

Item 1 amends subrule 22.1(4) to add a reference that fees for construction permits are located in Chapter 30.

ITEM 1. Amend subrule **22.1(4)** as follows:

22.1(4) ~~Reserved.~~ [Construction permit application fees. An owner or operator required to apply for a construction permit under 567—subrule 22.1\(1\) shall pay an application fee as set forth in 567—Chapter 30 \(455B\).](#)

Item 2 amends rule 567—22.4(455B) to add a reference that prevention of significant deterioration (PSD) fees for construction permits are located in Chapter 30.

ITEM 2. Amend rule **567—22.4(455B)** as follows:

567—22.4(455B) Special requirements for major stationary sources located in areas designated attainment or unclassified (PSD). As applicable, the owner or operator of a stationary source shall comply with the rules for prevention of significant deterioration (PSD) as set forth in 567—Chapter 33. [An owner or operator required to apply for a construction permit under 567—22.4 \(455B\) shall pay fees as set forth in 567—Chapter 30 \(455B\).](#)

Item 3 amends rule 567—22.5(455B) to add a reference that nonattainment major new source review (NSR) fees are located in Chapter 30.

ITEM 3. Amend rule **567—22.5(455B)** as follows:

567—22.5(455B) Special requirements for nonattainment areas. As applicable, the owner or operator of a stationary source shall comply with the requirements for the nonattainment major NSR program as set forth in rule 567—31.20(455B). [An owner or operator required to apply for a construction permit under 567—22.5 \(455B\) shall pay fees as set forth in 567—Chapter 30 \(455B\).](#)

Item 4 amends the definition “Regulated air pollutant or contaminant (for fee calculation),” in rule 567—22.100 (455B) to clarify that greenhouse gases are not subject to annual emissions fees under the Title V operating permit program.

ITEM 4. Amend the definition “Regulated air pollutant or contaminant (for fee calculation),” in rule **567—22.100 (455B)** as follows:

“*Regulated air pollutant or contaminant (for fee calculation)*,” which is used only for purposes of ~~subrule~~[chapter 567—22.10630.4](#)(455B), means any “regulated air pollutant or contaminant” except the following:

1. Carbon monoxide;
2. Particulate matter, excluding PM10;
3. Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act;
4. Any pollutant that is a regulated pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act;
- [5. Greenhouse gas, as defined in rule 20.2\(455B\).](#)

Item 5 amends rule 567—22.104 (455B) by adding a new subrule to direct Title V operating permit applicants that the fee information for the Title V operating permit program is in Chapter 30.

ITEM 5. Amend rule **567—22.104 (455B)** by adopting a new subrule as follows:

[22.104\(3\) Title V permit fees are set forth in 567—Chapter 30.](#)

Item 6 amends subrule 22.105(2) to provide the fee information for the Title V operating permit program is in Chapter 30.

ITEM 6. Amend subrule **22.105(2)** as follows:

22.105(2) *Standard application form and required information.* To apply for a Title V permit, applicants shall complete the standard permit application form available only from the department of natural resources and supply all information required by the filing instructions found on that form. [An application fee is due at the time of submittal and is set forth in 567—30\(455B\).](#) The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule 567—22.106(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraphs 22.101(1)“c” and “d,” then the information provided in the operating permit application may cover only the emissions units that trigger Title V applicability. The applicant shall submit the information called for by the application form for each emissions unit to be permitted, except for activities which are insignificant according to the provisions of rule 567—22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity. Nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:

Item 7 amends rule 567—22.106(455B) to move the existing Title V operating permit emission fee to Chapter 30 and adds a reference to the Chapter 30.

ITEM 7. Amend rule **567—22.106(455B)** as follows:

567—22.106(455B) Title V fees. [Title V fees are set forth in 567—Chapter 30 \(455B\).](#)

Item 8 amends subrule 22.108(10) to update Title V operating permit’s general condition language to refer to Chapter 30 for fees.

ITEM 8. Amend subrule **22.108(10)** as follows:

22.108(10) Fees. The owner or The permit shall include a provision to ensure that the Title V permittee pays fees to the director pursuant to rule ~~567—22.106(455B)~~ [567—Chapter 30 \(455B\)](#).

Item 9 amends paragraph 23.1(3) “a” to add a notification fee for the asbestos demolition and renovation program. Exemptions from the fees are for notifications not subject to the federal standards, modifications to previously submitted notifications, and notifications of fire department training fires.

ITEM 9. Amend paragraph **23.1(3) “a”** as follows:

a. Asbestos. Any of the following involves asbestos emissions: asbestos mills, surfacing of roadways, manufacturing operations, fabricating, insulating, waste disposal, spraying applications and demolition and renovation operations. [Any person who submits an asbestos notification of demolition and renovation as required under 40 C.F.R. 61 shall pay a fee as set forth in 567—30 \(455B\).](#) (Subpart M)

Item 11 rescinds Chapter 30 and adopts a new Chapter 30 to specify air quality program fees.

ITEM 11. Rescind **Chapter 30** and adopt a new Chapter 30 as follows:

CHAPTER 30:

~~TEMPORARY AIR TOXICS FEE~~ FEES

567—30.1(455B) Purpose. This chapter sets forth the fee structure within Title II of 567 Iowa Administrative Code for the department’s air pollution control program. Rule 567—30.X (455B) contains provisions for application fees for permitting programs found in Chapters 22, 31, and 33 and fees for applicability determinations and ambient air assessment. Rule 567—30.X (455B) contains requirements for demolition and renovation notification fees for the asbestos emission standard for hazardous air pollutants listed in paragraph 23.1(3) “a”. Rule 567—30.X (455B) contains requirements for annual fees for the Title V operating permit program.

Failure to submit an application or notification fee as specified in in this chapter renders the application incomplete and the department shall suspend processing of the application until the fee is received. Fees are nonrefundable.

567—30.2 Application, applicability determinations, and modeling fees required.

An owner or operator who submits an application under rule 567—22.1, 567—22.104-105, 567—Chapter 31, or 567—Chapter 33, for a permit or permits, applicability determination, or dispersion modeling review shall submit with the application the appropriate fee as follows:

30.2 (1) *Minor Source Fees.* Beginning July 1, 2015, any person not required to obtain a Title V permit shall pay fees for application, applicability determinations, notifications, and modeling fees as follows. The department, a minor source stakeholder group established by the director, and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget and fee structure for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than

the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee.

a. Fee calculation. The fee amount or amounts shall be calculated based on the cost of application permit review and issuance for construction of new and modified minor sources of air contaminants, including but not limited to ambient air assessments.

b. Fee and documentation due dates.

(1). The fee shall be submitted with each application for permit, template, notification, or registration.

(2). Correction of errors. If an owner or operator, or the department, finds an error in an issued permit or fee payment, the owner or operator shall submit to the department revised forms making the necessary corrections to the application or fee payment. Forms shall be submitted as soon as possible after the errors are discovered or upon notification by the department.

30.2 (2) Major Source Fees. Beginning July 1, 2015, any person required to obtain a Title V permit shall pay fees for application, applicability determinations, and modeling fees as follows. The department, a major source stakeholder group established by the director, and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget and fee structure for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee.

a. Fee calculation. The fee amount or amounts shall be calculated based on the cost of application permit review and issuance for construction of new and modified minor sources of air contaminants, including but not limited to ambient air assessments.

b. Fee and documentation due dates.

(1). The fee shall be submitted with each application for permit, template, notification, or registration.

(2). Correction of errors. If an owner or operator, or the department, finds an error in an issued permit or fee payment, the owner or operator shall submit to the department revised forms making the necessary corrections to the application or fee payment. Forms shall be submitted as soon as possible after the errors are discovered or upon notification by the department.

30.2(3) Asbestos notification of demolition and renovation fee. For notifications required under paragraph 23.1(3) “a,” applicants shall submit a fee with each notification. The fee shall be determined annually in the process identified in 30.2(1).

30.3(1) A fee is not required for the following:

- a. Notifications reporting the total amount of asbestos to be removed or disturbed is less than 260 linear feet, 160 square feet or 35 cubic feet of facility components and is below the reporting thresholds as defined in [40 CFR 61.145](#) as amended on January 16, 1991.
- b. Modifications to previously submitted notifications.
- c. State agencies or municipal fire departments notifying the department of training fires.

567—30.3 Title V Operating Permit Application and Annual fees required.

30.3(1). Title V application fee. Any person required to apply for a Title V permit shall pay an application fee. The fee shall be determined in accordance with 30.2(2).

30.3(2) Title V emission fee. Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emissions of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on or before July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than \$56 \$XX per ton without adopting the change pursuant to formal rule making.

a. Fee calculation. The fee amount shall be calculated based on the first 4,000 tons of each regulated air pollutant or contaminant emitted each year from each major source.

b. Fee and documentation due dates.

(1). The fee shall be submitted annually by July 1. For emissions located in Polk County or Linn County, the fee shall be submitted with three copies of the following forms. For emissions in all remaining counties, the fee shall be submitted with two copies of the following forms:

1. Form 1.0 “Facility identification”;
2. Form 5.0 “Title V annual emissions summary/fee”; and

3. Part 3 “Application certification.”

(2). For emissions located in Polk County or Linn County, three copies of the following forms shall be submitted annually by March 31 documenting actual emissions for the previous calendar year. For emissions in all other counties, two copies of the following forms shall be submitted:

1. Form 1.0 “Facility identification”;
2. Form 4.0 “Emission unit—actual operations and emissions” for each emission unit;
3. Form 5.0 “Title V annual emissions summary/fee”; and
4. Part 3 “Application certification.”

Alternatively, an owner or operator may submit the required emissions inventory information through the electronic submittal format specified by the department.

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.

(c) Phase I acid rain sources. No fee shall be required to be paid for emissions which occur during the years 1993 through 1999 inclusive, with respect to any Phase I acid rain affected unit under Section 404 of the Act.

(d) Operation in Iowa. The fee for a portable emissions unit or stationary source which operates both in Iowa and out of state shall be calculated only for emissions from the source while operating in Iowa.

(e) Title V exempted stationary sources. No fee shall be required to be paid for emissions until the year in which sources exempted under subrules 22.102(1) and 22.102(2) are required to apply for a Title V permit. Fees shall be paid for the emission year preceding the year in which the application is due and thereafter.

(f) Insignificant activities. No fee shall be required to be paid for insignificant activities, as defined in rule 567–22.103(455B).

(g) Correction of errors. If an owner or operator, or the department, finds an error in a Title V emissions inventory or Title V fee payment, the owner or operator shall submit to the department revised forms making the necessary corrections to the Title V emissions inventory or Title V fee payment. Forms shall be submitted as soon as possible after the errors are discovered or upon notification by the department.