

Air Quality Construction Permit Amnesty for Engines

October 23, 2013

General Information

For facilities that don't have the required permits for engines that have been installed or modified, or that have not submitted required notifications or registrations, the DNR is providing an opportunity to comply with these requirements without DNR enforcement actions and penalties.

Because the Iowa Department of Natural Resources (DNR) has recently adopted the federal National Emission Standard for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE) (40 Code of Federal Regulations Part 63, Subpart ZZZZ), the DNR would like to provide facilities with an opportunity to come into compliance with construction permit requirements. The effective date of the Iowa adoption is October 23, 2013.

The DNR wants to assist facilities in complying with all applicable regulations including air quality construction permit requirements. A construction permit from the DNR is required prior to installing, constructing, modifying, or operating equipment that emits regulated air pollutants, unless the equipment meets a permit exemption. Certain permit exemptions require a notification or registration.

Who is eligible for the amnesty?

All facilities are eligible for the DNR amnesty. Polk and Linn County have their own air quality permitting and enforcement programs. The Polk and Linn County Air Quality Divisions are extending the amnesty from enforcement action and penalties to facilities in their counties. However, facilities in Polk and Linn County will be responsible for paying as-built permit fees and any delinquent annual operating/registration fees. If you have questions about permit requirements in these counties please contact the agencies listed below.

Polk County Air Quality Division: 515-286-3705

Linn County Air Quality Division: 319-892-6000

Amnesty from what?

During the amnesty period, the DNR will not take enforcement action or assess a penalty at facilities that failed to obtain a construction permit or permit modification for an engine in accordance with 567 IAC 22.1(1). In addition, the DNR will not take enforcement action or assess a penalty at facilities that failed to submit a required exemption "g" notification form or exemption "r" registration form for an engine in accordance with 567 IAC 22.1(2).

Are any violations not covered by the amnesty?

Violations of the RICE NESHAP are not covered by this amnesty. In addition, any violations of 567 IAC Chapter 33 Construction Permitting Requirements for Major Stationary Sources - Prevention of Significant Deterioration (PSD) of Air Quality are not covered.

Which engines are required to have construction permits?

- A construction permit is required for any engine rated at 400 HP or greater installed or modified after September 23, 1970, unless the engine meets a permit exemption.

- Facilities should review their engines and determine if an air quality construction permit, notification, or registration is required in accordance with 567 Iowa Administrative Code (IAC) 22.1. The rules can be viewed at <https://www.legis.iowa.gov/DOCS/ACO/IAC/LINC/8-21-2013.Rule.567.22.1.pdf>
- Construction permit exemptions that could apply to engine installation or modification:
 - Exemption “d” covers “Equipment used for cultivating land, harvesting crops, or raising livestock other than anaerobic lagoons.” This equipment could include engines.
 - Exemption “g” covers “Equipment or control equipment which reduces or eliminates all emission to the atmosphere.” Control equipment installed on an engine to comply with the RICE NESHAP may qualify for this exemption, if the stack is not moved or significantly altered. Exemption “g” requires that a notification be submitted to DNR 30 days prior to installation of control equipment.
 - Exemption “r” covers “An internal combustion engine with a brake horsepower rating of less than 400.” If the engine was installed after March 18, 2009, a registration form should have been submitted to DNR.
 - Exemption “w,” the “small unit exemption (SUE)” covers emission units that meet the definition of “small unit.” Engines with substantive NESHAP requirements are not eligible to use the SUE. DNR has determined that emergency engines subject to maintenance requirements and non-emergency engines subject to emission limits under the RICE NESHAP are not eligible to use the SUE. If the SUE is being used for an engine that is no longer eligible because of the RICE NESHAP, and the engine does not qualify for another permit exemption, a construction permit must be obtained.
 - Exemption “oo” covers non-road diesel fueled engines, rated at less than 1100 brake horsepower, used to conduct periodic testing and maintenance on natural gas pipelines.
- If you have questions about DNR permit requirements, call the construction permit help line at 1-877-AIR-IOWA.
- Polk and Linn County rules are similar, but do not offer the same exemptions as 567 IAC 22.1. Facilities can access the Polk County rules online at <http://www.polkcountyiowa.gov/airquality/> and the Linn County rules at <http://www.linncleanair.org/Default.aspx>.

How can I apply for the amnesty?

Complete one of the following for each engine by April 23, 2014:

- 1) If a facility determines it does not have the required permit for an engine, a complete construction permit application must be submitted to the DNR by **April 23, 2014**. Instructions and permit application forms can be found at: <http://www.iowadnr.gov/InsideDNR/RegulatoryAir/ConstructionPermits/ApplicationForms.aspx>

For Polk County facilities: <http://www.polkcountyiowa.gov/airquality/forms-resources/>
For Linn County facilities: <http://www.linncleanair.org/Content/Business-Industry/Resources.aspx>
- 2) If a facility determines it has not submitted a required exemption “g” notification, the notification must be submitted to the DNR by **April 23, 2014**. A form that can be used to fulfill this requirement is available on the DNR webpage at <http://www.iowadnr.gov/InsideDNR/RegulatoryAir/AirToxics-NESHAP.aspx>. Click on the

“Reciprocating Internal Combustion Engines” tab, and look under the heading “Notification Requirement for Installation of Control Equipment on Existing Engines.”

- 3) If a facility determines it has not submitted a required exemption “r” small engine registration, the registration must be submitted to the DNR by **April 23, 2014**. Registration forms are available on the DNR webpage at <http://www.iowadnr.gov/InsideDNR/RegulatoryAir/AirToxics-NESHAP.aspx>. Click on the “Reciprocating Internal Combustion Engines” tab, and look under the heading “Registration Requirement for New Engines Smaller than 400 Horsepower.”

For Linn County facilities: <http://www.linncleanair.org/Content/Regulations/Requirements-for-Stationary-Internal-Combustion-Engines.aspx>

How long does the amnesty last?

If a complete construction permit application is submitted by April 23, 2014, the amnesty expires when the construction permit is issued for the existing unit. The amnesty for the exemption “g” notification requirement and exemption “r” registration requirement expires on April 23, 2014. If you have questions about the timing or scope of the amnesty, contact Brian Hutchins at 515-725-9550 or brian.hutchins@dnr.iowa.gov.