

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

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ITEM

6

DECISION

TOPIC

**Notice of Intended Action: Air Quality Rules Update - Chapters 20, 22, 23, 25, and 28**

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The Commission is requested to approve this Notice of Intended Action to amend Chapter 20, “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 22 “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” Chapter 25, “Measurement of Emissions,” and Chapter 28, “Ambient Air Quality Standards,” of the Iowa Administrative Code (IAC).

#### **Purpose of Proposed Rule Changes**

The proposed rulemaking adopts several new and revised federal air quality standards. The proposed amendments are identical to the federal regulations and do not impose any regulations on Iowa businesses not already required by federal law. Additionally, the proposed rule changes will ensure that Iowa is consistent with federal law and not any more stringent.

Adopting EPA’s amendments provides certainty to affected businesses and other interested stakeholders. The updates also allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa and to provide compliance assistance and outreach to affected facilities.

The proposed rulemaking implements a portion of the Department’s 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2).

#### **Summary of Proposed Rule Changes**

The proposed amendments adopt updated federal new source performance standards (NSPS) and air toxics standards, also known as National Emissions Standards for Hazardous Air Pollutants (NESHAP). These federal standards are mandatory so they apply whether they are adopted into state regulation or not; however, by incorporating these terms into state rules, the Department can continue to be a delegated authority under the federal Clean Air Act. Please refer to Table 1 in the attached Notice of Intended Action (pages 6-7) for more information on the specific NESHAP standards proposed for adoption.

The proposed amendments also adopt minor corrections to federal test methods, a new hazardous air pollutant promulgated by EPA, and the 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

#### **Stakeholder Engagement**

The informal public input on the draft rule making package took place between August 16 – 31, 2022. The Department announced the public input period through the Air Quality e-newsletter (GovDelivery) and posted the draft proposal on its air quality public input page ([iowadnr.gov/airpublicinput](http://iowadnr.gov/airpublicinput)). The e-newsletter currently has over 25,000 subscribers including industry, business associations, trade groups, small businesses, state and federal agencies, and many other organizations and individuals. During the informal input period, the Department received one comment in favor of adopting the new federally designated hazardous air pollutant, one comment from EPA Region 7 with two minor corrections, and one comment that was outside the scope of the rulemaking.

#### **Public Comments and Public Hearing**

If the Commission approves the proposed rulemaking, the Department will hold a public hearing on Monday, December 5, 2022, at 1:00 pm, in which participants may participate virtually and by phone. Persons who wish to attend the public hearing should contact Jessica Reese McIntyre at [jessica.reesemcintyre@dnr.iowa.gov](mailto:jessica.reesemcintyre@dnr.iowa.gov) or by phone at 515-725-9547. The public hearing information will also be provided through the Air Quality e-newsletter (GovDelivery) and on the air

quality public input webpage ([iowadnr.gov/airpublicinput](http://iowadnr.gov/airpublicinput)). The Department will accept written public comments until 4:30 pm on December 5, 2022.

Christine Paulson, Environmental Specialist Senior  
Program Development and Support Section, Air Quality Bureau  
Environment Services Division  
Memo date: October 11, 2022

## **ENVIRONMENTAL PROTECTION COMMISSION [567]**

### **Notice of Intended Action**

#### **Rule making related to air quality**

The Environmental Protection Commission (Commission) hereby amends Chapter 20, “Scope of Title—Definitions,” Chapter 22, “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” Chapter 25, “Measurement of Emissions,” and Chapter 28, “Ambient Air Quality Standards,” Iowa Administrative Code.

#### **Legal Authority for Rule Making**

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

#### **State or Federal Law Implemented**

This rule making implements, in whole or in part, Iowa Code sections 455B.133 and 455B.134.

#### **Purpose and Summary**

This rule making proposes to adopt several new mandatory federal air quality standards. These amendments are identical to the federal regulations, and the amendments do not impose any regulations on Iowa businesses not already required by federal law. Additionally, the adoption of these proposed amendments will ensure that Iowa’s administrative rules are consistent with federal regulations and not any more stringent.

More specifically, the proposed amendments adopt updated federal new source performance standards (NSPS) and air toxics standards, also known as National Emissions Standards for Hazardous Air Pollutants (NESHAP). These standards apply whether they are adopted into state regulation or not; however, by incorporating these terms into the State’s rules,

the Department of Natural Resources (Department) can continue to be a delegated authority under the Clean Air Act (CAA). This allows the Department, rather than the U.S. Environmental Protection Agency (EPA), to be the primary compliance and implementation agency in Iowa.

In more detail, this rule making proposes the following eight amendments:

Item 1 amends rule 567—20.2(455B), definition of “EPA reference method,” to adopt the most current EPA methods for measuring air pollutant emissions, performance testing (sometimes called “stack testing”), and continuous monitoring. EPA’s revisions to 40 Code of Federal Regulations (CFR) Part 60 to correct regulations for source testing of emissions was published in the Federal Register on February 16, 2021 (*see* 86 Fed. Reg. 9470 (Feb. 16, 2021)). EPA states that the final amendments correct errors for one of the test methods in 40 CFR Part 60, Appendix A. Adopting EPA’s updates ensure that state reference testing methods match current federal reference methods and are no more stringent than the federal methods.

The amendment in Item 2 is proposed concurrently with the amendment in Item 1. It revises the definition of “EPA reference method” in rule 567—22.100(455B) to similarly reflect updates to EPA testing and monitoring methods, which are the methods that apply to the Title V Operating Permit rules in Chapter 22.

The amendment in Item 3 proposes to add a new chemical to the definition of “hazardous air pollutant” in rule 567—22.100(455B). On January 5, 2022, EPA published a final rule to add 1-bromopropane (1-BP) to the CAA’s list of hazardous air pollutants (HAP). The addition of 1-BP, also known as n-propyl bromide, is the first time the EPA has added a new compound to the HAP list since Congress provided the original HAP list in the 1990 CAA Amendments.

A wide variety of industries may be impacted by the listing of 1-BP, which is primarily used as a cleaning solvent in solvent cleaning machines or as an applied solvent (e.g., wipe

cleaning). 1-BP also has reported uses in both the manufacturing process and the final cleaning of metal and plastic parts.

A facility must include 1-BP in its potential emissions HAP inventory in construction permit applications as of February 4, 2022. Actual emissions of 1-BP are not required to be reported in Title V or minor source emissions inventories until 2023, for the 2022 emissions year. At this time, the Department is aware of only one facility that has reported actual or potential emissions of 1-BP.

More information on the short and long-term regulatory impacts of EPA's listing of 1-BP is available in the Department's electronic air quality newsletter, which was sent to over 25,000 subscribers on January 25, 2022, and is available on the Department's website at

<https://www.iowadnr.gov/About-DNR/DNR-News-Releases/ArticleID/3885/EPA-adds-1-bromopropane-1-BP-to-the-Clean-Air-Act-List-of-Hazardous-Air-Pollutants>.

The amendments in Items 4, 5, and 6 propose to adopt changes to the federal NSPS and NESHAP. The CAA obligates EPA to issue standards to control air pollution. The NSPS and NESHAP set federal standards and deadlines for industrial, commercial, or institutional facilities to meet uniform standards for equipment operation and air pollutant emissions.

Because the NSPS and NESHAP adopted by reference are federal regulations, affected sources are subject to the federal requirements regardless of whether the Commission adopts the standards into the State's rules. However, the CAA allows a state or local agency to implement NSPS and NESHAP as a delegated authority. Upon state adoption of the standards, the Department becomes the delegated authority for the specific NSPS or NESHAP and is the primary implementation agency in Iowa. Two local agencies, those in Polk County and Linn County, implement these standards within their counties.

The Commission's rules, including all compliance deadlines, are identical to the federal NSPS and NESHAP as of a specific federal publication date. With delegation authority and adoption of the federal standards into the State's rules and the rules of Polk County and Linn County, the State and local agencies have the ability to make applicability determinations for facilities, rather than referring these decisions to EPA.

Stakeholders affected by NSPS and NESHAP typically prefer for the Department, rather than EPA, to be the primary implementation agency in Iowa. Upon adoption of the new and amended standards, the Department will work with affected facilities to provide any needed compliance assistance. Additionally, affected area sources that are small businesses are eligible for free assistance from the small business technical assistance program.

In more detail, Item 4 amends subrule 23.1(2) to adopt by reference changes EPA made to the NSPS. As described in the amendment for Item 1 above, EPA corrected an error to a test method in 40 CFR Part 60, Appendix A. Additionally, on January 19, 2021, EPA amended the NSPS for Volatile Organic Liquid Storage Vessels (40 CFR Part 60, Subpart Kb). The amendments will allow facilities with certain equipment to elect to comply with the corresponding NESHAP requirements in lieu of the NSPS requirements.

#### **Risk and technology reviews for NESHAP (40 CFR Part 63)**

Most of EPA's amendments adopted in subrule 23.1(4) address the risk and technology reviews required under the CAA. The CAA requires EPA to address air toxics emissions from large industrial facilities (major sources) in two phases.

The first phase of review is "technology-based," where EPA develops standards for controlling the emissions of air toxics from sources in an industry group or "source category" (for example, industrial boilers). These maximum achievable control technology (MACT)

standards are based on emissions levels that controlled and low-emitting sources in an industry are already achieving.

The second phase of review is a “risk-based” approach called residual risk. In this step, EPA must determine whether more health-protective standards are necessary. Within eight years of setting the MACT standards, the CAA requires EPA to assess the remaining health risks from each source category to determine whether the MACT standards protect public health with an ample margin of safety and protect against adverse environmental effects. On this same schedule, the CAA also requires EPA to review the standards and, if necessary, revise them to account for improvements in air pollution controls or prevention. The combined review of public health risk and air pollution control is called the “risk and technology review” (RTR).

### **Impact of the NESHAP amendments**

For most of the recent NESHAP RTR updates, EPA has determined that the risks from emissions from affected source categories are acceptable and that there are no new cost-effective controls available. However, the updates do include revisions to the requirements for periods of startup, shutdown, and malfunction (SSM) and require electronic reporting of performance test results and compliance reports.

In some cases, EPA made minor amendments to correct errors, clarify requirements, and provide technical amendments. EPA also provided additional flexibilities in several of the final NESHAP RTRs, such as alternative testing methods or reduced monitoring. A few of the recent and upcoming NESHAP RTRs do include more substantive requirements for pollution control and monitoring.

Table 1 below identifies the amendments to the NESHAP source categories adopted by reference in amendments proposed in Item 5 and Item 6. The standards are identified by source

category and are listed in order of publication date in the Federal Register. The table also indicates the subpart in 40 CFR Part 63, as well as the associated paragraph in subrule 23.1(4). Additionally, the table indicates the number of facilities that the Department estimates are currently affected by the specific standard. The Commission is adopting standards that currently do not affect any Iowa sources in case a new facility of that type is constructed in the future.

**Table 1  
NESHAP Proposed for Adoption**

<b>NESHAP: Affected Source Category</b>	<b>Date Published in Federal Register</b>	<b>40 CFR 63 Subpart/Subrule 23.1(4) Paragraph</b>	<b>Estimated Iowa Facilities Affected</b>
Chemical Preparations Industry (Area Source)	12/30/2009*	BBBBBBB/“fb”	1
General Provisions	3/26/2021	A/“a”	N/A
Flexible Polyurethane Foam Fabrication Operations	11/18/2021	MMMMM/“dm”	0
Surface Coating of Automobiles and Light-Duty Trucks	11/19/2021	IIII/“ci”	0
Surface Coating of Metal Cans	11/19/2021	KKKK/“ck”	0
Boat Manufacturing	11/19/2021	VVVV/“cv”	0
Refractory Products Manufacturing	11/19/2021	SSSS/“ds”	0
Carbon Black Production and Cyanide Chemicals Manufacturing	11/19/2021	YY/“ay”	0
List of Hazardous Air Pollutants (Addition of 1-Bromopropane (1-BP))	2/4/2022	A/“a”	N/A
Mercury Cell Chlor-Alkali Plants	5/6/2022	IIII/“di”	0

\*The Commission did not adopt this NESHAP (Subpart BBBBBBB) upon EPA’s finalizing it because there were no affected Iowa facilities at that time. Recently, the Department became aware of one facility that is subject to this NESHAP. The Commission is now proposing to adopt the NESHAP to have the Department become the delegated authority for this federal regulation.

Item 7 amends subrule 25.1(9) to adopt the changes EPA made to the federal test methods for measuring emissions, as explained above for Item 1.

Item 8 amends rule 567—28.1(455B) to adopt the National Ambient Air Quality Standards (NAAQS) for ozone that were published in the Federal Register on October 26, 2015 (see 80 Fed. Reg. 65291-65468 (Oct. 26, 2015)). The Commission did not adopt the 2015 ozone NAAQS at the time of EPA promulgation due to active litigation of the 2015 standards. The substantive issues in the legal challenges have since been resolved and the Commission is now proposing to adopt the 2015 ozone NAAQS. All areas in Iowa are currently attaining the 2015 ozone NAAQS.

#### *Fiscal Impact*

After analysis and review of this rule making, these amendments will have no fiscal impact on the State of Iowa and a neutral impact on regulated facilities, the general public, or county or local governments. Some of the amendments may benefit the private sector because they streamline current air quality programs. Affected businesses and the public benefit from up-to-date air quality requirements and increased effectiveness. A copy of the fiscal impact statement is available from the Department upon request.

#### *Jobs Impact*

After analysis and review of this rule making, these amendments will have an overall neutral impact on private-sector jobs. Some of these amendments may benefit the private sector because they streamline current air quality programs. For the amendments specified in Items 4, 5, and 6, the Commission has determined that there may be job impacts on Iowa businesses. However, the amendments are only implementing federally mandated regulations, thus any

resulting impact originates at the federal level. These amendments are identical to the federal regulations and will not impose any regulations on Iowa businesses not already required by federal law. In some cases, the revised federal standards being adopted provide more flexibility and potential cost savings for affected businesses, offering a positive impact on private-sector jobs. A copy of the jobs impact statement is available from the Department upon request.

#### *Waivers*

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

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on Monday, December 5, 2022. Comments should be directed to:

Jessica Reese McIntyre  
Department of Natural Resources  
Wallace State Office Building  
502 East 9th Street  
Des Moines, Iowa 50319  
Email: [jessica.reesemcintyre@dnr.iowa.gov](mailto:jessica.reesemcintyre@dnr.iowa.gov)

#### *Public Hearing*

A public hearing at which persons may present their views orally will be held as follows. Persons who wish to attend the hearing should contact Jessica Reese McIntyre at [jessica.reesemcintyre@dnr.iowa.gov](mailto:jessica.reesemcintyre@dnr.iowa.gov). Instructions for meeting participation will be provided prior to the hearing. Persons who wish to make oral comments at the public hearing must submit a request to Ms. Reese McIntyre prior to the hearing to facilitate an orderly hearing.

Monday, Dec. 5, 2022 1 to 2 p.m.	Virtual hearing/teleconference
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Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to participate in the hearing and have special requirements, such as those related to hearing or vision impairments, should contact the Department and advise of specific needs.

*Review by Administrative Rules Review Committee*

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

The following rule-making actions are proposed:

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

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

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended or corrected through October 7, 2020); 40 CFR 60, Appendix A (as amended or corrected through ~~October 7, 2020~~)

February 16, 2021); 40 CFR 61, Appendix B (as amended or corrected through October 7, 2020); and 40 CFR 63, Appendix A (as amended or corrected through December 2, 2020).

2. No change.

**ITEM 2.** Amend rule **567—22.100(455B)**, the definition of “EPA reference method,” as follows:

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

1. Performance test (stack test). A stack test shall be conducted according to EPA reference methods specified in 40 CFR 51, Appendix M (as amended or corrected through October 7, 2020); 40 CFR 60, Appendix A (as amended or corrected through ~~October 7, 2020~~ February 16, 2021); 40 CFR 61, Appendix B (as amended or corrected through October 7, 2020); and 40 CFR 63, Appendix A (as amended or corrected through December 2, 2020).

2. No change.

**ITEM 3.** Amend rule **567—22.100(455B)**, the definition of “Hazardous air pollutant,” by adding the following **new** chemical in alphabetical order:

cas#	chemical name
106945	1-Bromopropane

**ITEM 4.** Amend subrule 23.1(2), introductory paragraph as follows:

**23.1(2) *New source performance standards.*** The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or

corrected through ~~October 7, 2020~~ February 16, 2021, are adopted by reference, except §60.530 through §60.539b (Part 60, Subpart AAA), and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. A different date for adoption by reference may be included with the subpart designation in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F), and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

**ITEM 5.** Amend subrule 23.1(4), introductory paragraph as follows:

**23.1(4)** *Emission standards for hazardous air pollutants for source categories.* The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended or corrected through ~~November 3, 2020~~ May 6, 2022, are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is in parentheses. A different date for adoption by reference may be included with the subpart designation in parentheses or as indicated in this introductory paragraph. 40 CFR Part 63, Subpart B, incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (~~Appendix A as amended or corrected through December 2, 2020~~), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F<sub>bio</sub>) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, “hazardous air pollutant” has the same meaning found in rule 567—22.100(455B). For the purposes of this subrule, a “major source” means any stationary source or group of stationary sources located within a contiguous

area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an “area source” means any stationary source of hazardous air pollutants that is not a “major source” as defined in this subrule. Paragraph 23.1(4)“a,” general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR Part 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

**ITEM 6.** Adopt new paragraph 23.1(4)“fb” as follows:

*fb. National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry.* This standard applies to chemical preparations at new and existing facilities that are area sources for hazardous air pollutant emissions. (*Part 63, Subpart BBBBBBB*)

**ITEM 7.** Amend subrule 25.1(9) as follows:

**25.1(9) Methods and procedures.** Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of 567—Chapter 23 or a permit condition are as follows:

*a. Performance test (stack test).* A stack test shall be conducted according to EPA reference methods as specified in 40 CFR 51, Appendix M (as amended or corrected through October 7, 2020); 40 CFR 60, Appendix A (as amended or corrected through ~~October 7, 2020~~

February 16, 2021); 40 CFR 61, Appendix B (as amended or corrected through October 7, 2020); and 40 CFR 63, Appendix A (as amended or corrected through December 2, 2020). The owner of the equipment or the owner's authorized agent may use an alternative methodology if the methodology is approved by the department in writing before testing. Each test shall consist of at least three separate test runs. Unless otherwise specified by the department, compliance shall be assessed based on the arithmetic mean of the emissions measured in the three test runs.

*b.* No change.

*c.* No change.

**ITEM 8.** Amend rule **567—28.1(455B)** as follows:

**567—28.1(455B) Statewide standards.** The state of Iowa ambient air quality standards shall be the National Primary and Secondary Ambient Air Quality Standards as published in 40 Code of Federal Regulations Part 50 (1972) and as amended at 38 Federal Register 22384 (September 14, 1973), 43 Federal Register 46258 (October 5, 1978), 44 Federal Register 8202, 8220 (February 9, 1979), 52 Federal Register 24634-24669 (July 1, 1987), 62 Federal Register 38651-38760, 38855-38896 (July 18, 1997), 71 Federal Register 61144-61233 (October 17, 2006), 73 Federal Register 16436-16514 (March 27, 2008), 73 Federal Register 66964-67062 (November 12, 2008), 75 Federal Register 6474-6537 (February 9, 2010), 75 Federal Register 35520-35603 (June 22, 2010), ~~and~~ 78 Federal Register 3086-3287 (January 15, 2013), and 80 Federal Register 65291-65468 (October 26, 2015). The department shall implement these rules in a time frame and schedule consistent with implementation schedules in federal laws and regulations.

This rule is intended to implement Iowa Code section 455B.133.

**Administrative Rules  
JOBS IMPACT STATEMENT**

**1. BACKGROUND INFORMATION**

<b>Agency:</b>	Environmental Protection Commission (Commission)/ Department of Natural Resources (Department)
<b>IAC Citation:</b>	567 IAC Chapters 20, 22, 23, 25, and 28
<b>Agency Contact:</b>	Christine Paulson (515) 725-9510; <a href="mailto:Christine.paulson@dnr.iowa.gov">Christine.paulson@dnr.iowa.gov</a>
<b>Statutory Authority:</b>	Iowa Code sections 455B.133 and 455B.134; and United States Clean Air Act Sections 110 (42 USC § 7410), 111 (42 USC § 7411), 112 (42 USC § 7412) and 501-507 (42 USC § 7661 - §7661f).
<b>Objective:</b>	Ensure Iowa's air quality rules are clear, effective, and consistent with federal law and not any more stringent, which provides important regulatory certainty to industry and other interested stakeholders.
<b>Summary:</b>	The proposed rule making adopts updated federal new source performance standards (NSPS), air toxics standards (NESHAP), and federal test methods to ensure that the Department continues to be a delegated authority under the federal Clean Air Act. This allows the Department, rather than the EPA, to be the primary compliance and implementation agency in Iowa. The proposed rule making also adopts a new hazardous air pollutant promulgated by EPA and the 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

**2. JOB IMPACT ANALYSIS**

<input type="checkbox"/> Fill in this box if impact meets these criteria:
<input checked="" type="checkbox"/> No Job Impact on private sector jobs and employment opportunities in the State. <i>(If you make this determination, you must include the following statement in the preamble to the rule: "After analysis and review of this rulemaking, no impact on jobs has been found.")</i>
<b>Explanation:</b> After analysis and review, it has been determined that the proposed amendments will have an overall neutral impact on private sector jobs and employment opportunities. Some of the rules may ultimately benefit the private sector because they streamline current air quality programs. Others may result in an unquantifiable jobs impact; however, because these are mandatory federal standards, any such impact would originate at the federal level.

<input type="checkbox"/> Fill in this box if impact meets either of these criteria:
<input type="checkbox"/> Positive Job Impact on private sector jobs and employment opportunities in the State.
<input type="checkbox"/> Negative Job Impact on private sector jobs and employment opportunities in the State.
<i>Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:</i>
<i>Categories of jobs and employment opportunities that are affected by the proposed rule:</i>
<i>Number of jobs or potential job opportunities:</i>
<i>Regions of the state affected:</i>
<i>Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.")</i>

### **3. COST-BENEFIT ANALYSIS**

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

No other less intrusive or less expensive method exists for achieving the purpose of the proposed rules. The rule updates are identical to the federal regulations, and do not impose any regulations on Iowa businesses not already required by federal law.

### **4. FISCAL IMPACT**

Please see the Fiscal Impact Statement for identification and description of costs the Department anticipates state agencies, local governments, the public, and the regulated entities, including regulated businesses and self-employed individuals, will incur from implementing and complying with the proposed rule.

### **5. PREAMBLE**

The information collected and included in this Jobs Impact Statement must be included in the preamble of the proposed rule, written in paragraph form. For rules that have no impact on jobs (see the first box in number 2 above), the following statement must be included in the preamble: "After analysis and review of this rulemaking, no impact on jobs has been found."

## Administrative Rule Fiscal Impact Statement

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

**IAC Citation:** 567 IAC Chapters 20, 22, 23, 25, and 28

**Agency Contact:** Christine Paulson, 515-725-9510; christine.paulson@dnr.iowa.gov

**Summary of the Rule:** The proposed rule making adopts updated federal new source performance standards (NSPS), air toxics standards (NESHAP), and federal test methods to ensure that the Department continues to be a delegated authority under the federal Clean Air Act. This allows the Department, rather than the EPA, to be the primary compliance and implementation agency in Iowa. The proposed rule making also adopts a new hazardous air pollutant promulgated by EPA and the 2015 National Ambient Air Quality Standards (NAAQS) for ozone. The proposed amendments are identical to the federal regulations. They do not impose any regulations on Iowa businesses not already required by federal law.

Fill in this box if impact meets these criteria:

No Fiscal Impact to the State.

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

Fiscal Impact cannot be determined.

**Brief Explanation:** The Department will use existing resources to implement the proposed rules.

**Assumptions:**

*Describe how estimates were derived:*

**Estimated Impact to the State by Fiscal Year**

	Year 1 (FY)	Year 2 (FY)
<b>Revenue by Each Source:</b>		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify)	\$0	\$0
<b>TOTAL REVENUE</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures:</b>		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify) Air Contaminant Fee	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$0</b>	<b>\$0</b>
<b>NET IMPACT</b>	<b>\$0</b>	<b>\$0</b>

This rule is required by State law or Federal mandate.

*Please identify the state or federal law:* The changes will implement Iowa Code sections 455B.133 and 455B.134, as well as the United States Clean Air Act sections 110 (42 USC § 7410), 111 (42 USC § 7411), 112 (42 USC § 7412), and 501-507 (42 USC § 7661 - § 7661f).

Funding has been provided for the rule change.

*Please identify the amount provided and the funding source:*

Funding has not been provided for the rule.

*Please explain how the agency will pay for the rule change:* The Department will use existing resources to implement the proposed rules.

***Fiscal impact to persons affected by the rule:*** After analysis and review, the Department has determined that the proposed amendments will have an overall neutral fiscal impact on the private sector. Some of the rules may ultimately benefit the private sector because they streamline current air quality programs and allow for more operational flexibility. Affected businesses and the public benefit from up-to-date air quality requirements and increased effectiveness. Other rules may result in an unquantifiable fiscal impact; however, because these are mandatory federal standards, any such impact would originate at the federal level. Please refer to Table 1 in the attached Notice of Intended Action for more information on the specific NESHAP proposed for adoption.

***Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):*** Linn County and Polk County have state-approved local air quality programs, and would likely adopt changes to their ordinances and procedures that match any changes to state rules. If a city or county government were subject to the air quality rules being amended, the local governments would be affected in the same manner as described above for industries and businesses.