reference method,” as follows:

“*EPA reference method*” means the following methods used for performance tests and continuous monitoring systems:

1. No change.
2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~August 30, 2016~~ August 7, 2017); 40 CFR 60, Appendix F (as amended through August 30, 2016); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016).

ITEM 7. Amend subrule 22.105(1) as follows:

22.105(1) *Duty to apply.* For each source required to obtain a Title V operating permit, the owner or operator or designated representative, where applicable, shall present or mail a complete and timely permit application in accordance with this rule to the following locations: Iowa Department of Natural Resources, Air Quality Bureau, ~~7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324~~ 502 E. 9th Street, Des Moines, Iowa 50319 (one copy); and U.S. EPA Region VII, 11201 Renner Boulevard, Lenexa, Kansas 66219 (one copy); and, if applicable, the local permitting authority, which is either Linn County Public Health Department, Air Quality Division, 501 13th Street NW, Cedar Rapids, Iowa 52405 (one copy); or Polk County Public Works, Air Quality Division, 5885 NE 14th Street, Des Moines, Iowa 50313 (one

copy). Application submission methods may include, but are not limited to, U.S. Postal Service, private parcel delivery services, or hand delivery. Applications are not required to be submitted by certified mail. Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101 shall submit all required fees as required in 567—Chapter 30.

a. and *b.* No change.

ITEM 8. Amend subrule 22.106(2) as follows:

22.106(2) *Emissions inventory and documentation due dates.* The emissions inventory shall be submitted ~~with forms~~ through the electronic format specified by the department. ~~For emissions located in Polk County or Linn County, three copies of the forms documenting actual emissions for the previous calendar year shall be submitted annually by March 31. For emissions in all other counties, two copies of the forms documenting actual emissions for the previous calendar year shall be submitted annually by March 31.~~

~~Alternatively, an~~ An owner or operator ~~may~~ shall, by March 31, submit ~~the required emissions inventory information through the electronic submittal format specified by the department~~ documentation of actual emissions for the previous calendar year.

~~If there are any changes to the emission calculation form, the department shall make revised forms available to the public by January 1. If revised forms are not available by January 1, forms from the previous year may be used and the year of emissions documented changed.~~ The department shall calculate the total statewide Title V emissions for the prior

calendar year and make this information available to the public no later than April 30 of each year.

ITEM 9. Amend subrule 22.128(4) as follows:

22.128(4) *Submission of copies.* Two copies of all permit applications shall be presented or mailed to the Air Quality Bureau, Iowa Department of Natural Resources, ~~7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324~~ 502 E. 9th Street, Des Moines, Iowa 50319.

ITEM 10. Amend subrule 22.300(8) as follows:

22.300(8) *Registration and reporting requirements.*

a. Duty to apply. Any person who owns or operates a source otherwise required to obtain a Title V operating permit and which would be eligible for an operating permit by rule for small sources must either register for an operating permit by rule for small sources or apply for a Title V operating permit. Any source determined not to be eligible for an operating permit by rule for small sources, and operating without a valid Title V operating permit, shall be subject to enforcement action for operation without a Title V operating permit, except as provided for in the application shield provisions contained in rule 567—22.104(455B). For each source registering for an operating permit by rule for small sources, the owner or operator or designated representative, where applicable, shall present or mail to the Air Quality Bureau, Iowa Department of Natural Resources, ~~7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324~~ 502 E. 9th Street, Des Moines, Iowa 50319, one original and one copy of a timely and complete registration form in accordance with this rule.

(1) through (4). No change.

b. No change.

ITEM 11. Amend subrule 22.300(12) as follows:

22.300(12) *Change of ownership.* The new owner shall notify the department in writing no later than 30 days after the change of ownership of equipment covered by an operating permit by rule for small sources. The notification to the department shall be mailed to Air Quality Bureau, Iowa Department of Natural Resources, ~~7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324~~ 502 E. 9th Street, Des Moines, Iowa 50319, and shall include the following information:

a. and *b.* No change.

ITEM 12. Amend subrule 23.1(2) as follows:

23.1(2) *New source performance standards.* The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through ~~September 14, 2016~~ August 7, 2017, are adopted by reference, except § 60.530 through § 60.539b (Part 60, Subpart AAA), and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

a. through *bbbb.* No change

cccc. Sewage Sludge Incineration Units. Each sewage sludge incineration (SSI) unit that commenced construction or reconstruction after October 14, 2010, or for which modification commenced after September 21, 2011, must comply. (Subpart LLLL)

ITEM 13. Amend subrule 23.1(4), introductory paragraph, as follows:

23.1(4) *Emission standards for hazardous air pollutants for source categories.* The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended or corrected through ~~September 14, 2016~~ August 3, 2018, are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses. 40 CFR Part 63, Subpart B, incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (Fbio) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, “hazardous air pollutant” has the same meaning found in 567—22.100(455B). For the purposes of this subrule, a “major source” means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an “area source” means any stationary source of hazardous air pollutants that is not a “major source” as defined in this subrule. Paragraph 23.1(4) “a,” general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR Part 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 14. Amend subrule 23.1(5) as follows:

23.1(5) *Emission guidelines.* The emission guidelines and compliance times for existing sources, as defined in 40 Code of Federal Regulations Part 60 as amended through ~~June 9, 2006~~ March 21, 2011, shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. ~~An earlier~~ A different CFR reference and date for adoption by reference may be included with the subpart designation in parentheses indicated in the paragraphs of this subrule (23.1(5)). The control of the designated pollutants will be in accordance with federal standards established in Sections 111 and 129 of the Act and 40 CFR Part 60, Subpart B (Adoption and Submittal of State Plans for Designated Facilities), and the applicable subpart(s) for the existing source. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

a. through d. No change.

e. *Emission guidelines and compliance times for existing sewage sludge incineration units that commenced construction on or before October 14, 2010 (40 CFR Part 62, Subpart LLL).* Emission guidelines and compliance times for control of designated pollutants from affected sewage sludge incineration (SSI) units that commenced construction or reconstruction on or before October 14, 2010, shall be in accordance with federal standards established in Subpart LLL of 40 CFR Part 62, as amended through April 29, 2016.

ITEM 15. Amend subrule 25.1(9) as follows:

25.1(9) *Methods and procedures.* Stack sampling and associated analytical methods used

to evaluate compliance with emission limitations of 567—Chapter 23 or a permit condition are as follows:

a. No change.

b. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~August 30, 2016~~ August 7, 2017); 40 CFR 60, Appendix F (as amended through August 30, 2016); 40 CFR 75, Appendix A (as amended through August 30, 2016); 40 CFR 75, Appendix B (as amended through August 30, 2016); and 40 CFR 75, Appendix F (as amended through August 30, 2016). The owner of the equipment or the owner's authorized agent may use an alternative methodology for continuous monitoring systems if the methodology is approved by the department in writing before the minimum performance specification and quality assurance procedure is conducted.

c. No change.

Date

Bruce Trautman, Acting Director

Transition to Electronic Submittal of Annual Title V Emissions Inventories **Support Document**

Facilities required to obtain Clean Air Act Title V permits also are required to annually report their actual air pollution emissions. “Title V facilities” are those that are permitted to emit over 100 tons of air pollution annually (or significant levels of specified hazardous air pollutants). There are currently 289 Title V facilities in Iowa, including electric generating utilities, grain processing facilities, manufacturing plants, and others.

To increase reporting efficiency and simplify the Title V emissions reporting requirements for industry, make emissions information more readily available, and reduce costs to the state, the Iowa Department of Natural Resources (DNR) is proposing to require the use of electronic reporting for all Title V facilities, beginning with reports due to the DNR by March 31, 2019. Reporting for facilities that are permitted to emit lesser amounts of air pollution (referred to as “minor sources”) is not addressed in this proposed rulemaking.

DNR has since 2002 offered an electronic submission system for reporting. In 2015, SLEIS (the State and Local Emissions Inventory System) was introduced, offering a significantly more streamlined method for reporting. This year, 82% of Title V facilities submitted their inventories on SLEIS. SLEIS greatly simplifies emissions inventory submittals by pre-populating into the database the recent equipment and emissions data for participating facilities, which reduces facilities’ data entry time. SLEIS also offers the ability to import emissions data efficiently via a spreadsheet template. Additionally, customers can use SLEIS with standard web browsers. To continually improve the system and to address customer and DNR needs, new versions of SLEIS are typically released semi-annually.

In stakeholder meetings and in letters to facilities, DNR has indicated its interest in requiring all Title V facilities to file reports through SLEIS. DNR has also reached out to the facilities that did not use SLEIS to file reports in March 2018, to discuss the transition and opportunities for training. Annually, DNR provides in-person emissions inventory and SLEIS user training at several locations in the state. Online training tutorials also are available on-demand on the DNR’s website. Upon request, DNR offers one-on-one assistance to companies with multiple facilities in Iowa.

DNR will provide additional notification in December 2018 to remind all Title V facilities of the electronic submittal requirements.

**Administrative Rules
JOBS IMPACT STATEMENT**

1. BACKGROUND INFORMATION

Agency:	Environmental Protection Commission (Commission)/Department of Natural Resources (Department)
IAC Citation:	567 IAC Chapters 20, 22, 23 and 25
Agency Contact:	Christine Paulson (515) 725-9510
Statutory Authority:	Iowa Code section 455B.133 and United States Clean Air Act Sections 110 (42 USC §7410), 111 (42 USC §7411) and 112 (42 USC §7412)
Objective:	<p>The purpose of the proposed air quality rule changes is to:</p> <p>1) Reduce the cost of government, while providing streamlined services to the public and regulated community.</p> <p>2) Update rules to provide regulatory certainty and flexibility. The proposed rules will implement a portion of the Department’s 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2).</p> <p>3) Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa’s air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities.</p>
Summary:	<p>The proposed rule changes continue previous efforts to improve rules for air quality programs. Affected businesses and the public benefit from up-to-date air quality requirements and increased effectiveness.</p> <p>The rule changes also include adoption of new and revised federal air toxics standards (also known as National Emissions Standards for Hazardous Air Pollutants or NESHAP), new source performance standards (NSPS) and Emission Guidelines. Adopting EPA’s updated federal regulations allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders.</p>

2. JOB IMPACT ANALYSIS

<input checked="" type="checkbox"/> <i>Fill in this box if impact meets these criteria:</i>
<input checked="" type="checkbox"/> No Job Impact on private sector jobs and employment opportunities in the State.
<input type="checkbox"/> Job Impact cannot be determined.

<input type="checkbox"/> <i>Fill in this box if impact meets either of these criteria:</i>
<input type="checkbox"/> Positive Job Impact on private sector jobs and employment opportunities in the State.
<input type="checkbox"/> Negative Job Impact on private sector jobs and employment opportunities in the State.
<i>Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:</i>
<p>After analysis and review, the Department has determined that most of the proposed changes will have a neutral impact on private sector jobs. The Department does note that some of the rules may benefit the private sector because they streamline current air quality programs.</p>
Electronic Emissions Reporting
<p>To simplify the reporting requirements for industry, increase reporting efficiency and reduce cost to the state, the Department is proposing to require the use of electronic reporting for all Title V facilities, beginning with reports due to the Department by March 31, 2019.</p>
<p>Facilities required to obtain Title V permits are required to annually report their actual air pollution emissions. "Title V facilities" are those that are permitted to emit over 100 tons of air pollution annually (or significant levels of specified hazardous air pollutants). There are currently 289 Title V facilities in Iowa, including electric generating utilities, grain processing facilities, manufacturing plants, and others.</p>
<p>The Department has since 2002 offered an electronic submission system for reporting air pollution emissions. In 2015, SLEIS (the State and Local Emissions Inventory System) was introduced, offering a significantly more streamlined method for reporting. This year, 82% of Title V facilities submitted their inventories on SLEIS.</p>
<p>The transition to electronic reporting will make air emissions information more quickly available to industry seeking to build new facilities or expand existing facilities, and to the public because the Department will be able to access and provide to stakeholders emissions data electronically. Additionally, electronic reporting will reduce the cost to the state because Department staff will no longer need to data-enter this information prior to providing it in the annual federally required emissions report.</p>
<p>Because SLEIS is available online, the only cost to facilities that have not already transitioned to electronic reporting will be the time for employees to complete on-demand training online, or to attend the optional annual in-person training. (Please see the attached Support Document for more information.)</p>

Address Updates

The proposed rule changes also update several references for the new location and mailing address of the Department's Air Quality Bureau.

Consistency with Federal Regulations

The proposed rules adopt EPA's updates and corrections to federal testing methods. By adopting federal updates into state rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations.

Adoption of NSPS, NESHAP and Emission Guidelines

For the adoption of new and amended NSPS, NESHAP and Emission Guidelines, the Department has determined that there may be fiscal impacts to Iowa businesses. However, the proposed amendments only are implementing federally mandated regulations. The amendments are identical to the federal regulations, and do not impose any regulations on Iowa businesses not already required by federal law.

In some cases, the revised federal standards proposed for adoption provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private sector jobs. Further, the proposed amendments allow the Department rather than EPA to be the primary agency to implement the standards in Iowa, thereby allowing the Department to provide compliance assistance to affected facilities.

The Department estimated potential impacts from adopting the new and revised federal NSPS, NESHAP and Emission Guidelines, as described below.

Sewage Sludge Incineration –NSPS (new facilities) and Emission Guidelines (existing facilities)

Currently, one existing facility is subject to the Emission Guidelines and no facilities are subject to the NSPS. The Commission is adopting these standards by reference so that requirements are no more or less stringent than federal regulations. The currently affected facility and any facilities affected in the future may incur additional costs to control emissions of mercury, dioxin/furans, lead, cadmium and particulate matter. Reconsiderations and the litigation of the federal standards initially published in 2011 have recently been resolved.

Portland Cement Manufacturing – Revised NESHAP

EPA's amendments to this NESHAP reflect corrections and clarifications of the previous rule requirements and provisions. EPA states that the amendments result in improved monitoring, compliance, and implementation of the rule, potentially resulting in cost savings for affected facilities. This NESHAP affects three facilities in Iowa. (One of these facilities is currently idled.)

Other Revised NESHAPs

At this time, no facilities in Iowa are affected by the following federal NESHAP amendments proposed for adoption. However, new facilities or existing facilities that change their production lines could become subject to these NESHAPs in the future.

- Phosphoric Acid Manufacturing and Phosphate Fertilizer Production
- Offsite Waste and Recovery Operations

- Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
- Wool Fiberglass Manufacturing

Categories of jobs and employment opportunities that are affected by the proposed rule:
Industrial facilities in the manufacturing source categories described above.

Number of jobs or potential job opportunities:
Cannot be determined at this time.

Regions of the state affected:
All regions of the state.

Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.")
No additional costs to the employer.

3. COST-BENEFIT ANALYSIS

The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

No other less intrusive or expensive method exists for achieving the purpose of the proposed rules.

Administrative Rule Fiscal Impact Statement

Date: September 11, 2018

Agency: Environmental Protection Commission (Commission)/Department of Natural Resources (Department)

IAC Citation: 567 IAC Chapters 20, 22, 23 and 25

Agency Contact: Christine Paulson

Summary of the Rule:

The proposed air quality rule changes will:

1) Reduce the cost of government, while providing streamlined services to the public and regulated community.

2) Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility. The proposed rules will implement a portion of the Department's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2). The proposed rule changes continue previous efforts to identify rules that can be rescinded or amended for air quality programs. The proposed rules achieve a purpose similar to the Regulatory Certainty rulemaking packages adopted earlier this year and in 2017.

3) Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities.

Fill in this box if the impact meets these criteria:

No Fiscal Impact to the State.

Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.

Fiscal Impact cannot be determined.

Brief Explanation:

The Department will use existing budget and resources to implement the rule.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2015)</u>	<u>Year 2 (FY 2016)</u>
Revenue by Each Source:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify)	\$0	\$0
	<hr/>	<hr/>
TOTAL REVENUE	\$0	\$0
Expenditures:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify)	\$0	\$0
	<hr/>	<hr/>
TOTAL EXPENDITURES	\$0	\$0
NET IMPACT	\$0	\$0

This rule is required by State law or Federal mandate.

Please identify the state or federal law:

The rule change will implement Iowa Code section 455B.133, as well as the United States Clean Air Act sections 110 (42 USC §7410), 111 (42 USC §7411) and 112 (42 USC §7412).

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

The Department will use existing resources at this time.

Fiscal impact to Persons Affected by the Rule

After analysis and review, the Department has determined that most of the proposed changes will have a neutral fiscal impact on private sector jobs. The Department does note that some of the rules may benefit the private sector because they streamline current air quality programs. Affected businesses and the public benefit from up-to-date air quality requirements and increased effectiveness. These changes also implement a portion of the Department's 5-year rules review plan as required under Iowa Code section 17A.7(2).

Electronic Emissions Reporting

To simplify the reporting requirements for industry, increase reporting efficiency and reduce cost to the state the Department is proposing to require the use of electronic reporting for all Title V facilities, beginning with reports due to the Department by March 31, 2019.

Facilities required to obtain Title V permits are required to annually report actual air pollution emissions. "Title V facilities" are those that are permitted to emit over 100 tons of air pollution annually (or significant levels of specified hazardous air pollutants). There are currently 289 Title V facilities in Iowa, including electric generating utilities, grain processing facilities, manufacturing plants, and others.

The Department has since 2002 offered an electronic submission system for reporting air pollution emissions. In 2015, SLEIS (the State and Local Emissions Inventory System) was introduced, offering a significantly more streamlined method for reporting. This year, 82% of Title V facilities submitted their inventories on SLEIS.

The transition to electronic reporting will make air emissions information more quickly available to industry seeking to build new facilities or expand existing facilities, and to the public because the Department will be able to access and provide to stakeholders emissions data electronically. Additionally, electronic reporting will reduce the cost to the state because Department staff will no longer need to data-enter this information prior to providing it in the annual federally required emissions report.

Because SLEIS is available online, the only cost to facilities that have not already transitioned to electronic reporting will be the time for employees to complete on-demand training online, or to attend the optional annual in-person training. (Please see the attached Support Document for more information.)

Address Updates

The proposed rule changes also update several references for the new location and mailing address of the Department's Air Quality Bureau.

Consistency with Federal Regulations

Additionally, the proposed rules adopt the most current EPA methods for measuring air pollutant emissions (stack testing and continuous monitoring). By adopting federal updates into state rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations.

Fiscal impact to Persons Affected by the Rule (continued)

Adoption of NSPS, NESHAP and Emission Guidelines

For the adoption of new and amended NSPS, NESHAP and Emission Guidelines, the Department has determined that there may be fiscal impacts to Iowa businesses. However, the proposed amendments are only implementing federally mandated regulations. The amendments are identical to the federal regulations, and would not impose any regulations on Iowa businesses not already required by federal law.

In some cases, the revised federal standards proposed for adoption provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private sector jobs. Further, the proposed amendments allow the Department rather than EPA to be the primary agency to implement the standards in Iowa, thereby allowing the Department to provide compliance assistance to affected facilities.

The Department estimated potential impacts from adopting the new and revised federal NSPS, NESHAP and Emission Guidelines, as described below.

Sewage Sludge Incineration –NSPS (new facilities) and Emission Guidelines (existing facilities)

Currently, one existing facility is subject to the Emission Guidelines and no facilities are subject to the NSPS. The Commission is adopting these standards by reference so that requirements are no more or less stringent than federal regulations. The currently affected facility and any facilities affected in the future may incur additional costs to control emissions of mercury, dioxin/furans, lead, cadmium and particulate matter. Reconsiderations and the litigation of the federal standards initially published in 2011 have recently been resolved.

Portland Cement Manufacturing – Revised NESHAP

EPA's amendments to this NESHAP reflect corrections and clarifications of the previous rule requirements and provisions. EPA states that the amendments results in improved monitoring, compliance, and implementation of the rule, potentially resulting in cost savings for affected facilities. This NESHAP affects three facilities in Iowa. (One of these facilities is currently idled.)

Other Revised NESHAPs

At this time, no facilities in Iowa are affected by the following federal NESHAP amendments proposed for adoption. However, new facilities, or existing facilities that change their production lines, could become subject to these NESHAPs in the future.

- Phosphoric Acid Manufacturing and Phosphate Fertilizer Production
- Offsite Waste and Recovery Operations
- Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicemical Pulp Mills
- Wool Fiberglass Manufacturing

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

Linn County and Polk County have state-approved local air quality programs, and would likely adopt changes to their ordinances and procedures that match any changes to state rules. If a city or county government were subject to the air quality rules being amended, the local governments would be affected in the same manner as described above for industries and businesses.