November 20, 2018

Jim Gulliford
Regional Administrator
U.S. Environmental Protection Agency Region VII
11201 Renner Blvd
Lenexa, KS 66219

Dear Regional Administrator Gulliford:

The Iowa Department of Natural Resources (DNR) requests revisions to the Iowa State Implementation Plan (SIP) to address implementation of the 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

The notice of public comment period and public hearing for the SIP was published in the Legal Notice section of the Des Moines Register on September 18, 2018. The public hearing was held on October 19, 2018. Two written comments were received during the public comment period. A copy of this information is included in the Public Comment and Hearing section of the SIP submittal.

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

Sincerely,

Bruce Trautman
Acting Director
Iowa Department of Natural Resources

Enclosures
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. 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.

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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))

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. 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. 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

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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).](image)

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.

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\(^6\) 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, 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

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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, memo 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 memo 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 document 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. 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. According to the data provided in Table 3 of the August 31, 2018 memo, for the

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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 Tsirigotis, 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)(ii), and it fulfills the notification requirements of Section 110(a)(2)(D)(iii).

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)(iii). 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 calendar\(^\text{14}\) 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\textsubscript{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,
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) 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

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


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**  |  **ACCOUNT #**  |  **PAYMENT DUE DATE**  
---|---|---
Ia Dept Of Natural Resources  |  69095  |  October 20, 2018

**BILLING ACCOUNT NAME AND ADDRESS**  
IA DEPT OF NATURAL RESOURCES  
502 E 9TH ST  
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Ia Dept Of Natural Resources  |  69095  |  October 20, 2018  |  $156.84

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$37.67  |  $0.00  |  $0.00  |  $0.00  |  $119.17  |  $0.00  |  $156.84

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Iowa drops claims that 2 teachers cheated

Mackenzie Ryan | The Des Moines Register

Iowa agency that oversees teachers has dropped its claims against two former school administrators who were accused of cheating on a college master’s degree.

"It has been a year and a half since the charges were filed," Iowa State Education Association said. "We support these teachers and are disappointed in the outcome of this case."

Wills was accused of submitting false information on an online application to earn a master's degree. Shaver was accused of submitting false information on an online application to earn a master's degree.

The Iowa Board of Educators reviewed the case and found both teachers guilty of professional misconduct. The board lifted the conditions on their licenses."The outcome of this case is a win for all concerned," Iowa State Education Association said. "We support these teachers and are disappointed in the outcome of this case."

Wills testified that he produced all the information for the degree. He said he sent the assignments over email and he was told it would be sent to him via email. He said he was told he would receive an email from his professor via email. He said he was told it would be sent to him via email. He said he was told he would receive an email from his professor via email.

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