State Implementation Plan Revision to Address the Requirements of Clean Air Act Section 110(a)(2)(D)(i)(I) for the 2010 NO₂ NAAQS

Final
March 1, 2017

Background
The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for specific pollutants known as criteria pollutants. The CAA also requires EPA to periodically review and update the NAAQS as necessary to ensure the standards provide adequate health and environmental protection. On January 22, 2010, EPA promulgated a revision to the nitrogen dioxide (NO₂) NAAQS by establishing a new primary 1-hour standard of 100 parts per billion (ppb).

This NAAQS revision was published in the Federal Register on February 9, 2010 (75 FR 6473).

Each time EPA establishes a new or revises an existing NAAQS each state must adopt and submit a revision to their State Implementation Plan (SIP) to provide 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.

On July 23, 2013, the Iowa Department of Natural Resources (DNR) submitted an Infrastructure SIP to EPA for the new 1-hour NO₂ standard. At that time the DNR was unable to address the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 1-hour NO₂ NAAQS due to ongoing litigation and associated regulatory uncertainty. Now that the litigation and regulatory uncertainty has been resolved the DNR is submitting a SIP revision to fulfill the CAA section 110(a)(2)(D)(i)(I) obligations for the 1-hour NO₂ NAAQS.

Section 110(a)(2)(D)(i)(I) SIP Amendment
This section of the CAA requires that a state’s SIP:
“(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”

On February 17, 2012 (77 FR 9532) EPA published air quality designations for the 2010 1-hour primary NO₂ NAAQS. In that action EPA designated all areas in the country as “unclassifiable/attainment” and no

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1 EPA also retained the existing 53 ppb annual standard. In a separate action on the secondary NO₂ NAAQS (77 FR 20217, April 3, 2012) EPA retained the 53 ppb annual standard and did not include the 1-hour standard as a secondary standard.

2 In general this refers to: (1) Supreme Court case No. 12–1182 (Environmental Protection Agency et al. v. EME Homer City Generation, L. P., et al.) decided on April 29, 2014, and remanded to the D.C. Circuit Court; and (2) the subsequent D.C. Circuit Court decision on July 28, 2015, in case No. 11-1302.
areas have subsequently been designated nonattainment or identified as maintenance areas for the 2010 1-hour NO₂ standard. Therefore, Iowa’s SIP adequately prohibits Iowa sources from significantly contributing to nonattainment or interfering with maintenance of the primary 2010 1-hour NO₂ NAAQS in any other State.

**Administrative Materials**
The submittal of this SIP revision complies with the procedural elements of Subpart F of 40 CFR 51 and the applicable criteria in Appendix V of 40 CFR 51.

**Legal Authority**
The DNR’s authority for protecting the environment is provided under Iowa Code §455B.133 and 455B.134. Additional information can be found in the State’s initial 2010 1-hour NO₂ infrastructure SIP, submitted July 23, 2013.

**Evidence of Public Notice & Public Hearing Certification**
The public comment period commenced on January 12, 2017, with the publication of the notice in both the printed and online versions of *The Des Moines Register* (proof of publication is provided below). The public comment period lasted 35 days with comments due by February 15, 2017. The notice and the State of Iowa Public Meeting Calendar each announced the public hearing that was held February 14, 2017.

**Response to Comments**
No comments were received at the public hearing or during the public comment period.
Proof of Publication
**STATEMENT FOR ADVERTISING**

**CLIENT NAME:**

**IOWA DNR**  
**ATTN: Office Manager**  
**7300 Michigan Rd SUITE 1**  
**Windsor Heights IA 50324-4432**

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**AMOUNT DUE:**

- **DUE DATE:** 02/13/17
- **AMOUNT DUE:** 99.12
- **FOR THE PERIOD:** 12/26/16 - 01/29/17

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**DATE** | **DL#** | **BILLING DEPARTMENT** | **DATE AD PAID** | **TOTAL DUE** | **RATE** | **AMOUNT** |
---|---|---|---|---|---|---|
12/26 | 0104 | BALANCE ENCLOSED | 91 | 176.19 | 176.19 |
12/26 | 0100 | PAYMENT - THANK YOU | 91 | 150.78 | 150.78 |
01/12 | 0100 | Cargill Rd Public Notice Low | 91 | 44.18 | 44.18 |
01/12 | 0100 | Johnson, W Public Notice Low | 91 | 35.33 | 35.33 |

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**RECEIVED:** 01/08/17

**IOWA AIR QUALITY**

**CURRENT** | **OVER 30 DAYS** | **OVER 60 DAYS** | **OVER 90 DAYS** | **OVER 120 DAYS** | **TOTAL DUE** |
---|---|---|---|---|---|
36.54 | 68.58 | 0.00 | 0.00 | 0.00 | 99.12 |

**ALL ACCOUNTS ARE DUE 15 DAYS AFTER THE END OF THE BILLING PERIOD**

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**CUSTOMER NUMBER:** 22054401  
**CUSTOMER NAME:** IOWA DNR  
**INVOICE NUMBER:** 0020080367  
**DUE DATE:** 02/13/17