MINUTES

OF THE

ENVIRONMENTAL PROTECTION COMMISSION

MEETING

JANUARY 18, 2017

WALLACE STATE OFFICE BUILDING
502 EAST 9TH STREET
DES MOINES, IOWA

APPROVED AT 2-21-17 EPC MEETING

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Mary Boote at 1:00 p.m. on January 18, 2017 at the Wallace State Office Building in Des Moines, Iowa.

COMMISSIONERS PRESENT

Mary Boote, Chair
Nancy Couser
Cindy Greiman, Secretary
Chad Ingels, Vice Chair
LaQuanda Hoskins via teleconference
Ralph Lents
Bob Sinclair
Gene Ver Steeg

COMMISSIONERS ABSENT

Joe Riding

ADOPTION OF AGENDA

Motion was made by Bob Sinclair to approve the agenda as presented. Seconded by Cindy Greiman. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Gene Ver Steeg to approve the December 20, 2016 EPC meeting minutes. Seconded by Nancy Couser. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Bill Ehm shared with the Commission that DNR Leadership is available every Wednesday morning during the legislative season to meet with legislators to discuss any topics on their minds. This regular engagement offers the ability for DNR to discuss current bills with legislators along with questions and concerns from their constituents.
- Bill Ehm shared with the Commission the General Fund challenges for the state and the estimated $700,000 reduction to DNR revenue for the current fiscal year. The legislature and Governor will finalize the impacts to each state agency in the upcoming weeks.
- Bill Ehm reminded the Commission that terms are ending for certain Commissioners and if they are interested in serving an additional term they need to re-apply with the Governor's Office.

- Bill Ehm shared with the Commission an update on the River Restoration Program including the selection of a contractor to develop the BMP tools, partnering with DOT on restoration projects, and future goals of the program.
- The following monthly reports have been posted on the DNR website under the appropriate meeting month: http://www.iowadnr.gov/InsideDNR/BoardsCommissions.aspx

1. Rulemaking Status Report
2. Variance Report
3. Enforcement Status Report
4. Administrative Penalty Report
5. Attorney General Referrals Report
6. Contested Case Status Report

INFORMATION

PUBLIC COMMENT

- No public comment

Written Comments Submitted

- None received or submitted

END OF PUBLIC COMMENT

DIRECTORS REMARKS

Director Gipp and Deputy Director Trautman were not in attendance.

INFORMATION

FINAL RULES: CHAPTERS 20, 21, 22, 23, 25, 26, 27, 28, 31, AND 33 REGULATORY CERTAINTY RULES (AIR QUALITY)

Christine Paulson, Environmental Specialist Senior of the Air Quality Bureau, presented the following item.

The Department requested the Commission adopt amendments to Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 21, "Compliance," Chapter 22 "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 25, "Measurement of Emissions," Chapter 26, "Prevention of Air Pollution Emergency Episodes," Chapter 27, "Certificate of Acceptance," Chapter 28, "Ambient Air Quality Standards," Chapter 31 "Nonattainment Areas," and Chapter 33, "Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of the 567 Iowa Administrative Code.

Reason for Rulemaking

The purpose of the air quality rule changes is to:
1) Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility. The rules implement a portion of the Department's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2).

2) Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department and its partners to provide compliance assistance and outreach to affected facilities.

Summary of Rule Changes
The rule changes continue previous efforts in the Department's rules review plan to identify rules that can be rescinded or amended because they are outdated or obsolete. The changes improve rules for several air quality programs, including construction permits, Title V permits, Prevention of Significant Deterioration (PSD), air toxics standards, and testing and monitoring methods.

The rule changes also include adoption of revisions to federal air toxics standards (also known as National Emissions Standards for Hazardous Air Pollutants or NESHAP) and new source performance standards (NSPS) that are not currently under reconsideration or litigation. These include changes affecting existing federal standards that are already adopted by reference, but that EPA has since amended. Adopting EPA's amendments allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders. *Please see the attached table for the complete list of NESHAP and NSPS included for adoption.*

Public Comments
The Department received no public comments on the Notice of Intended action at the public hearing held on December 12, 2016, and received one written comment prior to the December 12 public comment deadline. In response to the public comment, the Department is including additional clarifying revisions for the amendment in Item 8 in the attached Adopted and Filed rulemaking. The comment and the Department's response are also explained in the attached Public Responsiveness Summary.

If the Commission approves the final rules, the Adopted and Filed rules will be published on February 15, 2017, and will become effective on March 22, 2017.

The Adopted and Filed rules, Public Responsiveness Summary, a table of NESHAP and NSPS being adopted, Jobs Impact Statement and Fiscal Impact Statement are attached.

Motion was made by Gene Ver Steeg to approve the agenda item as presented. Seconded by Cindy Greiman. Motion carried unanimously

APPROVED AS PRESENTED

CONTRACT WITH IDALS FOR THE 2017 IOWA LEARNING FARMS PROJECT

Steve Hopkins, Nonpoint Source Program Coordinator of the Water Quality Bureau, presented the following item.

Commission approval was requested for a one-year contract with the Iowa Department of Agriculture and Land Stewardship (IDALS) to administer the Iowa Learning Farms Project for the 2017 cropping season. The contract will begin on January 16, 2017 and terminate on February 15, 2018. The total amount of this contract shall not exceed $75,000.

Funding Source:
This contract will be funded through EPA Section 319 grant funds.

Background:
The contract will continue to support an ongoing water quality educational project, the Iowa Learning Farms Project, carried out by Iowa State University (see separate project summary for more detailed information).

Purpose:
The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide water quality educational programming for the project selected.

Contractor Selection Process:
IDALS was chosen for this project because of its ongoing overall program coordination of the Iowa Learning Farms Project.

Contract History:
This contract is one of a series of contracts, dating back to 2004, to provide DNR support to the Iowa Learning Farms Project activities.

Motion was made by Bob Sinclair to approve the agenda item as amended to begin on January 18, 2017 rather than January 16, 2017. Seconded by Cindy Greiman. Motion carried unanimously

APPROVED AS AMENDED

CONTRACT WITH IOWA STATE UNIVERSITY FOR 2017 LAKE MONITORING

Roger Bruner, Supervisor of the Water Monitoring and Assessment section of the Water Quality Bureau, presented the following item.

Commission approval was requested for a 1 year-service contract with Iowa State University of Ames, Iowa. The contract will begin on February 1, 2017 and terminate on January 31, 2018. The total amount of this contract shall not exceed $183,383.70.

Funding Source:
This contract will be funded through Iowa Code section 8.57A Environment First Fund (60%) and Iowa Code 456A.33B Lake Restoration Program (40%).

Background:
This contract encompasses the majority of lake water quality monitoring conducted as part of the state-wide water monitoring program and is the primary basis for assessing the state's lake water quality. The purpose of this program is to define the condition of Iowa's lakes, characterize the existing and emerging issues, measure changes or trends in water quality, and provide information to citizens and decision-makers. Specific ways the DNR intends to utilize the information gathered and analyzed in this Contract include: to fulfill Clean Water Act requirements of the department including: biennial reports on the status of lake water quality, impaired waters listing, and total maximum daily load reports; manage and evaluate this natural resource; and allocated lake restoration funds most appropriately.

Purpose:
The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide the DNR with lake monitoring data. As part of this contract ISU will provide field and analytical support for monitoring on 131 of Iowa's significantly publicly owned lakes. The lakes are monitored three times during the field season for basic water chemistry, nutrients, plankton composition, algal toxins, and clarity.

Contractor Selection Process:
The contract with Iowa State University will be an intergovernmental agreement. DNR may enter into this contract according to the provisions of Iowa Code section 455B.103(3). Iowa State University was chosen for this project because of extensive previous lake monitoring experience with the DNR (Iowa State University has completed similar lake monitoring to activities described in the contract for the DNR in 2000-2007, and 2009-2016).

Motion was made by Cindy Greiman to approve the agenda item as presented. Seconded by Chad Ingels. Motion carried unanimously

APPROVED AS PRESENTED

EPC ANNUAL REPORT

Commissioners thanked LaQuanda Hoskins for drafting the Annual Report and complimented her for the concise and straightforward format of the report.

Motion was made by Chad Ingels to approve the agenda item as presented. Seconded by Ralph Lents. Motion carried unanimously

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Jerah Sheets provided a summary of the upcoming meeting dates and logistics.
- Chairperson Boote thanked the Commissioners for a long day with the Legislature, NRC Commissioners, and the EPC business meeting.

ADJOURN

Motion was made by Ralph Lents to adjourn the meeting. Seconded by Cindy Greiman. Motion carried unanimously

APPROVED AS PRESENTED

Chairperson Boote adjourned the Environmental Protection Commission meeting at 1:35 p.m., Wednesday, January 18, 2017.

Agenda

Environmental Protection Commission

Wednesday, January 18, 2017
DNR Wallace State Office Building
502 East 9th Street
Des Moines, Iowa

Wednesday, January 18, 2017

7:30 AM – NRC & EPC Legislative Meet & Greet – State Capitol Dinning Area
10:00 AM – Joint NRC & EPC Meeting – Wallace Building 2nd Floor Water Supply Conf Rm
1:00 PM – EPC Business Meeting – Wallace Auditorium
~1:10 PM – EPC Public Comments

Public Participation[1] – Requests to speak during the business meeting Public Participation must be submitted to Jerah Sheets at Jerah.Sheets@dnr.iowa.gov, 502 East 9th Des Moines, IA 50319, 515-313-8909, or in-person by the start of the business meeting. Please indicate who you will be representing (yourself, an association, etc.), the agenda item of interest, and your stance of For, Opposed, or Neutral.

If you are unable to attend the business meeting, comments may be submitted via mail and email for the public record. The Commission encourages data, reports, photos, and additional information provided by noon the day before the meeting to allow ample time for review and consideration.

Joint NRC & EPC Meeting - Wallace Building 2nd Floor Water Supply Conf Rm

10:00 a.m.	Introductions	Commissioners
10:15 a.m.- 10:45 a.m.	Director Remarks	Director Gipp
	Opening Remarks / Annual Report NRC	Chairperson Underwood
	Opening Remarks / Annual Report EPC	Chairperson Boote
10:45 a.m. – 11:00 a.m.	DNR Budget	DNR Staff
11:00 a.m. – 11:45 a.m.	Shallow Lakes Management Plan	DNR Staff
11:30 a.m. – 11:45 a.m.	Wildlife Management-Chronic Wasting Disease	DNR Staff
11:45 a.m. – 12:00 p.m.	Lean – DNR Process Improvements	DNR Staff
12:00 p.m. - 12:30 p.m.	General Discussion	Commissioners
12:30 p.m.	Adjourn	

EPC Business Meeting - Wallace Building Auditorium

1 p.m.	Approval of Agenda	
2	Approval of Minutes	
3	Monthly Reports	Bill Ehm (Information)
4	Public Participation	
5	Director's Remarks	Chuck Gipp (Information)
6	Final Rules: Chapters 20, 21, 22, 23, 25, 26, 27, 28, 31, and 33 Regulatory Certainty Rules (Air Quality)	Christine Paulson (Decision)
7	Contract with IDALS for the 2017 Iowa Learning Farms Project	Steve Hopkins (Decision)

8	Contract with Iowa State University for 2017 Lake Monitoring	Roger Bruner (Decision)
9	EPC Annual Report	Commission (Decision)
10	General Discussion	
11	Items for Next Month's Meeting • Tuesday, February 21, 2017 – EPC Business Meeting – Des Moines • Tuesday, March 21, 2017 – EPC Business Meeting – Ames	

For details on the EPC meeting schedule, visit
http://www.iowadnr.gov/InsideDNR/BoardsCommissions.aspx

[1] Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

Any person attending the public meeting and has special requirements such as those related to mobility or hearing impairments should contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or Webmaster@dnr.iowa.gov, and advise of specific needs.

MINUTES

OF THE

ENVIRONMENTAL PROTECTION COMMISSION

MEETING

DECEMBER 20, 2016

IOWA STATE CAPITOL
1007 EAST GRAND AVE
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Mary Boote at 10:00 a.m. on December 20, 2016 at the State of Iowa Capitol in Des Moines, Iowa.

COMMISSIONERS PRESENT

Mary Boote, Chair
Nancy Couser
Cindy Greiman, Secretary
Chad Ingels, Vice Chair
LaQuanda Hoskins
Ralph Lents
Bob Sinclair
Joe Riding
Gene Ver Steeg

COMMISSIONERS ABSENT

None

ADOPTION OF AGENDA

Kelli Book, DNR Attorney, shared with the Commission the request from Cherokee County to withdraw the Demand for Hearing from the agenda. The parties involved had come to a resolution.

Motion was made by Joe Riding to approve the agenda as amended removing the Cherokee County Demand for Hearing. Seconded by Ralph Lents. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Gene Ver Steeg to approve the November 15, 2016 EPC meeting minutes. Seconded by Cindy Greiman. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Bill Ehm shared with the Commission the 40% increase over the past 10 years of the Manure Management Plans which is now around 7,000 annually. He gathered a team of producers, service providers, counties, and DNR staff to streamline the process and offer an electronic option to submitters. Phase 1 will develop a Short Form submission which is estimated to be available in January 2018.
- Bill Ehm shared with the Commission Barb Lynch, Bureau Chief of the Field Services and Compliance Bureau, will be retiring after 38 great years of service. He summarized a number of the environmental accomplishments she has been involved in such as junk yard and tire pile remediation and water quality improvements.

- The following monthly reports have been posted on the DNR website under the appropriate meeting month: http://www.iowadnr.gov/InsideDNR/BoardsCommissions.aspx

1. Rulemaking Status Report
2. Variance Report
3. Enforcement Status Report
4. Administrative Penalty Report
5. Attorney General Referrals Report
6. Contested Case Status Report

INFORMATION

PUBLIC COMMENT

Shari Hawk – Iowa Citizens for Community Improvement
Shari Hawk shared with the Commission an article from the Jefferson County Farmer and Neighbors group that farming was once considered the soul of Iowa but industrialization has evolved farming into the gravest threat. Factory farms corrupt the soul of Iowa. She believes in her heart that the soul of Iowa is our children and grandchildren. She believes the EPC should change their name to Every Person's Child protection commission. Every child should be able to play outside without the stench or have a picnic without flies. Children deserve a moratorium on AFOs for the soul of our state. Also, the DNR needs funding to keep our soul intact.

Suzanne Robinson – Iowa Citizens for Community Improvement
Suzanne Robinson shared with the Commission the ICCI research on the DNR budget which has dropped dramatically from $27.1 million to $15.3 million in less than 10 years. She was surprised to see such a small budget in comparison to all the work the DNR must do, which is ever increasing in size. Now is not the time for fewer dollars to inspect AFOs, maintain parks, and fix water quality problems.

Sharon Donovan – Iowa Citizens for Community Improvement
Sharon Donovan also representing Moms Across America shared with the Commission that Iowa is the most toxic state in the union because of the 22 million hogs. Iowa produces 1/3 of the nation's hogs which is a lot of feces. She showed a poster with the amount of funds dedicated to environmental protection, natural resources, and public land which showed a high of Wisconsin at $575 million and Iowa at the low end at $79 million. From the information, she believes Iowa is under budgeted.

Erica Blair – Iowa Citizens for Community Improvement
Erica Blair shared with the Commission her disappointment to see DNR's requested budget for 2018. This is not the time for funding to be reduced from $27 million in 2009 to $15 million in 2016 when the state is in a water crisis and it is getting worse. A status quo budget is not right. She asked the Commission to fight for Iowans and call for a larger budget.

Jack Troeger – Self
Jack Troeger shared with the Commission the Lorax spoke for the trees while he speaks for all species and earth. He recommended for the Commission to read the author Derrick Jensen. He paraphrased a portion of Derrick's book about a bathtub overflowing and the illogic to empty the water with a cup or water dropper rather than shut off the water. Anointed and appointed individuals including the Commission don't get it. Earth is waiting. Stop scamming us with nonsense and solve Iowa's problems. Turn off the faucets. Reach over and turn them off. Do it now. Do it today. Stop building new hog factories and eliminate those that exist. When visiting his fiancé's family farm many years ago there was no smell even on the hottest and most humid day. We can't go there today because it

smells. You can stop it. You are supposed to be in charge here. Tell Mr. Gipp to demand 10 times or 100 times more funds and not to do what big ag tells them to do. Earth first in thoughts and deeds.

Written Comments Submitted

- None received or submitted

END OF PUBLIC COMMENT

DIRECTORS REMARKS

Director Gipp shared with the Commission the Revenue Estimating Committee (REC) estimate regarding Iowa's annual revenue. The legislature and Governor build their budgets based on the estimate. REC determined Iowa's revenue is not coming in as forecasted and will be $96 million short. This legislative session the Legislature will have to develop supplemental appropriations for Medicare and de-appropriate general fund budgets. The DNR will be impacted by a general fund reduction for state parks and for use in meeting the non-federal portion of federal grant monies. Both the NRC and EPC will be briefed during their joint January meeting on the impacts to the department. With Medicare and education removed, the remaining state budget is 25% for all other programs and agencies.

INFORMATION

CLEAN WATER AND DRINKING WATER STATE REVOLVING LOAN FUND – THIRD QUARTER UPDATES TO THE FY 2017 INTENDED USE PLANS

Patti Cale-Finnegan, SRF Coordinator of the Water Quality Bureau, presented the following item.

Commission approval was requested for the third quarter updates to the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) Intended Use Plans (IUPs) for FY 2017 (July 1, 2016 – June 30, 2017).

The State Revolving Fund programs are authorized through federal legislation and administered by the State of Iowa under the oversight of the U.S. Environmental Protection Agency. The CWSRF finances publicly owned wastewater and sewer facilities, storm water management for water quality, and nonpoint source control practices to keep pollution out of Iowa's water. The DWSRF covers water system projects, including source water, treatment, storage, and distribution and transmission, as well as consolidation and connections.

The Iowa SRF is operated through a coordinated partnership between the Department of Natural Resources (DNR) and the Iowa Finance Authority (IFA). DNR administers the environmental and permitting aspects of the programs, with IFA providing financial assistance including loan approval and disbursements. Other important partners include the Iowa Department of Agriculture and Land Stewardship, Soil and Water Conservation Districts, county sanitarians, participating lenders, and others.

The FY 2017 IUPs include plans of action for the SRF programs, including goals and objectives, an analysis of current and projected financial capability, financial management strategies, the project priority lists, discussion of set-aside programs and efforts, and planned uses for administrative accounts.

The project priority lists include the following requested amounts:

- Clean Water SRF: $561 million
- Drinking Water SRF: $130 million

Loan forgiveness for Drinking Water SRF projects is recommended for two projects this quarter, including the following:

- Gallery Acres West Homeowners Association, to address arsenic levels in water supply that are above the Maximum Contaminant Level – 75%
- Lacina Meadows Public Water Supply, to address radionuclide levels in water supply that are above the Maximum Contaminant Level – 75%

Applications were accepted for Water Resource Restoration Sponsored Projects this quarter. The following projects are recommended for funding for the round of applications submitted September 1, 2016:

SRF Number	Applicant	Project Description	Project Partners
WRR16-007	City of Lenox	Improve water quality in the Platte River through distributed stormwater best management practices	IDALS, NRCS
WRR16-008	City of Readlyn	Address stormwater runoff and improve water quality in the Upper Wapsipinicon River watershed	Bremer County Drainage District 5, Bremer County SWCD, Johnson County SWCD, IDALS
WRR16-009	City of Grinnell	Improve water quality in the headwaters of the three watersheds Grinnell	English River WMA, Poweshiek SWCD, Johnson

		contributes to through sustainable methods (Little Bear Creek, Sugar Creek, and English River)	County SWCD, IDALS
WRR16-010	City of Waukee	Reduce suspended solids and nutrient loadings in stormwater runoff and improve water quality in Sugar Creek and Little Walnut Creek watersheds	Des Moines Wastewater Reclamation Authority, Polk SWCD, Walnut Creek WMA
WRR16-011	City of Roland	Use a variety of water quality best management practices to address critical locations in the Bear Creek watershed	IDALS, Story SWCD, Iowa State University, Bear Creek Watershed Project
WRR16-013	City of Des Moines	Stream restoration practices in the upstream Yeader Creek as part of the Easter Lake Water Quality Management Plan	Polk County Conservation Board, Polk SWCD, IDALS, DNR, NRCS
WRR16-015	City of Algona	Implement low impact development practices to reduce pollution in runoff to the East Fork of the Des Moines River	Kossuth SWCD, IDALS
WRR16-016	Wastewater Reclamation Authority	Improve stream corridor stability in Sugar Creek in support of Raccoon River Water Quality Master Plan	Polk SWCD
WRR16-017	City of Pleasantville	Construct stormwater infiltration practices in three subwatersheds (Coal Creek, Wildcat Creek, and Butcher Creek)	Marion SWCD, IDALS

The IUPs are developed and updated quarterly, in June, September, December, and March or more often as needed. Each draft IUP and update is released for public comment, and then presented for approval to the Commission. A public meeting was held November 10, 2016 to receive comments on the proposed IUP updates. There were no attendees. The written comment period closed on November 17, 2016. There were no written comments.

The Sources and Uses tables for both CWSRF and DWSRF show that funds are available or obtainable to provide anticipated disbursements. The IUPs will be updated one more time during FY 2017.

Patti Cale-Finnegan and Bill Ehm answered questions from the Commission which covered the recruitment of communities, prioritization of public health impacted communities, and comparisons of Iowa's programs to the nation.

Motion was made by Ralph Lents to approve the agenda item as presented. Seconded by Nancy Couser. Motion carried unanimously

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION: EASE OF APPLICATION RULES - CHAPTER 22

Christine Paulson, Environmental Specialist Senior of the Air Quality Bureau, presented the following item.

The Department requested permission from the Commission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 22, "Controlling Pollution," of the 567 Iowa Administrative Code.

Reason for Rulemaking
The purpose of the proposed air quality rule changes is to formalize permitting process improvements identified during the "Lean" events involving the Department and the Office of Lean Enterprise in the Department of Management and stakeholders from 3M Company, Grain Processing Corporation, Monsanto Company, Pella Corporation, and Stanley Consultants, Inc. Lean is a collection of principles, methods, and tools that improve the speed and efficiency of any process by eliminating waste.

Summary of Proposed Rule Changes
The rule changes clarify what types of mail services may be used to submit construction permit and Title V permit applications and to make clear that applications are not required to be submitted by certified mail. The rule changes also describe what constitutes a valid electronic signature for construction permit and Title V permit applications that may be submitted electronically, and the electronic media submission requirements for compliance with the federal Cross Media Electronic Reporting Rule.

For example, submittal of an application by electronic mail or other electronic program would be acceptable if the application bears a valid electronic signature and otherwise complies with the requirements of the Cross Media Electronic Reporting Rule. However, the Department's current electronic submittal system does not accommodate the use of a valid electronic signature. Therefore, an applicant could e-mail all the pages of an application to the Department except the signature page(s). The signature page(s) would need to be submitted in accordance with the Cross Media Electronic Reporting Rule (e.g., faxed or submitted via a paper copy). The Department anticipates making available an electronic application system that does accommodate a valid electronic signature that complies with the Cross Media Electronic Reporting Rule in the near future.

Additionally, the proposed changes reduce the regulatory burden for construction permit applications for projects that do not emit or will not emit greenhouse gases (GHG) by eliminating the requirement to submit the current 3-page GHG form. The proposed rule also eliminates the requirement to submit two copies of the Title V permit application to the Department, only one copy is now required (a similar change was made for construction permit applications in the Regulatory Certainty rules package).

Stakeholder Involvement
The Department prepared a draft rulemaking package and, on August 22, 2016, announced the opportunity for informal public input on the draft proposal. The Department announced the public input period through the air quality list serve and posted the draft proposal on its air quality public input page www.iowadnr.gov/airstakeholder. The air quality list serve has about 2,600 recipients, of which 485 opened the email announcement. Additionally, the Department discussed the draft proposal at the Air Quality Client Contact Meeting on August 18, 2016, which hosted approximately 48

participants. All stakeholders that participated in the Lean events (3M Company, Grain Processing Corporation, Monsanto Company, Pella Corporation, and Stanley Consultants, Inc.) were provided the opportunity through the list serve or direct contact to provide input on the draft rulemaking.

The Department received two general questions during the informal review period ending on September 16, 2016. The Department provided information for the two inquiries, and has not received any additional questions or comments on the draft rulemaking package.

Public Comments and Public Hearing
If the Commission approves the proposed rulemaking, the Department will hold a public hearing on Monday, February 20, 2017, at 1:00 p.m. at the DNR Air Quality Bureau office. The Department will accept written public comments until 4:30 p.m. on Monday, February 20, 2017.

Motion was made by Bob Sinclair to approve the agenda item as presented. Seconded by LaQuanda Hoskins. Motion carried unanimously

APPROVED AS PRESENTED

CONTRACT WITH IDALS FOR DRY RUN CREEK WATERSHED PROJECT (PHASE 1C)

Mary Beth Stevenson, Iowa-Cedar River Basin Coordination of the Water Quality Bureau, presented the following item.

Commission approval was requested for a service contract with IDALS of Des Moines, Iowa. The contract will begin on January 1, 2017 and terminate on June 30, 2018. The total amount of this contract shall not exceed $281,550.

Funding Source: This contract will be funded through a federal grant from the United States Environmental Protection Agency, under Section 319 of the Clean Water Act.

Background: The $281,550 of Section 319 funding will fund Dry Run Creek Watershed Project Phase 1C activities, including project staffing, the implementation of urban BMPs, as well as continued outreach efforts to all landowners and residents of the watershed. Interested parties include the Black Hawk County Soil and Water Conservation District, Natural Resources Conservation Service, City of Cedar Falls, University of Northern Iowa, IDNR, and IDALS.

Purpose: The parties propose to enter into this contract for the purpose of implementing watershed improvement practices and water quality educational programming for the project selected.

Scope of Work: The outline of the Scope of Work was provided.

Motion was made by Chad Ingels to approve the agenda item as presented. Seconded by Cindy Greiman. Motion carried unanimously

APPROVED AS PRESENTED

CONTRACT WITH THE UNIVERSITY OF IOWA FOR FLOOD PLAIN MAPPING UPDATES AND MAINTENANCE

Kathryne Clark, Supervisor of the GIS section of the Land Quality Bureau, presented the following item.

Commission approval was requested for a service contract with the University of Iowa Flood Center for a term of two (2) years.

The contract will begin on January 1, 2017 and terminate on December 31, 2018. The total amount of this contract shall not exceed $100,000.00.

Funding Source:
This contract will be funded through Environment First funds (HB7A).

Background:
The state-wide Iowa Floodplain Mapping Program is in its sixth year. The HUD CDBG grant that originally funded this project, and was used to contract the services of the Iowa Flood Center, is expiring on December 31st of 2016. Of the original $15.0 million in CDBG Disaster Recovery Funds, $12,500,000.00 was granted to the Iowa Flood Center for flood plain modeling and delineation. This funding was used for the development of flood hazard data for new floodplain maps and updating of existing maps for the 85 Iowa counties listed in the federal Disaster Declaration of 5/27/2008 (Declaration FEMA-1763-DR). Two (2) cost share agreements were signed with the US Army Corps of Engineers to develop flood hazard data for the 14 non disaster-declared counties. The Iowa Flood Center, in cooperation with the USACE, has completed flood hazard data for most of Iowa.

Purpose:
Due to FEMA FIRM time restrictions and other regulatory requirements, there will be a need to maintain the services of IFC GIS staff to continue maintenance and revisions of floodplain products. Changes to these products are sometimes necessary after review and comment by county public officials. Under those circumstances, there will need to be qualified, trained individuals to update the products.

Contract History:
The IDNR has had a six year contract relationship with the IFC. Their expertise and experience have been integral to the development of the flood plain mapping products. We are satisfied with the performance of the IFC in developing the flood plain mapping products.

Motion was made by Bob Sinclair to approve the agenda item as presented. Seconded by LaQuanda Hoskins. Motion carried unanimously

APPROVED AS PRESENTED

ADOPTED AND FILED – CHAPTER 61 – WATER QUALITY STANDARDS (COPPER CRITERIA UPDATE)

Matt Dvorak, Environmental Specialist of the Water Quality Bureau presented the following item.

This rule is necessary to create additional flexibility for wastewater dischargers by adding the option to use the Biotic Ligand Model (BLM) or Water-Effect Ratio (WER) in the determination of site-specific copper criteria. Copper is found in most municipal wastewater effluents due to the corrosion of copper plumbing and it is expensive to remove. The BLM accounts for site-specific variations in the toxicity of copper due to actual levels of copper bioavailability in a given waterbody. The adoption of a Copper BLM criterion will reflect site-specific Iowa surface water conditions. The BLM accounts for several water chemistry parameters to predict the concentration of copper that would actually result in toxicity to an organism in a given waterbody. The following water chemistry parameters have an impact on copper toxicity due to elevated levels of copper: Temperature, pH, Dissolved Organic Carbon, Calcium, Magnesium, Sodium, Potassium, Sulfate, Chloride and Alkalinity. An Implementation Procedure for Biotic Ligand Model-Based Copper Criteria was developed for site-specific data collection and it is incorporated by rule-reference.

The WER method allows permittees to take into account the difference between the toxicity of a metal measured in laboratory water versus the toxicity of the metal measured in ambient water of the discharge site. The WER method allows facilities to calculate a ratio between the two measured toxicity levels and use it to adjust the existing copper criteria shown in IAC 61.3(3), Table 1.

The final rule amendments are protective of water quality and allow permittees the flexibility to use the existing copper criteria and the WER or the ability to use the BLM to generate copper criteria that reflect site-specific water characteristics of the receiving waterbodies for point source discharges. The Department received four public comments in response to the Notice of Intended Action. In response to comments, a responsiveness summary has been prepared and revisions to the implementation procedure have been made to provide clarification.

The revised Implementation Procedure for Biotic Ligand Model-Based Copper Criteria and responsiveness summary can be found at: http://www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Standards

The Commission received additional technical information of the rulemaking from Connie Dou and Jon Tack to assist with understanding the additional option for reaching compliance.

Motion was made by Ralph Lents to approve the agenda item as presented. Seconded by Bob Sinclair. Motion carried unanimously

APPROVED AS PRESENTED

EPC ANNUAL REPORT

Commissioner LaQuanda Hoskins shared a draft annual report for the Commissioners to review and provide feedback. She gathered the information and will provide a final draft for their review during the January EPC meeting for their vote.

INFORMATION

GENERAL DISCUSSION

- Jerah Sheets provided a summary of the email transition from Outlook to Google and provided resources for Commissioners to access their email.
- Jerah Sheets offered to the Commission an eMMP report out at a future meeting.
- Jerah Sheets summarized the upcoming Joint NRC/EPC and EPC meetings in January, along with the meeting with legislators.
- Commissioners discussed various options for tours in SE Iowa. Jerah Sheets will poll the DNR for additional options for the Commissioners to select.
- Kelli Book summarized Iowa Code provisions regarding an AFO moratorium. She informed the Commissioners that there is no implied power for the EPC or DNR to take such action. Past moratoriums have been initiated by the legislature with specific program details and timeframes.

Chairperson Boote adjourned the Environmental Protection Commission meeting at 11:54 p.m., Tuesday, December 20, 2016.

Monthly Variance Report
November 2016

Item No.	Facility/City	Program	DNR Reviewer	Subject	Decision	Date	Agency Reference
1	GKN Armstrong Wheels, Inc - Estherville	Air Quality Construction Permits	Ashley Dvorak	Waiver of Initial Stack Testing Requirement.	approved	11/1/2016	16aqv067
2	Exide Technologies	Air Quality Construction Permits	Priyanka Painuly	Waiver of Initial Stack Testing Requirement.	approved	11/2/2016	16aqv068
3	SRC Montezuma LLC dba Streetrod Product	Air Quality Construction Permits	Jason Christopherson	Waiver of Initial Stack Testing Requirement.	approved	11/2/2016	16aqv069
4	University of Iowa	Air Quality	Dennis Thielen	U of I is requesting an extension to perform stack testing.	approved	11/2/2016	16aqv070
5	Equistar Chemicals, LP	Air Quality Construction Permits	Jason Christopherson	Waiver of Initial Stack Testing Requirement.	approved	11/4/2016	16aqv071
6	Weitz Sign Co	Air Quality Construction Permits	Karen Kuhn	Waiver of Initial Stack Testing Requirement.	approved	11/7/2016	16aqv072
7	Roquette America, Inc.	Air Quality Construction Permits	Rachel Quill	Waiver of Initial Stack Testing Requirement.	approved	11/9/2016	16aqv073
8	Exide Technologies	Air Quality Construction Permits	Priyanka Painuly	Waiver of Initial Stack Testing Requirement.	approved	11/9/2016	16aqv074
9	Pine lake Corn Processors	Air Quality	Ann Seda	Pine Lake is requesting to start construction to expand their capacity of ethanol production prior to the issuance of construction permits.	approved	11/9/2016	16aqv075
10	Archer Daniels Midland Co.	Air Quality	Dennis Thielen	Permit 95-A-234-S9 (EP 58-1) requires ADM to operate two scrubbers while running EP 58-1. ADM is requesting to conduct a stack test while operating only one of the scrubbers to show it can demonstrate compliance with the emission limits.	approved	11/14/2016	16aqv076
11	Homeland Energy Solutions	Air Quality	Dennis Thielen	Homeland is requesting a variance from condition 5H of permit 07-A-970-P6 during the November stack test.	approved	11/15/2016	16aqv077
12	E.I. Dupont Cellulosic Ethanol	Air Quality	Dennis Thielen	E.I. DuPont is requesting an extension to the deadline to perform stack testing because of boiler operating issues.	approved	11/15/2016	16aqv078
13	General Electric - Industrial Solutions	Air Quality Construction Permits	Karen Kuhn	Waiver of Initial Stack Testing Requirement.	approved	11/15/2016	16aqv079
14	Clysar LLC	Air Quality Construction Permits	Karen Kuhn	Waiver of Initial Stack Testing Requirement.	approved	11/15/2016	16aqv080
15	Grain Processing Corportation	Air Quality Construction Permits	John Curtin	Waiver of Initial Stack Testing Requirement.	approved	11/17/2016	16aqv081
16	DuPont Nevada Site	Air Quality	Reid Bermel	DuPont Nevada Site (DuPont) facility is requesting a temporary boiler without obtaining a construction permit.	approved	11/17/2016	16aqv082
17	HNI Corporation - Houser Street	Air Quality Construction Permits	John Curtin	Waiver of Initial Stack Testing Requirement.	approved	11/21/2016	16aqv083
18	Hearth & Home Technologies, LLC	Air Quality Construction Permits	Danjin Zulic	Waiver of Initial Stack Testing Requirement. The facility requested to waive initial particulate matter stack testing.	approved	11/22/2016	16aqv084
19	Tipton Structural Fabrication, Inc.	Air Quality Construction Permits	Rachel Quill	Waiver of Initial Stack Testing Requirement.	approved	11/23/2016	16aqv085
20	City of Washington	Water Supply Construction	Sara Smith	Variance to allow re-casing of Well #6 (Jordan Aquifer) due to signs of encrustations. Variance would allow existing grout be included for the minimum grout of 1.5". If there is no existing grout, provide a minimum of 1.5" of grout.	approved	11/22/2016	16wcv096
21	John Deere Dubuque Works	Air Quality Construction Permits	Jason Christopherson	Waiver of Initial Stack Testing Requirement.	approved	11/28/2016	16aqv086
22	CORN, LP	Air Quality	Ann Seda	CORN, LP is requesting to do dirt work and pour concrete flooring for their new boiler and RTO prior to the issuance of construction permits.	approved	11/30/2016	16aqv087
23	MidAmerican Neal South	Sanitary Disposal	Geoffrey Spain	The variance request is made to match the groundwater monitoring and reporting requirements established under the Federal Coal Combustion Residual (CCR) rule (40 CFR Part 257).	approved	11/29/2016	16sdv097
23	MidAmerican Neal South	Sanitary Disposal	Geoffrey Spain	The variance request is made to match the groundwater monitoring and reporting requirements established under the Federal Coal Combustion Residual (CCR) rule (40 CFR Part 257).	approved	11/29/2016	16sdv098

IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU

DATE: January 2017

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Attorney General Referrals

Name, Location and Region Number	Program	Alleged Violation	DNR Action	Status	Date
Abatement Specialties, LLC Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	2/16/16
Cedar Rapids Community School District Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	2/16/16
Feinberg, Marty; Feinberg Metals Recycling Corp. Fort Madison (6)	Solid Waste	Operation Without Permit; Illegal Disposal	Referred to Attorney General	Referred Petition filed Answer filed Trial Scheduling Conference Order Setting Trial for 5/18/17	4/14/15 7/1/16 8/10/16 10/4/16 10/5/16
Kossuth County (2)	Animal Feeding Operation	DNR Defendant	Defense	Petition for Judicial Review State's Answer P&J Pork Motion to Intervene Order Granting Motion to Intervene Kossuth County Brief State's Brief District Court Review Without Oral Argument Ruling on Petition for Judicial Review Remanded to EPC EPC Rehearing EPC Reconsideration Kossuth County Application for Rehearing Petition for Judicial Review EPC's Answer P&J Pork Motion to Intervene Kossuth County Brief State's Brief P&J Pork Joinder in State Brief Kossuth County Application for Leave To Present Evidence State's Resistance to Application District Court Review Without Oral Argument Court Hearing on County Application For Leave to Present Evidence Ruling on Motion for Remand – Remanded to EPC	9/18/14 10/08/14 11/07/14 11/20/14 2/03/15 2/13/15 3/04/15 7/30/15 10/20/15 11/17/15 12/07/15 12/15/15 1/14/16 1/15/16 2/23/16 3/11/16 3/14/16 3/21/16 3/21/16 3/21/16 4/18/16 6/07/16

Name, Location and Region Number	Program	Alleged Violation	DNR Action	Status	Date
SABEER, LLC d/b/a Sleepy Hollow Campground Oxford (6)	Wastewater Water Supply Air Quality	NPDES Permit Violations; Water Supply Permit Violations; Open Burning	Referred to Attorney General	Referred Settlement Agreement signed **Consent Decree ($20,000 civil penalty and injunctive relief)**	6/16/15 7/12/16 **12/1/16**
Sunrise Farms, Inc. Osceola Co. (3)	Animal Feeding Operation	Construction Without Permit; Operating Violations; WQ Violations – General Criteria	Referred to Attorney General	Referred	3/23/16
City of Sioux City (3)	Wastewater		Referred to Attorney General	Referred	6/27/16
Sedore Inc.; Troy and Emily Sedore	Air Quality Solid Waste Wastewater	Open Burning; Operation Permit Violations. Illegal Disposal; SWAP Agreement Violations; Operation Without a Permit	Referred to Attorney General	Referred Petition Filed Answer-Troy Sedore Answer-Sedore Inc. State's Motion for Summary Judgment Order Setting Trial for 9/19/17	6/27/16 9/19/16 10/12/16 10/24/16 11/18/16 11/18/16
Swiss Valley Farms Cooperative			Referred to Attorney General	Referred	9/28/16

IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU

DATE: January 2017

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Contested Cases

Date Received	Name Of Case	F.O.	Action Appealed	Program	Assigned Attorney	Status
8/27/12	Ag Processing, Inc.; Sergeant Bluff	4	Permit Conditions	AQ	Preziosi	Settled in concept. Last communication with appellant 9-26-16.
6/10/13	Mike Jahnke	1	Dam Application	FP	Schoenebaum	Hearing held 7/30/14. ALJ upheld the permit issued by the Department. Mr. Jahnke appealed but on 11/3/14 he asked that his appeal be put on hold until April, 2015. For various reasons has asked that the appeal be postponed through Summer 2016.
5/22/15	Cedar Ridge Vineyards	6	Order/Penalty	WW	Schoenebaum (Hansen)	Negotiating before filing.
10/12/15	Ames-Story Environmental C&D Landfill, Inc.	5	Amendment #4 to SDP	SW	Scott	DNR and the party are in negotiations concerning amended permit terms. The party requested that a hearing not be scheduled until negotiations are completed.
10/20/15	Diana Costello	6	Permit Issuance	FP	Schoenebaum	Negotiating before filing.
11/15/15	Cargill, Inc.	5	Permit Conditions	AQ	Preziosi	Close to settlement. Last communication with appellant was conference call on 11-17-16.
2/25/16	Rathbun Area Solid Waste Commission (RASWC)	5	Permit Condition Amendments	SW	Scott	Negotiating before filing.
4/29/16	Burt's Tavern	1	Permit Conditions	WS	Schoenebaum (Hansen)	Negotiating before filing.

Date Received	Name Of Case	F.O.	Action Appealed	Program	Assigned Attorney	Status
6/27/16	Plum River Fault Line Golf Inc.; Meadowcrest Farms, Ltd.	1	Order/Penalty	WS	Schoenebaum (Hansen)	6/27/16 – Letter received from James Holst regarding appeal.
7/25/16	Hilltop Road Association #1	6	Order/Penalty	WS	Schoenebaum (Hansen)	7/25/16 – Letter received from Association president regarding appeal.
11/13/16	**Unicover**	**4**	**Order/Penalty**	**AQ**	**Scott**	**11/13/16 – Letter received from Brad Bakken, General Manager regarding appeal. Hearing is set for January 31, 2017.**
11/16/16	**Turkle's Tree Service, Inc. Jeff & Pamela Turkle**	**6**	**Order/Penalty**	**AQ; SW**	**Book**	**Negotiating before filing. Settlement meeting scheduled for February 6, 2017**
12/21/16	**James Olchefski, Robert Nicholson; Hidden Valley MHP**	**6**	**Order/Penalty**	**AQ; SW**	**Book**	**12/21/16 – Letter received from attorney for appellants regarding appeal**

IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU

DATE: January 2017

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Individual/Entity (County)	Program	Alleged Violation	Type of Order/Action	Penalty Amount Due	Date
Sleister Brothers Dairy, LLC (Clayton Co.)	Animal Feeding Operations	Wastewater - Prohibited Discharge; Prohibited Discharge - Confinement; Water Quality General Violations	Consent Order	$6,000.00	12/5/2016
Randy Cates (Cherokee Co.)	Solid Waste	Illegal Disposal; Licensee Discipline	Administrative Order	$10,000.00	12/7/2016
City of Bondurant (Polk Co.)	Wastewater		Consent Amendment to Order (change penalty amount)	$1,500.00	12/12/2016
City of St Donatus (Jackson Co.)	Wastewater	Operation Permit Violations	Consent Order	$0.00	12/13/2016
Pro Cooperative (Pocahontas Co.)	Air Quality; Solid Waste	Open Burning; Asbestos; Illegal Disposal	Consent Order	$7,500.00	12/13/2016
Cory Leick (Mills Co.)	Wastewater	NPDES Permit Violations	Consent Order	$6,000.00	12/12/2016
Clarinda Coop (Page Co.)	Wastewater	prohibited discharge	Consent Order	$6,100.00	12/14/2016
Murphy Oil USA Inc	Underground Storage Tank	Site Assessment	Administrative Order	$10,000.00	12/14/2016
Valley Machining Co (Sioux Co.)	Flood Plains		Amendment to Consent Order		12/14/2016
United Farmers Mercantile Cooperative (Montgomery Co.)	Wastewater	prohibited discharge; failure to notify	Consent Order	$4,000.00	12/19/2016

Individual/Entity (County)	Program	Alleged Violation	Type of Order/Action	Penalty Amount Due	Date
New Co-Operative, Inc (Calhoun Co.)	Air Quality	Construction without permit; fugative dust	Consent Order	$6,000.00	12/20/2016
Tim Hutcheson (Marshall Co.)	Air Quality; Solid Waste	Fugative Dust	Consent Order	$1,000.00	12/20/2016
Ladwig Trust (Deer Run Ranch) (Cherokee Co.)	AFO	NPDES Permit Violations	Consent Order	$3,000.00	12/28/2016
City of New Albin (Allamakee Co.)	Wastewater	Discharge Limit Violation	Consent Order	$0.00	12/28/2016
Precision Applicators LLC (Union Co.)	AFO	Prohibited Discharge - Confinement; Water Quality General Violations	Consent Order	$2,000.00	12/28/2016
Grand Total				**$63,100.00**	

IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU

DATE: January 2017

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Rulemaking Status Report

Proposal	Stakeholder Engagement	Sent for Governor's Pre-Approval (Job Impact Statement)	Received Governor's Pre-Approval	Notice to EPC	Notice Published	ARRC No.	ARRC Mtg.	Hearing Date(s)	Comment Period	Final Summary to EPC	Rules Adopted	Rules Published	ARRC No.	ARRC Mtg	Rules Effective
Ch. 20, 21, 22, 23, 25, 26, 27,28, 31 and 33 – 5-Year Rules Review Plan		12/17/15 6/15/16	10/6/16	10/18/16	11/9/16	2799C	**12/13/16**	12/12/16	12/12/16	**1/18/17**					
Ch. 61 – WQ Standards - Copper		1/14/16	3/08/16	9/20/16	10/12/16	2757C	11/14/16	11/1/16	11/4/16	12/20/16	**12/20/16**	**1/18/17**	**2911C**		
Ch. 61, Ch. 64 – Antidegradation Implementation Procedure				5/17/16	6/08/16	2579C	7/14/16	6/29/16	6/29/16	8/10/16	8/10/16	8/31/16	2695C	9/13/16	8/12/16
Ch. 64 – NPDES – General Permit No. 7		12/17/15	1/27/16	2/17/16	3/16/16	2441C	4/08/16	4/05/16	4/05/16	5/17/16	5/17/16	6/08/16	2572C	7/14/16	5/18/16
Ch. 64 – NPDES – General Permit No. 5		1/11/16	2/11/16	2/17/16	3/16/16	2442C	4/08/16	4/07/16	4/07/16	5/17/16	5/17/16	6/08/16	2571C	7/14/16	7/13/16
Ch. 65 – Animal Feeding Operations		1/15/16	2/22/16	3/15/16	4/13/16	2496C	5/10/16	5/23-26/16 5/31/16 6/03/16	6/03/16	10/18/16	10/18/16	11/9/16	2798C	**12/13/16**	12/14/16
Ch. 70, 71 and 72 – Flood Plain Development Permit		4/07/16	5/17/16	6/21/16	7/20/16	2629C	8/5/16	8/10/16	8/10/16	9/20/16	9/20/16	10/12/16	2764C	11/14/16	11/16/16
Ch. 100, 101 and 111 – Solid Waste Comprehensive Planning Requirements – Rule Clean-Up		2/18/16	5/02/16	6/21/16	7/20/16	2630C	8/5/16	8/09/16	8/09/16	9/20/16	9/20/16	10/12/16	2756C	11/14/16	11/16/16
Ch. 105, 113 – Yard Waste Disposal		2/12/16	3/24/16	4/19/16	5/25/16	2539C	6/14/16	6/14/16	6/14/16	8/10/16	8/10/16	8/31/16	2692C	9/13/16	10/5/16
Ch. 22 – AQ – Ease of Application	8/22/16-9/16/16	9/28/16 11/3/16	11/10/16	12/20/16	**1/18/17**	**2895C**									
Ch 61, Ch. 62 - Water Quality Criteria & Revised Documents		**12/7/16**													

IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU

DATE: January 2017

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are DUE (and being collected by DRF):

NAME/LOCATION	PROGRAM	AMOUNT (remaining)	DUE DATE
James Harter (Fairfield)	WW	1,336.00	8/1/2001
Cash Brewer (Cherokee Co.)	AFO/SW	10,000.00	8/25/2004
Harold Linnaberry (Clinton Co.)	SW	1,000.00	5/18/2005
Joel McNeill (Kossuth Co.)	AFO	2,500.00	1/21/2006
Joshua Van Der Weide (Lyon Co.	AFO	3,500.00	2/25/2008
Jon Knabel (Clinton Co.)	AQ/SW	2,000.00	12/16/2008
Rick Renken (LeMars)	AFO	995.76	7/3/2009
Brian Lill (Sioux Co.)	AFO	755.07	7/18/2009
Denny Geer (New Market)	SW	9,476.00	10/31/2009
Shrey Petroleum; Palean Oil; Profuel Three (Keokuk)	UT	10,000.00	3/19/2010
Jerry Wernimont (Carroll)	AQ/SW	215.95	4/19/2010
LJ Unlimited, LLC (Franklin Co.)	AFO/AQ/SW	3,500.00	5/27/2010
Joe McNeill (Kossuth Co.)	AFO	2,450.00	12/23/2010
Steve Friesth (Webster Co.)	AQ/SW	6,650.24	11/26/2011
Josh Oetken (Worth Co.)	AQ/SW	8,220.00	3/11/2012
Bhupinder Gangahar/Saroj Gangahar/International Business	UT	7,935.00	4/20/2012
Terry Philips; TK Enterprises (Washington Co.)	AQ/WW	2,841.67	5/30/2012
Millard Elston III; The Earthman (Jefferson Co.)	AQ/SW	1,815.00	2/15/2013
Massey Properties, LLC; The Wharf (Dubuque)	WS	10,000.00	10/5/2013
Robert Downing (Mahaska Co.)	AQ/SW	7,933.83	11/20/2013
Randy Wise; Wise Construction (Buena Vista Co.)	AQ/SW	3,000.00	4/10/2014
Advanced Electroforming, Inc. (Cedar Co.)	AQ	1,500.00	4/3/2014
Annie's LLC; Togie Pub (Lime Springs)	WS	2,460.00	12/22/2014
Gary Eggers (Stacyville)	SW/WW	10,000.00	10/17/2015
Dennis R. Phillips; Marty's Convenience Mart (Riverton)	UT	10,000.00	3/29/2016
Frank Robak (Little Sioux)	UT	10,000.00	6/10/2016
Grand Total		**$131,584.39**	

The following administrative penalties are DUE (and being collected by DNR):

NAME/LOCATION	PROGRAM	AMOUNT (remaining)	DUE DATE
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000.00	5/7/2004
Jerry Passehl (Latimer)	SW/WW/HC	3,845.22	7/1/2009
Bret Cassens; J & J Pit Stop (Columbus Junction)	UT	300.00	6/20/2010
B Petro Corporation (Cedar Rapids)	UT	7,728.00	5/13/2013
R.H. Hummer Jr., Inc.; 2161 Highway 6 Trail (Iowa Co.	AQ/SW	3,642.75	9/15/2013
Simon Simonson (Kossuth Co.)	SW	1,900.00	11/30/2014
Western Iowa Telephone Assoc. (Lawton)	WW	4,000.00	5/24/2014
Mark Yeggy; Randalyn Yeggy (Washington Co.)	AFO	5,000.00	3/23/2015
Tim VanEaton (Orient)	AFO	6,000.00	7/21/2015
Terry McMurray; Virginia McMurray (Bussey)**	AQ	1,960.00	12/1/2015
Jeremy VanderVegt; Boerderij DeVeldhoek LLC (Butler Co.)	AFO	10,000.00	4/29/2016
City of Oxford Junction	WW	1,000.00	5/9/2016
Sedore, Inc.; Sedore Sanitation and Recycling (Stockport)	AQ/SW/WW	10,000.00	5/9/2016
Mary Jo Engle; Doug Engle; Jo's Longbranch Bar (Cresco)	WS	4,500.00	7/26/2016
Paul Koth (Buena Vista Co.)	WW	4,000.00	3/23/2017
Grand Total		**$69,875.97**	

The following administrative penalties have been COLLECTED:

NAME/LOCATION	PROGRAM	AMOUNT (Collected)
Vorthmann Legacy Farms LLC	AFO	725.00
Simon Simonson	SW	200.00
Travis Stump	AFO	3,000.00
Terry & Virginia McMurray	AQ/SW	100.00
City of Bondurant	WW	1,500.00
Leick Landscaping	WW	6,000.00
Chamness Technology	WW	5,000.00
Iowa Foam Insulators Inc (Joe Steffes)	AQW/SW	2,442.60
Pro Cooperative	AQ/SW	7,500.00
United Farmers Mercantile Cooperative	WW	4,000.00
Guthrie County	WW	1,000.00
Bret Cassens	UT	100.00
Ladwig Trust (Deer Run Ranch)	AFO	3,000.00
West Central Cooperative	WW	4,000.00
Robert Downing	AQ/SW	1,095.43
Ken Odom	AQ/SW	15.00
Sheryl Sovereign (Togie Pub)	WS	65.00
Jeffrey Gerritson	SW	116.90
Wendall Abkes (City Sanitary Service)	SW	4,768.79
Grand Total		**$44,628.72**

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM **6** **DECISION**

TOPIC **Final Rules:** Chapters 20, 21, 22, 23, 25, 26, 27, 28, 31, and 33
Regulatory Certainty Rules (Air Quality)

The Department is requesting that the Commission adopt amendments to Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 21, "Compliance," Chapter 22 "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 25, "Measurement of Emissions," Chapter 26, "Prevention of Air Pollution Emergency Episodes," Chapter 27, "Certificate of Acceptance," Chapter 28, "Ambient Air Quality Standards," Chapter 31 "Nonattainment Areas," and Chapter 33, "Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of the 567 Iowa Administrative Code.

Reason for Rulemaking
The purpose of the air quality rule changes is to:
1) Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility. The rules implement a portion of the Department's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2).

2) Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department and its partners to provide compliance assistance and outreach to affected facilities.

Summary of Rule Changes
The rule changes continue previous efforts in the Department's rules review plan to identify rules that can be rescinded or amended because they are outdated or obsolete. The changes improve rules for several air quality programs, including construction permits, Title V permits, Prevention of Significant Deterioration (PSD), air toxics standards, and testing and monitoring methods.

The rule changes also include adoption of revisions to federal air toxics standards (also known as National Emissions Standards for Hazardous Air Pollutants or NESHAP) and new source performance standards (NSPS) that are not currently under reconsideration or litigation. These include changes affecting existing federal standards that are already adopted by reference, but that EPA has since amended. Adopting EPA's amendments

allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders. *Please see the attached table for the complete list of NESHAP and NSPS included for adoption.*

Public Comments
The Department received no public comments on the Notice of Intended action at the public hearing held on December 12, 2016, and received one written comment prior to the December 12 public comment deadline. In response to the public comment, the Department is including additional clarifying revisions for the amendment in Item 8 in the attached Adopted and Filed rulemaking. The comment and the Department's response are also explained in the attached Public Responsiveness Summary.

If the Commission approves the final rules, the Adopted and Filed rules will be published on February 15, 2017, and will become effective on March 22, 2017.

The Adopted and Filed rules, Public Responsiveness Summary, a table of NESHAP and NSPS being adopted, Jobs Impact Statement and Fiscal Impact Statement are attached.

Christine Paulson
Environmental Specialist Senior
Program Development Section, Air Quality Bureau
Memo date: December 27, 2016

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission (Commission) hereby amends Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 21, "Compliance," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 25, "Measurement of Emissions," Chapter 26, "Prevention of Air Pollution Emergency Episodes," Chapter 27, "Certificate of Acceptance," Chapter 28, "Ambient Air Quality Standards," Chapter 31, "Nonattainment Areas," and Chapter 33, "Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality," Iowa Administrative Code.

The purpose of the rule making is to:

1. Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility. The amendments implement a portion of the Department of Natural Resources' (Department's) five-year review of rules plan to accomplish the requirements of Iowa Code section 17A.7(2).

2. Offer uniform rules by making changes that match federal regulations and eliminate inconsistencies between federal and state rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the United States Environmental Protection Agency (EPA), to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department and its partners to provide compliance assistance and outreach to affected facilities.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 9, 2016, as **ARC 2799C**, and a public hearing was held on December 12, 2016, in Windsor Heights, Iowa. The Department received no comments at the public hearing. The Department received one written comment prior to the December 12, 2016, deadline for public comments. In response to the public comment, the Commission made clarifying changes to the adopted amendment in Item 8, as described below, from the amendment published under Notice of Intended Action. The Commission did not make any other changes to the adopted amendments from those published under Notice of Intended Action. The Department's Public Participation Responsiveness Summary is available from the Department upon request.

Item 1 amends the title of Chapter 20 to shorten and correct the title so that it better describes what is included in the chapter.

Item 2 amends rule 567—20.1(455B,17A) to update the summaries that describe each chapter of the air quality rules. The amendments proposed in Items 1 and 2 implement a portion of the Department's five-year review of rules plan.

Item 3 amends rule 567—20.2(455B), the definition of "EPA reference method" to adopt the most current EPA methods for measuring air pollutant emissions (stack testing and continuous monitoring). On September 13, 2010, February 27, 2014, and April 2, 2014, EPA revised the reference methods in 40 Code of Federal Regulations (CFR) Parts 51, 60, 61, and 63 to eliminate outdated procedures, add alternative testing methods, and restructure the audit program. EPA's changes to the audit program allow providers to supply audit samples and require facilities to obtain and use samples from either EPA or the accredited providers. On January 18, 2012, EPA also made administrative changes to the continuous monitoring methods in 40 CFR Part 75 for the acid rain program. Adopting EPA's updates ensures that state

reference methods match current federal reference methods and are not more stringent than the federal methods. Further, the alternative test methods and restructured audit program offer regulatory flexibility to affected facilities. The amendments in Items 10, 17, 20, 21, 22, 25, and 26 are adopted concurrently with this amendment to similarly reflect updates to EPA testing and monitoring methods as the methods apply to specific air quality programs.

Item 4 rescinds subrule 21.1(4), which specifies the emissions inventory requirements for the Clean Air Interstate Rule (CAIR). EPA rescinded the referenced federal CAIR requirements, so the provisions in subrule 21.1(4) are no longer necessary and being removed.

Item 5 amends paragraph 22.1(1)“b” to remove the federal amendment date for the referenced federal regulation and adds language to instead refer to the state rule in which the federal regulation is adopted by reference. The provisions of 40 CFR Part 63 are adopted by reference in Chapter 23 (specifically, subrule 23.1(4)). This amendment implements a portion of the Department’s five-year review of rules plan by eliminating repetition of federal reference dates.

Item 6 amends subparagraph 22.1(1)“c”(2) to adopt the two most recent changes made by EPA to the federal air quality control strategies for lead. EPA made changes to 40 CFR Part 51, Subpart G, on November 12, 2008, and February 19, 2015. This amendment ensures that this subparagraph references all federal control requirements for lead nonattainment areas and that state control strategy requirements are not more stringent than federal requirements. Iowa currently has one area of the state, in Council Bluffs, that is not meeting the air quality standards for lead and is a nonattainment area to which these control strategies apply.

Item 7 amends subrule 22.1(2) to make updates to the exemptions from construction permitting, as described below.

The introductory paragraphs are updated to clarify that facilities applying for plantwide applicability limitations (PALs), as specified in rule 567—33.9(455B), are eligible to use the construction permitting exemptions.

Paragraph 22.1(2)"b" is updated to revise the reference to federal regulations. EPA amended the specifications for burning used oil set forth in 40 CFR 279.11 on July 14, 2006, to correct typographical errors, spelling errors, and incorrect citations. EPA's amendments did not create any new regulatory requirements. This update ensures the exemption from the requirement for a construction permit for equipment burning used oil references the current federal requirements.

Paragraph 22.1(2)"x" is updated to remove a misplaced comma.

Paragraph 22.1(2)"ff" is updated to correct an error in a technical equation.

Paragraph 22.1(2)"oo" is updated to revise the reference to federal regulations. On April 30, 2010, EPA updated 40 CFR 1068.30 to clarify the definition of "engine." This amendment ensures the exemption from a requirement for a construction permit for non-road diesel engines references current federal regulations.

Item 8 amends subrule 22.1(3) to reduce the number of copies of a construction permit application required to be submitted to the Department. Except for projects subject to prevention of significant deterioration (PSD) or nonattainment new source review (NSR), only one hard copy of the application (instead of two copies) needs to be submitted. For PSD or nonattainment NSR projects, the Department may request an additional hard copy or electronic copy. These changes reduce the regulatory burden on affected facilities and implement a portion of the Department's five-year review of rules plan.

The Department received a public comment on the Notice of Intended Action requesting

additional changes to subrule 22.1(3). Specifically, the commenter requested that the subrule better clarify that the provisions for submitting a construction permit for an anaerobic lagoon at an animal feeding operation are set forth in 567 IAC Chapter 65. The Commission agrees with the commenter's suggestion, and has included clarifying revisions in the adopted amendment.

Item 9 amends paragraph 22.1(3)"b" to replace the outdated form title, "Air Construction Permit Application," with the current instructions for submitting an application on forms available on the Department's Web site. This change fulfills a portion of the Department's five-year review of rules plan.

Item 10 amends rule 567—22.100(455B) to update specific definitions applicable to the Title V Operating Permit (Title V) program, as described below.

The definition of "designated representative" is revised to update the reference to federal regulations to reflect administrative changes to 40 CFR Part 72.

The definition of "EPA reference method" is updated to adopt the most current federal reference methods for stack tests and continuous emissions monitoring, as described above for Item 3.

The definition of "existing hazardous air pollutant source" is revised to remove federal amendment dates and add the cross references to the state rules in which the federal regulations are adopted by reference. The federal definitions applicable to this Title V definition are adopted by reference in subrules 23.1(3) and 23.1(4).

The definition of "high-risk pollutant" is updated to remove the federal amendment date and to add the cross reference to the state rule in which the federal regulation is adopted by reference (subrule 23.1(4)).

The definition of "major source" is revised to reflect the March 6, 2015, changes EPA

made to that definition as it applies in nonattainment areas.

The updates in this amendment make certain that the state rules for the Title V program are consistent with federal requirements and are no more stringent than federal requirements. Additionally, the amendment implements a portion of the Department's five-year review of rules plan by making clear which federal standards are already adopted into state rules and by eliminating unnecessary federal reference dates.

Item 11 amends the definition of "subject to regulation" to adopt the updated federal methods for estimating and reporting greenhouse gas emissions.

Item 12 amends subrule 22.102(3) to update the Title V exemptions. Facilities affected by specific federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) are exempt from the Title V program if being subject to these standards is the only reason a facility would be required to obtain a Title V permit. This amendment specifies which NSPS and NESHAP are adopted by reference in Chapter 23, as explained in Items 19, 20, and 21. The changes made in this amendment ensure that the Title V exemptions are up to date and include all exempt equipment and processes.

Item 13 amends subrule 22.103(1) to adopt the October 6, 2009, changes that EPA made to 40 CFR section 70.5. Making this change ensures that state rules for Title V insignificant activities include up-to-date references to federal regulations.

Item 14 amends paragraph 22.103(2)"b" to add indirect cooling to the description of fuel-burning equipment that may be classified as an insignificant activity for the Title V program. This update provides regulatory relief for Title V facilities with indirect cooling devices. Additionally, this amendment updates the reference to federal regulations for burning used oil, as explained above for Item 7. These changes also achieve consistency in the air quality

rules by making the requirements for this Title V insignificant activity identical to the construction permitting exemption for the same equipment.

Item 15 amends rule 567—22.105(455B) to update the mailing address for the EPA Region VII offices and to provide regulatory relief to facilities that are submitting a Title V application and have previously submitted an annual emissions inventory.

Currently, all facilities submitting a Title V initial application or renewal application must also submit all of the emissions inventory forms and calculations. Many times, however, a facility has already submitted this information with the annual emissions inventory, which is typically due before the Title V application. The amendment allows the Department to notify a facility that, if the required emissions inventory information has already been submitted, the facility does not need to provide the same information with the Title V application.

These two changes eliminate redundant information, reduce the regulatory burden on affected facilities and implement a portion of the Department's five-year review of rules plan.

Item 16 amends subparagraph 22.108(17)"a"(2) to update the reference to federal regulations in 40 CFR 70.4. The amendment ensures that state Title V provisions reference the most current federal regulations.

Item 17 amends the introductory paragraph of rule 567—22.120(455B) to update the adoption by reference of definitions in 40 CFR Part 72 to match the current federal regulations for the acid rain program.

Item 18 amends rule 567—22.120(455B) to update definitions applicable to 40 CFR Parts 72, 75, and 78 to ensure that state rules for the acid rain program reference the most current federal regulations.

Item 19 amends subrule 22.128(4) to reduce the number of submittals required for the

acid rain program to two copies of the application. This change reduces the regulatory burden for affected facilities and implements a portion of the Department's five-year review of rules plan.

New Source Performance Standards and Air Toxics Standards (Items 20, 21, and 22)

The U.S. Clean Air Act (CAA) obligates the EPA to issue standards to control air pollution. Two categories of standards, the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), set standards and deadlines for industrial, commercial or institutional facilities to meet uniform standards for equipment operation and air pollutant emissions.

NESHAP regulations differ depending on whether a facility is a "major source" or an "area source." Major sources are typically larger facilities and have potential emissions of 10 tons or more per year of any single hazardous air pollutant (also known as "HAP" or "air toxics") or 25 tons or more of any combination of HAPs. Area sources have potential air toxics emissions at less than the major source thresholds. Although area sources generally emit less air toxics than major sources, area sources are more numerous and may collectively cause adverse impacts to public health.

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

and NESHAP as of a specific date.

Stakeholders affected by NSPS and NESHAP typically prefer for the Department, rather than the EPA, to be the primary implementation authority. Upon adoption of the new and amended NSPS and NESHAP, the Department will work with affected facilities to provide compliance assistance, as needed. Additionally, affected area sources that are small businesses are eligible for free assistance from the Iowa Air Emissions Assistance Program through the University of Northern Iowa.

NSPS Amendments

Item 20 amends subrule 23.1(2) to adopt new and revised NSPS, as described below.

The text in parentheses in each section heading below indicates the applicable subpart(s) in 40 CFR Part 60 and the corresponding paragraph(s) in subrule 23.1(2).

Fossil Fuel-Fired Steam Generators (Subpart D; paragraph 23.1(2)“a”)

These changes make clear that recent EPA revisions to the standards for fossil fuel-fired steam generators are not adopted into state rules. EPA finalized amendments to the NSPS in conjunction with finalizing NESHAP standards commonly known as the Mercury Air Toxics Standards (MATS). Because of current litigation affecting the MATS and the NSPS amendments, the NSPS amendments that EPA finalized on and after February 16, 2012, are not adopted in this rule making. Rather, only the federal amendments as published through January 20, 2011, are adopted (these are the NSPS amendments currently adopted in paragraph 23.1(2)“a”). The same changes are made for other, similar NSPS affecting fossil fuel-fired units, as described below.

Portland Cement Plants (Subpart F; paragraph 23.1(2)“c”)

The amendment adopts the revisions to the NSPS that EPA published on September 11,

2015, July 27, 2015, and February 12, 2013, that resolve litigation and reconsiderations of the NSPS amendments that EPA issued in 2010. The revisions apply only to sources that commenced construction, reconstruction or modification after May 6, 2009. Because the 2015 changes to the Portland cement NSPS are the most recent changes of all the NSPS amendments being adopted in subrule 23.1(2), September 11, 2015, is the overall NSPS amendment date indicated in the introductory paragraph of subrule 23.1(2).

Existing Nitric Acid Plants (Subpart G; paragraph 23.1(2)"d")

The amendment specifies that Subpart G now applies only to nitric acid production units that commenced construction or modification after August 17, 1971, and on or before October 14, 2011. Any facility that commenced construction or modification after October 14, 2011, is subject to Subpart Ga, as noted for the description of paragraph "bbbb" below.

Hot Mix Asphalt Plants (Subpart I; paragraph 23.1(2)"f")

The Commission is revising outdated and incomplete descriptions of the NSPS for hot mix asphalt plants. EPA did not make any changes to the NSPS. However, modernizing the descriptions of the NSPS provides clarity to regulated entities and the public and assists in implementing the Department's five-year review of rules plan.

Electric Utility Steam Generating Units (Subpart Da; paragraph 23.1(2)"z")

Because of current litigation as described above for paragraph 23.1(2)"a," the NSPS amendments that EPA finalized on and after February 16, 2012, are not adopted this rule making. Rather, only the federal amendments as published through January 20, 2011, are adopted.

Industrial-Commercial-Institutional Steam Generating Units (Subpart Db; paragraph 23.1(2)"ccc")

Because of current litigation as described above for paragraph 23.1(2)"a," the NSPS

amendments that EPA finalized on and after February 16, 2012, are not adopted in this rule making. Rather, only the federal amendments as published through January 20, 2011, are adopted.

Small Industrial-Commercial-Institutional Steam Generating Units (Subpart Dc; paragraph 23.1(2)"lll")

Because of current litigation as described above for paragraph 23.1(2)"a," the NSPS amendments that EPA finalized on and after February 16, 2012, are not adopted in this rule making. Rather, only the federal amendments as published through January 20, 2011, are adopted.

Commercial and Industrial Solid Waste Incineration (Subpart CCCC; paragraph 23.1(2)"vvv")

This paragraph is being updated to make clear that recent EPA amendments to the NSPS for commercial and industrial solid waste incinerators (CISWI) are not adopted. EPA revised the NSPS in 2011 and again in 2013, but the EPA amendments were still under active EPA reconsideration and current litigation when the Notice of Intended Action for this rule making was approved by the Commission. The adopted amendment specifies that only the federal amendments as published through December 1, 2000, are adopted (these are the NSPS amendments that were previously adopted in paragraph 23.1(2)"vvv").

New Nitric Acid Plants (Subpart Ga; paragraph 23.1(2)"bbbb")

On August 14, 2012, EPA published the NSPS for new, reconstructed, and modified nitric acid plants. Adoption of this standard allows the Department to provide additional regulatory assistance to fertilizer plants permitted for construction or modification after October 14, 2011.

Test Methods (Amendments throughout Part 60)

The amendment adopts the changes EPA made to the NSPS test methods, as explained in the description above for Item 3.

NESHAP Amendments

Item 21 amends subrule 23.1(3) to adopt revisions to the NESHAP standards in 40 CFR Part 61 for EPA's updates to test methods, as explained above for Item 3.

Item 22 amends subrule 23.1(4) to adopt federal amendments to the NESHAP for source categories, as described below.

The text in parentheses in each section heading below indicates the applicable subpart(s) in 40 CFR Part 63 and the corresponding paragraph(s) in subrule 23.1(4). With the exceptions of the amendments described below for paragraphs 23.1(4)"bl" and "cz," the amendments to the other NESHAP are adopted through updating the overall NESHAP amendment date in the introductory paragraph of subrule 23.1(4); thus, the paragraphs themselves are not being revised. This amendment also rescinds the adoption of a NESHAP affecting petroleum refineries and removes outdated references to two NESHAP affecting brick and structural clay manufacturing and clay ceramics manufacturing, as explained below.

Chromium Electroplating (Subpart N; paragraph 23.1(4)"n")

The amendment adopts revisions to the NESHAP for chromium electroplating facilities that EPA published on September 19, 2012. The NESHAP affects both major sources and area sources. EPA's updates establish new work practice and emission standards that will lower chromium emissions from some facilities and equipment.

Facilities were required to comply with the work practice standards specified in the NESHAP by March 19, 2013. Facilities subject to new emissions or control requirements were

required to comply with the new provisions by September 19, 2014. The Department estimates 11 existing facilities are subject to this NESHAP.

Pulp and Paper Industry (Subpart S; paragraph 23.1(4)“s”)

The amendment adopts EPA’s revisions to the pulp and paper NESHAP that were published on September 11, 2012. At this time, no facilities in Iowa are affected by this NESHAP. However, the Department is aware of one facility that could become subject to the standards in the future should the facility expand or make changes to its production process.

Offsite Waste and Recovery Operations (Subpart DD; paragraph 23.1(4)“ad”)

The amendment adopts changes to the standards for offsite waste and recovery operations published on March 18, 2015. At this time, no facilities in Iowa are affected by this NESHAP. New facilities, or existing facilities that change their production lines, could become subject to this NESHAP in the future.

Wood Furniture Manufacturing (Subpart JJ; paragraph 23.1(4)“aj”)

The amendment adopts changes to the standards for wood furniture manufacturing published on November 21, 2011. This NESHAP affects only major sources. EPA’s revisions establish a work practice limit to reduce formaldehyde emissions from affected facilities. Facilities were required to comply with the new requirements by November 21, 2014. The Department estimates that nine existing facilities are currently subject to the NESHAP.

Generic MACT (Subpart YY; paragraph 23.1(4)“ay”)

The amendment adopts EPA’s recent changes to the “generic MACT” standards, published on October 8, 2014. EPA developed the generic MACT in 1999 as a consolidated rule for source categories consisting of five or fewer major sources. Through the generic MACT, EPA sets the Maximum Achievable Control Technology (MACT) for the specific source

categories by referring to previously finalized MACT for similar sources in other categories. EPA's stated goal in the generic MACT is to promote regulatory consistency and predictability.

Currently, one facility in Iowa is affected by the generic MACT. EPA's recent revisions, however, do not apply to this facility.

Mineral Wool Production (Subpart DDD; paragraph 23.1(4)"bd")

The amendment adopts changes to the standards for mineral wool production published on July 29, 2015. This standard affects only major facilities. At this time, no facilities in Iowa are affected by this NESHAP. New facilities, or existing facilities in Iowa that change their production lines, could become subject to this NESHAP in the future.

Natural Gas Transmission and Storage (Subpart HHH; paragraph 23.1(4)"bh")

The amendment adopts EPA's August 16, 2012, updates to the standards for natural gas transmission and storage. Facilities were required to comply with the new requirements by October 15, 2015. One facility has notified the Department that the facility is subject to the new NESHAP requirements.

Flexible Polyurethane Foam Production (Subpart III; paragraph 23.1(4)"bi")

This update adopts the August 15, 2014, amendments to the standards for flexible polyurethane foam production. These standards apply only to major sources. New facilities, or existing facilities in Iowa that change their production lines, could become subject to this NESHAP in the future.

Portland Cement Plants (Subpart LLL; paragraph 23.1(4)"bl")

The amendment adopts the revisions to the NESHAP that EPA published on July 25, 2016, September 11, 2015, July 27, 2015, and February 12, 2013, which resolve litigation and reconsiderations of the NESHAP that EPA issued in 2010. Because the 2016 revisions to the

Portland cement NESHAP are the most recent changes of all the NESHAP amendments being adopted in subrule 23.1(4), July 25, 2016, is the overall NESHAP amendment date indicated in the introductory paragraph of subrule 23.1(4).

EPA's amendments establish emission limits and monitoring methods for emissions of particulate matter, mercury, and air toxics from kilns. The amendments also establish work practices to reduce particulate emissions from open clinker storage piles. Additionally, EPA provides a temporary compliance alternative and extends the compliance date for affected facilities to meet the emission standards for kilns.

One facility has notified the Department that it is subject to NESHAP. One facility has notified the Department that it is not subject to the NESHAP requirements for kilns but is affected by the NESHAP requirements for clinker storage piles and other non-kiln-related requirements.

The amendments to Subpart LLL are adopted through updating the overall NESHAP amendment date in the introductory paragraph of subrule 23.1(4). The revision to paragraph 23.1(4)"bl" removes the older amendment date that is now obsolete with the adoption of the current NESHAP amendments.

Pesticide Active Ingredient Production (Subpart MMM; paragraph 23.1(4)"bm")

This revision adopts EPA's amendments to the standards for pesticide active ingredient production, published on March 27, 2014. This NESHAP affects only major sources. The updated NESHAP required compliance with some new requirements starting on March 27, 2014, and requires compliance with other new requirements by March 27, 2017. One facility has notified the Department that the facility is subject to the NESHAP.

Manufacture of Amino/Phenolic Resins (Subpart OOO; paragraph 23.1(4)"bo")

This amendment adopts EPA's October 8, 2014, updates to the standards for manufacture of amino/phenolic resins. This NESHAP applies only to major sources. New facilities, or existing facilities in Iowa that change their production lines, could become subject to this NESHAP in the future.

Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (Subpart UUU; paragraph 23.1(4)"bu")

The Department identified that this previously adopted NESHAP does not affect any facilities in Iowa and is unlikely to affect any Iowa facilities in the future. The Commission is striking and removing the paragraph that adopts by reference this NESHAP. The removal accomplishes the Department's goal of eliminating obsolete rules and meets the requirements in Iowa Code section 17A.7(2). If an affected facility should plan to locate in Iowa, the Department will evaluate whether to request adoption of the standards at that time. Removing the unnecessary provisions makes the rules more accessible and understandable for regulated entities and the public.

Emission Standards for Stationary Reciprocating Internal Combustion Engines (RICE NESHAP) (Subpart ZZZZ; paragraph 23.1(4)"cz")

The Commission previously adopted the RICE NESHAP amendments that EPA finalized on January 30, 2013 (see **ARC 1014C**, IAB 9/18/13). Paragraph 23.1(4)"cz" is now being amended to remove the January 30, 2013, amendment date that is no longer needed because the introductory paragraph for subrule 23.1(4) now accurately reflects the current amendment date for all NESHAP adopted by reference in subrule 23.1(4), including the RICE NESHAP.

Brick and Structural Clay Products Manufacturing (Subpart JJJJJ; paragraph 23.1(4)"dj")

This amendment removes an obsolete reference to the NESHAP for brick and structural

clay manufacturing. The Commission had previously adopted the NESHAP. However, the NESHAP was subsequently vacated by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit Court). The Commission consequently rescinded adoption by reference of the NESHAP, but retained the NESHAP description with a notation explaining the vacatur and rescission.

EPA finalized a new NESHAP on September 24, 2015, to replace the vacated standards. However, the new federal standards are currently under active litigation. At such time as the litigation is resolved, the Commission will consider whether to include adoption of the new standards in a future rule making.

The adoption by reference of the previous NESHAP is being removed because the reference is outdated and could cause confusion now that EPA has issued a new NESHAP.

Clay Ceramics Manufacturing (Subpart KKKKK; paragraph 23.1(4)"dk")

This amendment removes an obsolete reference to the NESHAP for clay ceramics manufacturing. The Commission had previously adopted the NESHAP. However, the NESHAP was subsequently vacated by the D.C. Circuit Court concurrently with the vacating of the NESHAP for brick and structural clay manufacturing. The Commission did not rescind adoption of the NESHAP for clay ceramics manufacturing at that time because the NESHAP did not affect any Iowa facilities and was unlikely to affect any Iowa facilities in the future.

EPA finalized a new NESHAP on September 24, 2015, to replace the vacated standards. The Commission will consider whether to include adoption of the new standards in a future rule making.

The paragraph adopting the previous, vacated NESHAP is being removed because the paragraph is outdated and could cause confusion now that EPA has issued a new NESHAP.

Test Methods (Amendments throughout Part 63)

The amendment also adopts the changes EPA made to the NESHAP test methods, as explained in the description above for Item 3.

Item 23 amends subparagraph 23.1(5)“a”(3) to correct an error in the emission guidelines for municipal solid waste landfills. This update clarifies that landfills must meet both the size and weight requirements indicated in the subparagraph, rather than only one of these requirements, to be subject to the emission guidelines. The amendment makes the requirements consistent with the regulatory flexibility specified elsewhere in the emission guidelines.

Item 24 amends subrule 23.3(1) to clarify that facility operations subject to performance standards under subrule 23.1(2) (NSPS) are not also subject to the emission standards specified in rule 567—23.3(455B).

Item 25 amends subrule 25.1(9) to adopt the revised federal methods for emissions testing and monitoring as described above for Item 3. The updates will make certain that only current federal test methods are used to demonstrate compliance with permit conditions and that required test methods are no more stringent than federal methods.

Item 26 amends rule 567—25.2(455B) to adopt federal updates for monitoring methods under the Acid Rain program, as noted above for Item 3. This update ensures that state air quality rules for testing and monitoring are consistent and match federal regulations.

Item 27 amends subrule 26.2(2) to reflect the current federal levels and terminology for air pollution emergency episodes for ozone and particulate matter to be used in making determinations for the declaration of an emergency episode condition.

Item 28 amends rule 567—27.1(455B) to correct a reference to the Iowa Code from section 455B.145 to 455B.139.

Item 29 amends paragraph 27.3(4)"c" to revise the variance procedures for local programs to be consistent with the Department's variance procedures and rules specified in Chapter 21. This change provides regulatory certainty for affected facilities and additional flexibility for approved local air quality programs.

Item 30 amends rule 567—28.1(455B) to adopt by reference EPA's revisions to the National Ambient Air Quality Standards (NAAQS) for fine particulate matter ($PM_{2.5}$). On January 15, 2013, EPA published amendments to the primary (health-based) annual $PM_{2.5}$ standard by lowering the level from 15.0 micrograms per cubic meter (mg/m^3) to 12.0 mg/m^3 to provide increased protection against health effects associated with long-term exposures. The Department has determined that no other changes to air quality rules are needed to implement the revised NAAQS for $PM_{2.5}$.

Item 31 rescinds and reserves rule 567—31.2(455B) to remove the adoption by reference of federal "general conformity" requirements specified in 40 CFR Part 93, Subpart B. The general conformity provisions require federal agencies to meet criteria for federal actions conducted in nonattainment areas. Prior to 2005, the CAA required states to include general conformity requirements in any State Implementation Plan (SIP) submitted for a nonattainment area. The CAA was revised in 2005 to eliminate this requirement, and EPA subsequently updated regulations in 40 CFR 51.851 to make a general conformity SIP optional for states. The federal general conformity requirements in 40 CFR Part 93 continue to apply to federal agencies without the need for identical state rules or SIPs. Consistent with the Department's five-year review of rules plan, Iowa's general conformity provisions are no longer necessary and are being rescinded.

Item 32 amends rule 567—33.1(455B) to reflect EPA's revisions to the PSD program.

The specific revisions are adopted in Items 33, 34, 35, 36, and 37 and are described below.

Item 33 amends subrule 33.3(1) by defining "subject to regulation" in the same manner as described above for Item 11 to adopt the updated federal methods for estimating and reporting greenhouse gas emissions. Item 33 also revises the definition of "subject to regulation" to remove thresholds related to greenhouse gases. The revision is identical to the changes EPA made to federal PSD regulations on August 19, 2015.

Item 34 amends subrule 33.3(9) to adopt by reference EPA's revision to 40 CFR 52.21(i). On December 9, 2013, EPA rescinded the significant monitoring concentration for $PM_{2.5}$. On March 6, 2015, EPA added provisions explaining that areas designated as nonattainment for a NAAQS, and for which the NAAQS have since been revoked, are not considered to be current nonattainment areas. Specific PSD requirements may apply to facilities in those areas. This amendment makes certain that the state PSD requirements are identical to current federal regulations and are not more stringent than federal regulations.

Item 35 amends subrule 33.3(11) to adopt EPA's updates to 40 CFR 52.21(k), published on December 9, 2013, to remove the Significant Impact Levels for $PM_{2.5}$. This change ensures that state PSD provisions match federal regulations.

Item 36 amends subrule 33.3(20) by correcting the table that lists the federal significance levels for PSD major source or major modification to remove the inaccurate title, "Significant Impact Levels (SILs)." This change should improve clarity for regulated facilities referring to these provisions.

Item 37 amends subrule 33.3(22) to allow for rescission of PSD permits that are no longer required for a source classified as major for PSD solely because of the source's greenhouse gas emissions or for a source emitting major levels of other pollutants that underwent

a modification resulting in an increase of only greenhouse gas emissions above the levels specified for a major modification. This update matches changes EPA made to the federal PSD regulations in 40 CFR 52.21(w), published on May 7, 2015, and August 19, 2015.

These amendments are intended to implement Iowa Code section 455B.133, 455B.139 and 455B.145.

These amendments will become effective on March 22, 2017.

The following amendments are adopted.

ITEM 1. Amend **567—Chapter 20**, title, as follows:

SCOPE OF TITLE—DEFINITIONS~~—FORMS—RULES OF PRACTICE~~

ITEM 2. Amend rule 567—20.1(455B,17A) as follows:

567—20.1(455B,17A) Scope of title. The department has jurisdiction over the atmosphere of the state to prevent, abate and control air pollution, by establishing standards for air quality and by regulating potential sources of air pollution through a system of general rules or specific permits. The construction and operation of any new or existing stationary source which emits or may emit any air pollutant requires a specific permit from the department, unless exempted by the department.

This chapter provides general definitions applicable to this title ~~and rules of practice, including forms, applicable to the public in the department's administration of the subject matter of this title~~.

Chapter 21 contains the provisions requiring compliance schedules, allowing for variances, and setting forth the emission reduction program. Chapter 22 contains the standards

and procedures for the permitting of emission sources. Chapter 23 contains the air emission standards for contaminants. Chapter 24 provides for the reporting of excess emissions and the equipment maintenance and repair requirements. Chapter 25 contains the testing and sampling requirements for new and existing sources. Chapter 26 identifies air pollution emergency episodes and the preplanned abatement strategies. Chapter 27 sets forth the conditions political subdivisions must meet in order to secure acceptance of a local air pollution control program. Chapter 28 identifies the state ambient air quality standards. Chapter 29 sets forth the qualifications for an observer for reading visible emissions. Chapter 30 sets forth requirements to pay fees for specified activities. Chapter 31 contains ~~the conformity of general federal actions to the Iowa state implementation plan or federal implementation plan and requirements for areas designated nonattainment~~ rules for the nonattainment major new source review (NSR) program and general conformity. Chapter 32 specifies requirements for conducting the animal feeding operations field study. Chapter 33 contains special regulations and construction permit requirements for major stationary sources and includes the requirements for prevention of significant deterioration (PSD). Chapter 34 contains provisions for air quality emissions trading programs. Chapter 35 specifies the requirements for the department to provide financial assistance to eligible applicants for the purpose of reducing air pollution emissions.

All dates specified in reference to the Code of Federal Regulations (CFR) are the dates of publication of the last amendments to the portion of the CFR being cited.

ITEM 3. 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 through ~~December 21, 2010~~ April 2, 2014); 40 CFR 60, Appendix A (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 61, Appendix B (as amended through ~~October 17, 2000~~ February 27, 2014); and 40 CFR 63, Appendix A (as amended through ~~August 20, 2010~~ February 27, 2014).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 60, Appendix F (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 75, Appendix A (as amended through ~~March 28, 2011~~ January 18, 2012); 40 CFR 75, Appendix B (as amended through March 28, 2011); and 40 CFR 75, Appendix F (as amended through ~~March 28, 2011~~ January 18, 2012).

ITEM 4. Rescind and reserve subrule **21.1(4)**.

ITEM 5. Amend paragraph **22.1(1)"b"** as follows:

b. New or reconstructed major sources of hazardous air pollutants. No person shall construct or reconstruct a major source of hazardous air pollutants, as defined in 40 CFR 63.2 and 40 CFR 63.41 ~~as amended through April 22, 2004~~ as adopted by reference in 567—subrule 23.1(4), unless a construction permit has been obtained from the department, which requires maximum achievable control technology for new sources to be applied. The permit shall be obtained prior to the initiation of construction or reconstruction of the major source.

ITEM 6. Amend subparagraph **22.1(1)"c"(2)** as follows:

(2) The applicant must cease construction if the department's evaluation demonstrates that the construction, reconstruction or modification of the source will interfere with the attainment or maintenance of the national ambient air quality standards or will result in a violation of a control strategy required by 40 CFR Part 51, Subpart G, as amended through ~~August 12, 1996~~ February 19, 2015.

ITEM 7. Amend subrule 22.1(2) as follows:

22.1(2) *Exemptions.* The requirement to obtain a permit in subrule 22.1(1) is not required for the equipment, control equipment, and processes listed in this subrule. The permitting exemptions in this subrule do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. Equipment, control equipment, or processes subject to rule 567—22.4(455B) and 567—Chapter 33(except rule 567—33.9(455B)), prevention of significant deterioration requirements, or rule 567—22.5(455B) or 567—31.3(455B), requirements for nonattainment areas, may not use the exemptions from construction permitting listed in this subrule. Equipment, control equipment, or processes subject to 567—subrule 23.1(2), new source performance standards (40 CFR Part 60 NSPS); 567—subrule 23.1(3), emission standards for hazardous air pollutants (40 CFR Part 61 NESHAP); 567—subrule 23.1(4), emission standards for hazardous air pollutants for source categories (40 CFR Part 63 NESHAP); or 567—subrule 23.1(5), emission guidelines, may still use the exemptions from construction permitting listed in this subrule provided that a permit is not needed to create federally enforceable limits that restrict potential to emit. If equipment is

permitted under the provisions of rule 567—22.8(455B), then no other exemptions shall apply to that equipment.

Records shall be kept at the facility for exemptions that have been claimed under the following paragraphs: 22.1(2)*"a"* (for equipment > 1 million Btu per hour input), 22.1(2)*"b,"*22.1(2)*"e,"*22.1(2)*"r"* or 22.1(2)*"s."* The records shall contain the following information: the specific exemption claimed and a description of the associated equipment. These records shall be made available to the department upon request.

The following paragraphs are applicable to paragraphs 22.1(2)*"g"* and *"i."* A facility claiming to be exempt under the provisions of paragraph 22.1(2)*"g"* or *"i"* shall provide to the department the information listed below. If the exemption is claimed for a source not yet constructed or modified, the information shall be provided to the department at least 30 days in advance of the beginning of construction on the project. If the exemption is claimed for a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the information listed below shall be provided to the department within 60 days of March 20, 1996. After that date, if the exemption is claimed by a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the source shall not operate until the information listed below is provided to the department:

- A detailed emissions estimate of the actual and potential emissions, specifically noting increases or decreases, for the project for all regulated pollutants (as defined in rule 567—22.100(455B)), accompanied by documentation of the basis for the emissions estimate;
- A detailed description of each change being made;
- The name and location of the facility;

- The height of the emission point or stack and the height of the highest building within 50 feet;
- The date for beginning actual construction and the date that operation will begin after the changes are made;
- A statement that the provisions of rules 567—22.4(455B), 567—22.5(455B), and 567—31.3(455B) and 567—Chapter 33 (except rule 567—33.9(455B)) do not apply; and
- A statement that the accumulated emissions increases associated with each change under paragraph 22.1(2)*"i,"* when totaled with other net emissions increases at the facility contemporaneous with the proposed change (occurring within five years before construction on the particular change commences), have not exceeded significant levels, as defined in 40 CFR 52.21(b)(23) as amended through October 20, 2010, and adopted in rules 567—22.4(455B) and 567—33.3(455B), and will not prevent the attainment or maintenance of the ambient air quality standards specified in 567—Chapter 28. This statement shall be accompanied by documentation for the basis of these statements.

The written statement shall contain certification by a responsible official as defined in rule 567—22.100(455B) of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

a. No change.

b. Fuel-burning equipment for indirect heating or indirect cooling with a capacity of less than 1 million Btu per hour input per combustion unit when burning untreated wood, untreated seeds or pellets, other untreated vegetative materials, or fuel oil, provided that the equipment and the fuel meet the conditions specified in this paragraph. Used oils meeting the

specification from 40 CFR 279.11 as amended through ~~May 3, 1993~~ July 14, 2006, are acceptable fuels for this exemption. When combusting used oils, the equipment must have a maximum rated capacity of 50,000 Btu or less per hour of heat input or a maximum throughput of 3,600 gallons or less of used oils per year. When combusting untreated wood, untreated seeds or pellets, or other untreated vegetative materials, the equipment must have a maximum rated capacity of 265,600 Btu or less per hour or a maximum throughput of 378,000 pounds or less per year of each fuel or any combination of fuels. Records shall be maintained on site by the owner or operator for at least two calendar years to demonstrate that fuel usage is less than the exemption thresholds. Owners or operators initiating construction, installation, reconstruction, or alteration of equipment (as defined in rule 567—20.2(455B)) on or before October 23, 2013, burning coal, used oils, untreated wood, untreated seeds or pellets, or other untreated vegetative materials that qualified for this exemption may continue to claim this exemption after October 23, 2013, without being restricted to the maximum heat input or throughput specified in this paragraph.

c. to *w.* No change.

x. The following equipment, processes, and activities:

(1) to (8) No change.

(9) Air compressors and vacuum~~,~~ pumps, including hand tools.

(10) to (27) No change.

y. to *ee.* No change.

ff. Production welding.

(1) Consumable electrode.

1. No change.

2. Welding operations for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, using a consumable electrode, provided that the consumable electrode used falls within American Welding Society specification A5.18/A5.18M for Gas Metal Arc Welding (GMAW), A5.1 or A5.5 for Shielded Metal Arc Welding (SMAW), and A5.20 for Flux Core Arc Welding (FCAW), and provided that the quantity of all electrodes used at the stationary source of the acceptable specifications is below ~~1,600~~ 12,500 pounds per year for GMAW and ~~12,500~~ 1,600 pounds per year for SMAW or FCAW. Records that identify the type and annual amount of welding electrode used shall be maintained on site by the owner or operator for a period of at least two calendar years. For stationary sources where electrode usage exceeds these levels, the welding activity at the stationary source may be exempted if the amount of electrode used (Y) is less than:

Y = the greater of 84x - 1,200 or ~~1,600~~ 12,500 for GMAW, or

Y = the greater of 11x - 160 or ~~12,500~~ 1,600 for SMAW or FCAW

Where "x" is the minimum distance to the property line in feet and "Y" is the annual electrode usage in pounds per year.

If the stationary source has welding processes that fit into both of the specified exemptions, the most stringent limits must be applied.

(2) No change.

gg. to *nn.* No change.

oo. A non-road diesel fueled engine, as defined in 40 CFR 1068.30 ~~and~~ as amended through ~~October 8, 2008~~ April 30, 2010, with a brake horsepower rating of less than 1,100 at full load measured at the shaft, used to conduct periodic testing and maintenance on natural gas

pipelines. For the purposes of this exemption, the manufacturer's nameplate rating shall be defined as the brake horsepower output at the shaft at full load.

(1) to (3) No change.

ITEM 8. Amend subrule 22.1(3), introductory paragraph, as follows:

22.1(3) *Construction permits.* The owner or operator of a new or modified stationary source shall apply for a construction permit. ~~Two copies~~ One copy of a construction permit application for a new or modified stationary source shall be presented or mailed to Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324. Alternatively, the owner or operator may apply for a construction permit for a new or modified stationary source through the electronic submittal format specified by the department. An owner or operator applying for a permit as required pursuant to rule 567—31.3(455B) (nonattainment new source review) or 567—33.3(455B) (prevention of significant deterioration (PSD)) shall present or mail to the department one hard copy of a construction permit application to the address specified above and, upon request from the department, shall also submit one electronic copy and one additional hard copy of the application. ~~The owner or operator of any new or modified industrial anaerobic lagoon or a new or modified anaerobic lagoon for an animal feeding operation other than a small operation as defined in rule 567—65.1(455B) shall apply for a construction permit. Two copies of a construction permit application for an anaerobic lagoon shall be presented or mailed to Department of Natural Resources, Water Quality Bureau, Henry A. Wallace Building, 502 East Ninth Street, Des Moines, Iowa 50319.~~ The owner or operator of any new or modified industrial anaerobic lagoon shall apply for a construction permit as specified in this subrule and as provided in 567—Chapter 22 (455B). The owner or operator

of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567—Chapter 65 (455B 459, 459B).

ITEM 9. Amend paragraph **22.1(3)"b,"** introductory paragraph, as follows:

b. *Construction permit applications.* Each application for a construction permit shall be submitted to the department on the ~~form "Air Construction Permit Application."~~ permit application forms available on the department's Web site. Final plans and specifications for the proposed equipment or related control equipment shall be submitted with the application for a permit and shall be prepared by or under the direct supervision of a professional engineer licensed in the state of Iowa in conformance with Iowa Code section 542B.1, or consistent with the provisions of Iowa Code section 542B.26 for any full-time employee of any corporation while the employee is doing work for that corporation. The application for a permit to construct shall include the following information:

ITEM 10. Amend rule **567—22.100(455B)**, definitions of "Designated representative," "EPA reference method," "Existing hazardous air pollutant source," "High-risk pollutant" and "Major source," as follows:

"Designated representative" means a responsible natural person authorized by the owner(s) or operator(s) of an affected source and of all affected units at the source, as evidenced by a certificate of representation submitted in accordance with Subpart B of 40 CFR Part 72 as amended ~~to October 24, 1997~~ through April 28, 2006, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the acid rain program. Whenever the term "responsible official" is used in ~~567—~~Chapter 22, it shall be deemed to refer to the

designated representative with regard to all matters under the acid rain program.

"*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 through ~~December 21, 2010~~ April 2, 2014); 40 CFR 60, Appendix A (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 61, Appendix B (as amended through ~~October 17, 2000~~ February 27, 2014); and 40 CFR 63, Appendix A (as amended through ~~August 20, 2010~~ February 27, 2014).

2. Continuous monitoring systems. Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 60, Appendix F (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 75, Appendix A (as amended through ~~March 28, 2011~~ January 18, 2012); 40 CFR 75, Appendix B (as amended through March 28, 2011); and 40 CFR 75, Appendix F (as amended through ~~March 28, 2011~~ January 18, 2012).

"*Existing hazardous air pollutant source*" means any source as defined in 40 CFR 61 ~~(as amended through July 20, 2004)~~ as adopted by reference in 567—subrule 23.1(3) and 40 CFR 63.72 ~~(as amended through December 29, 1992)~~ as adopted by reference in 567—subrule 23.1(4) with respect to Section 112(i)(5) of the Act, the construction or reconstruction of which commenced prior to proposal of an applicable Section 112(d) standard.

"*High-risk pollutant*" means one of the following hazardous air pollutants listed in Table 1 in 40 CFR 63.74 ~~as amended through October 21, 1994~~ as adopted by reference in 567—subrule 23.1(4).

cas #	chemical name	weighting factor
53963	2-Acetylaminofluorene	100
107028	Acrolein	100
79061	Acrylamide	10
107131	Acrylonitrile	10
0	Arsenic compounds	100
1332214	Asbestos	100
71432	Benzene	10
92875	Benzidine	1000
0	Beryllium compounds	10
542881	Bis(chloromethyl) ether	1000
106990	1,3-Butadiene	10
0	Cadmium compounds	10
57749	Chlordane	100
532274	2-Chloroacetophenone	100
0	Chromium compounds	100
107302	Chloromethyl methyl ether	10
0	Coke oven emissions	10
334883	Diazomethane	10
132649	Dibenzofuran	10
96128	1,2-Dibromo-3-chloropropane	10
111444	Dichloroethyl ether(Bis(2-chloroethyl) ether)	10
79447	Dimethylcarbamoyl chloride	100
122667	1,2-Diphenylhydrazine	10
106934	Ethylene dibromide	10
151564	Ethylenimine (Aziridine)	100
75218	Ethylene oxide	10
76448	Heptachlor	100

cas #	chemical name	weighting factor
118741	Hexachlorobenzene	100
77474	Hexachlorocyclopentadiene	100
302012	Hydrazine	100
0	Manganese compounds	10
0	Mercury compounds	100
60344	Methyl hydrazine	10
624839	Methyl isocyanate	10
0	Nickel compounds	10
62759	N-Nitrosodimethylamine	100
684935	N-Nitroso-N-methylurea	1000
56382	Parathion	10
75445	Phosgene	10
7803512	Phosphine	10
7723140	Phosphorus	10
75558	1,2-Propylenimine	100
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	100,000
8001352	Toxaphene (chlorinated camphene)	100
75014	Vinyl chloride	10

"*Major source"* means any stationary source (or any group of stationary sources located on one or more contiguous or adjacent properties and under common control of the same person or of persons under common control) belonging to a single major industrial grouping that is any of the following:

1. A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit 100 tons per year (tpy) or more of any air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant). The fugitive emissions of a stationary source shall not be considered in determining whether it is

a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to one of the stationary source categories listed in this chapter.

2. A major source of hazardous air pollutants according to Section 112 of the Act as follows:

For pollutants other than radionuclides, 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, in the aggregate, 10 tpy or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act and these rules or 25 tpy or more of any combination of such hazardous air pollutants. Notwithstanding the previous sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emission from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

For Title V purposes, all fugitive emissions of hazardous air pollutants are to be considered in determining whether a stationary source is a major source.

For radionuclides, “major source” shall have the meaning specified by the administrator by rule.

3. A major stationary source as defined in Part D of Title I of the Act, including:

For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified or treated as classified as “marginal” or “moderate,” 50 tpy or more in areas classified or treated as classified as “serious,” 25 tpy or more in areas classified or treated as classified as “severe” and 10 tpy or more in areas classified or treated as classified as “extreme”; except that the references in this paragraph to

100, 50, 25, and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under Section 182(f)(1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;

For ozone transport regions established pursuant to Section 184 of the Act, sources with potential to emit 50 tpy or more of volatile organic compounds;

For carbon monoxide nonattainment areas (1) that are classified or treated as classified as "serious" and (2) in which stationary sources contribute significantly to carbon monoxide levels, and sources with the potential to emit 50 tpy or more of carbon monoxide;

For particulate matter (~~PM-10~~PM10), nonattainment areas classified or treated as classified as "serious," sources with the potential to emit 70 tpy or more of ~~PM-10~~ PM10.

For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

ITEM 11. Amend rule **567—22.100(455B)**, definition of "Subject to regulation," numbered paragraph "2," as follows:

2. The term "tpy CO_2 equivalent emissions (CO_2e)" shall represent an amount of GHGs emitted and shall be computed by multiplying the mass amount of emissions (tpy) for each of the six greenhouse gases in the pollutant GHGs by the associated global warming potential of the gas published at 40 CFR Part 98, Subpart A, Table A-1, "Global Warming Potentials," (as amended ~~on October 30, 2009~~ through December 24, 2014) and summing the

resultant value for each to compute a tpy CO_2e.

ITEM 12. Amend subrule 22.102(3) as follows:

22.102(3) The following source categories are exempt from the obligation to obtain a Title V permit:

a. All sources and source categories that would be required to obtain a Title V permit solely because they are subject to 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters, as amended through ~~December 14, 2000~~ March 16, 2015;

b. All sources and source categories that would be required to obtain a Title V permit solely because they are subject to 40 CFR 61, Subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation, ~~as amended through July 20, 2004~~ as adopted by reference in 567—subrule 23.1(3);

c. All sources and source categories that would be required to obtain a Title V permit solely because they are subject to any of the following subparts from 40 CFR 63:

(1) Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, ~~as amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(2) Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, ~~as amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(3) Subpart O, Ethylene Oxide Emissions Standards for Sterilization Facilities, ~~as amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(4) Subpart T, National Emission Standards for Halogenated Solvent Cleaning, ~~as~~

~~amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(5) Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, ~~as amended through December 19, 2005~~ as adopted by reference in 567—subrule 23.1(4).

(6) Subpart VVV, National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works, ~~as amended through June 23, 2003~~ as adopted by reference in 567—subrule 23.1(4).

ITEM 13. Amend subrule 22.103(1), introductory paragraph, as follows:

22.103(1) *Insignificant activities excluded from Title V operating permit application.* In accordance with 40 CFR 70.5 (as amended through ~~July 21, 1992~~ October 6, 2009), these activities need not be included in the Title V permit application.

ITEM 14. Amend paragraph **22.103(2)"b"** as follows:

b. The following are insignificant activities:

(1) Fuel-burning equipment for indirect heating and reheating furnaces or indirect cooling units using natural or liquefied petroleum gas with a capacity of less than 10 million Btu per hour input per combustion unit.

(2) Fuel-burning equipment for indirect heating or indirect cooling for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013, with a capacity of less than 1 million Btu per hour input per combustion unit when burning coal, untreated wood, or fuel oil.

Fuel-burning equipment for indirect heating or indirect cooling for which initiation of

construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, with a capacity of less than 1 million Btu per hour input per combustion unit when burning untreated wood, untreated seeds or pellets, other untreated vegetative materials, or fuel oil provided that the equipment and the fuel meet the condition specified in this subparagraph (22.103(2)*"b"*(2)). Used oils meeting the specification from 40 CFR 279.11 as amended through ~~May 3, 1993~~ July 14, 2006, are acceptable fuels. When combusting used oils, the equipment must have a maximum rated capacity of 50,000 Btu or less per hour of heat input or a maximum throughput of 3600 gallons or less of used oils per year. When combusting untreated wood, untreated seeds or pellets, or other untreated vegetative materials, the equipment must have a maximum rated capacity of 265,600 Btu or less per hour or a maximum throughput of 378,000 pounds or less per year of each fuel or any combination of fuels.

(3) to (6) No change.

ITEM 15. Amend rule 567—22.105(455B) as follows:

567—22.105(455B) Title V permit applications.

22.105(1) *Duty to apply.* For each source required to obtain a Title V permit, the owner or operator or designated representative, where applicable, shall present or mail a complete and timely permit application in accordance with this rule to the following locations: Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324 (two copies); and U.S. EPA Region VII, ~~901 North 5th Street, Kansas City, Kansas 66101~~ 11201 Renner Boulevard, Lenexa, Kansas 66219 (one copy); and, if applicable, the local permitting authority, which is either Linn County Public Health Department, Air

Quality Division, 501 13th Street NW, Cedar Rapids, Iowa 52405 (one copy); or Polk County Public Works, Air Quality Division, 5885 NE 14th Street, Des Moines, Iowa 50313 (one copy). Alternatively, an owner or operator may submit a complete and timely application through the electronic submittal format specified by the department. An owner or operator of a source required to obtain a Title V permit pursuant to subrule 22.101(1) shall submit all required fees as required in 567—Chapter 30.

a. and *b.* No change.

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 and supply all information required by the filing instructions found on that form. 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—30.4(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:

a. and *b.* No change.

c. The following emissions-related information shall be submitted to the department on the emissions inventory portion of the application, unless the department notifies the applicant that the emissions-related information is not required because it has already been submitted:

(1) to (10) No change.

d. to *j.* No change.

22.105(3) to **22.105(5)** No change.

ITEM 16. Amend subparagraph **22.108(17)"a"(2)** as follows:

(2) The reopening and revision on this ground is not required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii) as amended ~~to May 15, 2001~~ through October 6, 2009; or

ITEM 17. Amend rule 567—22.120(455B), introductory paragraph, as follows:

567—22.120(455B) Acid rain program—definitions. The terms used in rules 567—22.120(455B) through 567—22.147(455B) shall have the meanings set forth in Title IV of the Clean Air Act, 42 U.S.C. 7401, et seq., as amended through November 15, 1990, and in this rule. The definitions set forth in 40 CFR Part 72 as amended through ~~January 24, 2008~~ March 28, 2011, and 40 CFR Part 76 as amended through October 15, 1999, are adopted by reference.

ITEM 18. Amend rule **567—22.120(455B)**, definitions of "40 CFR Part 72," "40 CFR

Part 75," and "40 CFR Part 78," as follows:

"40 CFR Part 72," or any cited provision therein, shall mean 40 Code of Federal Regulations Part 72, or the cited provision therein, as amended through ~~January 24, 2008~~ March 28, 2011.

"40 CFR Part 75," or any cited provision therein, shall mean 40 Code of Federal Regulations Part 75, or the cited provision therein, as amended through ~~February 13, 2008~~ January 18, 2012.

"40 CFR Part 78," or any cited provision therein, shall mean 40 Code of Federal Regulations Part 78, or the cited provision therein, as amended through ~~April 28, 2006~~ August 8, 2011.

ITEM 19. Amend subrule 22.128(4) as follows:

22.128(4) *Submission of copies.* ~~The original and three~~ Two copies of all permit applications shall be presented or mailed to the Air Quality Bureau, Iowa Department of Natural Resources, 7900 Hickman Road, Suite 1, Windsor Heights, Iowa 50324.

ITEM 20. Amend subrule 23.1(2) 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 ~~June 28, 2011~~ September 11, 2015, 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. An earlier 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.

a. *Fossil fuel-fired steam generators.* A fossil fuel-fired steam generating unit of more than 250 million Btu heat input for which construction, reconstruction, or modification is commenced after August 17, 1971. Any facility covered under paragraph "*z*" is not covered under this paragraph. (Subpart D as amended through January 20, 2011)

b. No change.

c. *Portland cement plants.* Any of the following in a Portland cement plant: kiln; clinker cooler; raw mill system; finish mill system; raw mill dryer; raw material storage; clinker storage; finished product storage; conveyor transfer points; bagging and bulk loading and unloading systems. (Subpart F ~~as amended through October 17, 2000~~)

d. *Nitric acid plants.* A nitric acid production unit. Unless otherwise exempted, these standards apply to any nitric acid production unit that commences construction or modification after August 17, 1971, and on or before October 14, 2011. (Subpart G)

e. No change.

f. ~~*Asphalt concrete*~~ *Hot mix asphalt plants.* ~~An asphalt concrete plant.~~ Each hot mix asphalt facility that commenced construction or modification after June 11, 1973. For the purpose of this paragraph, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems. (Subpart I)

g. to *y.* No change.

z. *Electric utility steam generating units.* An electric utility steam generating unit that is capable of combusting more than 250 million Btus per hour (73 megawatts) heat input of fossil fuel for which construction or modification or reconstruction is commenced after September 18, 1978, or an electric utility combined cycle gas turbine that is capable of combusting more than 250 million Btus per hour (73 megawatts) heat input. "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW net-electrical output to any utility power distribution system for sale. Also, any steam supplied to a steam distribution system for the purpose of providing steam to a steam electric generator that would produce electrical energy for sale is considered in determining the electrical energy output capacity of the affected facility. (Subpart Da as amended through January 20, 2011)

aa. to *bbb.* No change.

ccc. *Industrial-commercial-institutional steam generating units.* Unless exempted, each steam generating unit for which construction, reconstruction, or modification commenced after June 19, 1984, and which has a heat input capacity of more than 100 million Btu/hour. (Subpart Db as amended through January 20, 2011)

ddd. to *kkk.* No change.

lll. *Small industrial-commercial-institutional steam generating units.* Each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989, and that has a maximum design heat input capacity of 100 million Btu per hour or less, but greater than or equal to 10 million Btu per hour. (Subpart Dc as amended through January 20, 2011)

mmm. to *uuu.* No change.

vvv. Commercial and industrial solid waste incineration. Unless exempted, this standard applies to units for which construction is commenced after November 30, 1999, or for which modification or reconstruction is commenced on or after June 1, 2001. (Part 60, Subpart CCCC, as amended through December 1, 2000)

www. to *aaaa.* No change.

bbbb. Nitric acid plants. Unless otherwise exempted, these standards apply to any nitric acid production unit that commenced construction, reconstruction or modification after October 14, 2011. (Subpart Ga)

ITEM 21. Amend subrule 23.1(3), introductory paragraph, as follows:

23.1(3) *Emission standards for hazardous air pollutants.* The federal standards for emissions of hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended or corrected through ~~May 16, 2007~~ February 27, 2014, and 40 CFR Part 503 as adopted on August 4, 1999, are adopted by reference, except 40 CFR §61.20 to §61.26, §61.90 to §61.97, §61.100 to §61.108, §61.120 to §61.127, §61.190 to §61.193, §61.200 to §61.205, §61.220 to §61.225, and §61.250 to §61.256, and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 CFR Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C) and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

ITEM 22. Amend subrule 23.1(4) 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 ~~December 21, 2012~~ July 25, 2016, 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. An earlier date for adoption by reference may be included with the subpart designation in parentheses ~~(except for paragraph 23.1(4)"*cz*," which specifies a later date for adoption by reference)~~. 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), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (Fbio) 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 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.

a. to *bk.* No change.

bl. *Emission standards for hazardous air pollutants for Portland cement manufacturing operations.* These standards apply to all new and existing major and area sources of Portland cement manufacturing unless exempted. Cement kiln dust (CKD) storage facilities, including CKD piles and landfills, are excluded from this standard. Affected processes include, but are not limited to, all cement kilns and in-line kiln/raw mills, unless they burn hazardous waste. (Subpart LLL ~~as amended through December 20, 2006~~)

bm. to *bt.* No change.

bu. ~~*Emission standards for hazardous air pollutants for petroleum refineries: catalytic cracking units, catalytic reforming units, and sulfur recovery units.* This standard applies to a new or existing petroleum refinery that is located at a major source of hazardous air pollutants (HAPs) emissions. (Part 63, Subpart UUU)~~

bv. to *cy.* No change.

cz. *Emission standards for stationary reciprocating internal combustion engines.* These standards apply to new and existing major sources and to new and existing area sources with stationary reciprocating internal combustion engines (RICE). For purposes of these standards, stationary RICE means any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. (Part 63, Subpart ZZZZ~~, as amended through January 30, 2013~~)

da. to *di.* No change.

dj. ~~*Emission standards for hazardous air pollutants for brick and structural clay products manufacturing.* These standards apply to new and existing brick and structural clay products manufacturing facilities that are, are located at, or are part of a major source of hazardous air pollutant emissions. (Part 63, Subpart JJJJJ)*~~

~~*As of April 15, 2009, the adoption by reference of Part 63, Subpart JJJJJ, is rescinded. On June 18, 2007, the United States Court of Appeals for the District of Columbia Circuit issued its mandate vacating 40 CFR Part 63, Subpart JJJJJ, in its entirety, and requiring EPA to repromulgate final standards for brick and structural clay products manufacturing at new and existing major sources.~~

dk. ~~*Emission standards for hazardous air pollutants for clay ceramics manufacturing.* These standards apply to clay ceramics manufacturing facilities that are, are located at, or are part of a major source of hazardous air pollutant emissions. The clay ceramics manufacturing source category includes those facilities that manufacture pressed floor tile, pressed wall tile, and other pressed tile; or sanitaryware, such as toilets and sinks. (Part 63, Subpart KKKKK)~~

dl. to *fd.* No change.

ITEM 23. Amend numbered paragraph **23.1(5)"a"(3)"1"** as follows:

1. MSW landfill emissions at each MSW landfill meeting the conditions below shall be controlled. A design capacity report must be submitted to the director by November 18, 1997.

The landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.

The landfill has a design capacity greater than or equal to 2.5 million megagrams ~~or~~ and 2.5 million cubic meters. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. All calculations used to determine the maximum design capacity must be included in the design capacity report.

The landfill has a nonmethane organic compound (NMOC) emission rate of 50 megagrams per year or more. If the MSW landfill's design capacity exceeds the established thresholds in 23.1(5)"*a*"(3)"1," the NMOC emission rate calculations must be provided with the design capacity report.

ITEM 24. Amend subrule 23.3(1) as follows:

23.3(1) *General.* The emission standards contained in this rule shall apply to each source operation unless a ~~specific emission~~ performance standard for the process ~~involved is prescribed elsewhere in this chapter~~ is specified in subrule 23.1(2), in which case the ~~specific~~ performance standard shall apply.

ITEM 25. 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 through ~~December 21, 2010~~ April 2, 2014); 40 CFR 60, Appendix A (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 61, Appendix B (as amended through ~~October 17, 2000~~ February 27, 2014); and 40 CFR 63, Appendix A (as amended through ~~August 20, 2010~~ February 27, 2014). 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 on the basis of the arithmetic mean of the emissions measured in the three test runs.

b. *Continuous monitoring systems.* Minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are as specified in 40 CFR 60, Appendix B (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 60, Appendix F (as amended through ~~September 9, 2010~~ February 27, 2014); 40 CFR 75, Appendix A (as amended through ~~March 28, 2011~~ January 18, 2012); 40 CFR 75, Appendix B (as amended through March 28, 2011); and 40 CFR 75, Appendix F (as amended through ~~March 28, 2011~~ January 18, 2012). The owner of the equipment or the owner's authorized agent may use an alternative methodology for continuous monitoring systems if the methodology is approved by the department in writing ~~prior to conducting~~ before the minimum performance specification and quality assurance ~~procedures~~ procedure is conducted.

c. No change.

ITEM 26. Amend rule 567—25.2(455B) as follows:

567—25.2(455B) Continuous emission monitoring under the acid rain program. The continuous emission monitoring requirements for affected units under the acid rain program as provided in 40 CFR Part 75, including Appendices A, B, F and K as amended through ~~January 24, 2008 (Appendix F also was corrected on February 13, 2008)~~ January 18, 2012, are adopted by reference.

ITEM 27. Amend subrule 26.2(2) as follows:

26.2(2) *Declaration.* In making determinations for the declaration of an air pollution episode condition, the commission~~,~~ or the director will be guided by the criteria stated in the following paragraphs.

a. *Air pollution alert.* An alert will be declared when any one of the following levels is reached at any monitoring site, and when meteorological conditions are such that the contaminant concentrations can be expected to remain at those levels for 12 or more hours, or increase, unless control actions are taken.

(1) Sulfur dioxide—800 micrograms per cubic meter (0.3 ppm), 24-hour average.

(2) ~~Fine particulate~~ Particulate matter (~~PM-10~~PM10)~~—~~350 micrograms per cubic meter, 24-hour average.

(3) Carbon monoxide—17 milligrams per cubic meter (15 ppm), eight-hour average.

(4) ~~Oxidants (ozone)—200 micrograms per cubic meter (0.1 ppm)~~ Ozone—400 micrograms per cubic meter (0.2 ppm), one-hour average.

(5) Nitrogen dioxide—1,130 micrograms per cubic meter (0.6 ppm), one-hour average, or 282 micrograms per cubic meter (0.15 ppm), 24-hour average.

b. *Air pollution warning.* A warning will be declared when any one of the following levels is reached at any monitoring site and when meteorological conditions are such that the contaminant concentrations can be expected to remain at those levels for 12 or more hours or increase, unless control actions are taken.

(1) Sulfur dioxide—1,600 micrograms per cubic meter (0.6 ppm), 24-hour average.

(2) ~~Fine particulate~~ Particulate matter (~~PM-10~~PM10)~~—~~420 micrograms per cubic meter, 24-hour average.

(3) Carbon monoxide—34 milligrams per cubic meter (30 ppm), eight-hour average.

(4) ~~Oxidants (ozone)~~ Ozone—800 micrograms per cubic meter (0.4 ppm), one-hour average.

(5) Nitrogen dioxide—2,260 micrograms per cubic meter (1.2 ppm), one-hour average, or 565 micrograms per cubic meter (0.3 ppm), 24-hour average.

c. Air pollution emergency. An emergency will be declared when any one of the following levels is reached at any monitoring site, and when meteorological conditions are such that this condition can be expected to continue for 12 or more hours.

(1) Sulfur dioxide—2,100 micrograms per cubic meter (0.8 ppm), 24-hour average.

(2) ~~Fine particulate~~ Particulate matter (~~PM-10~~PM10)—500 micrograms per cubic meter, 24-hour average.

(3) Carbon monoxide—46 milligrams per cubic meter (40 ppm), eight-hour average.

(4) ~~Oxidants (ozone)—1,200 micrograms per cubic meter (0.6 ppm)~~ Ozone—1,000 micrograms per cubic meter (0.5 ppm), one-hour average.

(5) Nitrogen dioxide—3,000 micrograms per cubic meter (1.6 ppm), one-hour average or 750 micrograms per cubic meter (0.4 ppm), 24-hour average.

d. No change.

ITEM 28. Amend rule 567—27.1(455B) as follows:

567—27.1(455B) General.

27.1(1) *Purpose.* Political subdivisions shall meet the conditions specified in this chapter if they intend to secure acceptance of the local air pollution control program and to obtain a certificate of acceptance from the director, as provided in Iowa Code section 455B.145.

27.1(2) *Limitation.* When a certificate of acceptance is issued to a political subdivision,

the director retains authority to take emergency action as provided in Iowa Code section ~~455B.145~~ 455B.139.

This rule is intended to implement Iowa Code sections 455B.133, 455B.134, 455B.139, and 455B.143.

ITEM 29. Amend paragraph **27.3(4)"c"** as follows:

c. ~~*Variances*~~ *Procedures for granting variances or extensions of time to attain compliance status*. ~~A procedure for granting variances or extensions of time to attain compliance status, providing that the authority to grant such variance or extension of time shall not be allocated to any administrative officer of the local control agency.~~

The local control agency shall maintain on file a record of the names, addresses, sources of emissions, types of emissions, rates of emissions, reason for granting, conditions and length of time specified, relating to all variances or extension of time granted~~;~~ and shall make such records available to the commission or the department upon request.

ITEM 30. 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), ~~and~~ 75 Federal Register 35520-35603 (June 22, 2010), and 78 Federal Register 3086-3287 (January 15, 2013). 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.

ITEM 31. Rescind and reserve rule **567—31.2(455B)**.

ITEM 32. Amend rule 567—33.1(455B), introductory paragraph, as follows:

567—33.1(455B) Purpose. This chapter implements the major New Source Review (NSR) program contained in Part C of Title I of the federal Clean Air Act as amended on November 15, 1990, and as promulgated under 40 CFR 51.166 and 52.21 as amended through ~~July 20, 2011~~ August 19, 2015. This is a preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants regulated under Part C of the Clean Air Act as amended on November 15, 1990. In areas that do not meet the national ambient air quality standards (NAAQS), the nonattainment major program applies. The requirements for the nonattainment major NSR program are set forth in 567—22.5(455B), 567—22.6(455B), 567—31.20(455), and 567—31.3(455B). In areas that meet the NAAQS, the PSD program applies. Collectively, the nonattainment major and PSD programs are referred to as the major NSR program. An owner or operator required to apply for a construction permit under 567—Chapter 33 shall submit fees as required in 567—Chapter 30.

ITEM 33. Amend subrule **33.3(1)**, definition of "Subject to regulation," as follows:

"Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally applicable regulation codified by the Administrator in 40 CFR Subchapter C (Air Programs) that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity, except that:

1. Greenhouse gases (GHGs), the air pollutant defined in 40 CFR §86.1818-12(a) (as amended through September 15, 2011) as the aggregate group of six greenhouse gases that includes carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation except as provided in ~~paragraphs "4" and "5,"~~ paragraph "4," and shall not be subject to regulation if the stationary source maintains its total sourcewide emissions below the GHG PAL level, meets the requirements in rule 567—33.9(455B), and complies with the PAL permit containing the GHG PAL.

2. For purposes of paragraphs ~~"3," "4," and "5,"~~"3" and "4," the term "tpy CO_2 equivalent emissions (CO_2e)" shall represent an amount of GHGs emitted and shall be computed as follows:

(a) Multiply the mass amount of emissions (tpy) for each of the six greenhouse gases in the pollutant GHGs by the associated global warming potential of the gas published at 40 CFR Part 98, Subpart A, Table A-1, "Global Warming Potentials," (as amended ~~on October 30, 2009~~ through December 24, 2014). For purposes of this definition, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material

originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

(b) Sum the resultant value from paragraph (a) for each gas to compute a tpy CO_2e.

3. The term "emissions increase," as used in this paragraph and in ~~paragraphs "4" and "5,"~~ paragraph "4," shall mean that both a significant emissions increase (as calculated using the procedures specified in 33.3(2)*"c"* through 33.3(2)*"h"*) and a significant net emissions increase (as specified in 33.3(1), in the definitions of "net emissions increase" and "significant") occur. For the pollutant GHGs, an emissions increase shall be based on tpy CO_2e and shall be calculated assuming the pollutant GHGs are a regulated NSR pollutant, and "significant" is defined as 75,000 tpy CO_2e rather than calculated by applying the value specified in 33.3(1), in paragraph "2" of the definition of "significant."

4. Beginning January 2, 2011, the pollutant GHGs are subject to regulation if:

(a) The stationary source is a new major stationary source for a regulated NSR pollutant that is not a GHG, and also will emit or will have the potential to emit 75,000 tpy CO_2e or more, or

(b) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not a GHG, and also will have an emissions increase of a regulated NSR pollutant and an emissions increase of 75,000 tpy CO_2e or more~~; and~~.

~~5. Beginning July 1, 2011, in addition to the provisions in paragraph "4," the pollutant GHGs shall also be subject to regulation:~~

~~(a) At a new stationary source that will emit or have the potential to emit~~

~~100,000 tpy CO2e, or~~

~~(b) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO22e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO2e or more.~~

ITEM 34. Amend subrule 33.3(9) as follows:

33.3(9) *Exemptions.* The provisions for allowing exemptions from certain requirements for PSD-subject sources as specified in 40 CFR 52.21(i) as amended through ~~October 20, 2010~~ March 6, 2015, are adopted by reference.

ITEM 35. Amend subrule 33.3(11) as follows:

33.3(11) *Source impact analysis.* The provisions for a source impact analysis as specified in 40 CFR 52.21(k) as amended through ~~October 20, 2010~~ December 9, 2013, are adopted by reference.

ITEM 36. Amend subrule 33.3(20) as follows:

33.3(20) *Conditions for permit issuance.* Except as explained below, a permit may not be issued to any new "major stationary source" or "major modification" as defined in subrule 33.3(1) that would locate in any area designated as attainment or unclassifiable for any national ambient air quality standard pursuant to Section 107 of the Act, when the source or modification would cause or contribute to a violation of any national ambient air quality standard. A major stationary source or major modification will be considered to cause or contribute to a violation of a national ambient air quality standard when such source or modification would, at a minimum,

exceed the following significance levels at any locality that does not or would not meet the applicable national standard:

~~Significant Impact Levels (SILs)~~					
	Averaging Time				
	Annual	24 hrs.	8 hrs.	3 hrs.	1 hr.
Pollutant	(μg/m3)	(μg/m3)	(μg/m3)	(μg/m3)	(μg/m3)
SO2	1.0	5	———	25	———
PM10	1.0	5	———	———	———
PM2.5	0.3	1.2	———	———	———
NO2	1.0	———	———	———	———
CO	———	———	500	———	2000

A permit may be granted to a major stationary source or major modification as identified above if the major stationary source or major modification reduces the impact of its emissions upon air quality by obtaining sufficient emissions reductions to compensate for its adverse ambient air impact where the major stationary source or major modification would otherwise contribute to a violation of any national ambient air quality standard. This subrule shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that the source is located in an area designated under Section 107 of the Act as nonattainment for that pollutant.

ITEM 37. Amend subrule 33.3(22) as follows:

33.3(22) *Permit rescission.* Any permit issued under 40 CFR 52.21 or this chapter or any permit issued under rule 567—22.4(455B) shall remain in effect unless and until it is rescinded.

The department will consider requests for rescission that meet the conditions specified under paragraphs *"a"* and *"b"* of this subrule. If the department rescinds a permit or a condition in a permit issued under 40 CFR 52.21, this chapter, or rule 567—22.4(455B), the public shall be given adequate notice of the proposed rescission. Publication of an announcement of rescission in a newspaper of general circulation in the affected region 60 days prior to the proposed date for rescission shall be considered adequate notice.

a. The department may rescind a permit or a portion of a permit upon request from an owner or operator of a stationary source who holds a permit for a source or modification that was ~~issued under 40 CFR 52.21 as in effect on July 30, 1987, or earlier, provided the application also meets the provisions in paragraph *"b"* of this subrule.~~ issued:

(1) Under 40 CFR 52.21 as in effect on July 30, 1987, or earlier, provided the application also meets the provisions in paragraph 33.3(22)*"b"*;

(2) Under this chapter between July 1, 2011, and July 6, 2015, to a source that was classified as a major stationary source under subrule 33.3(1) solely on the basis of potential emissions of greenhouse gases; or

(3) Under this chapter between July 1, 2011, and July 6, 2015, for a modification that was classified as a major modification under subrule 33.3(1) solely on the basis of an increase in emissions of greenhouse gases.

b. If the application for rescission meets the provisions in paragraph *"a"* of this subrule, the department may rescind a permit if the owner or operator shows that the PSD provisions under 40 CFR 52.21 or this chapter would not apply to the source or modification.

_____

Date

_____

Chuck Gipp, Director

PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY
FOR
567 IOWA ADMINISTRATIVE CODE
Chapters 20, 21, 22, 23, 25, 26, 27, 28, 31, and 33

Introduction

Reason for Rulemaking

The purpose of the air quality rule changes is to:
1) Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility. The rules implement a portion of the Department's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2).

2) Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department and its partners to provide compliance assistance and outreach to affected facilities.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 9, 2016, as ARC 2799C, and a public hearing was held on December 12, 2016, in Windsor Heights, Iowa. The Department received no comments at the public hearing. The Department received one written comment prior to the December 12, 2016, deadline for public comments.

Public Comment

Submitted by e-mail from Christina Gruenhagen, Iowa Farm Bureau Federation, West Des Moines, Iowa:

"Thank you for considering a clarifying change to Item 8 of this rule package.

In the second to last sentence of the paragraph, I suggest splitting the sentence into two sentences and adding at the end of the sentence for animal feeding operations a reference to chapter 65. The intent is to spell out that the construction permit rules for animal feeding operations are under chapter 65 rather than chapter 22. This change should be consistent with current law and practice. The sentences could then read as follows:

'The owner or operator of any new or modified industrial anaerobic lagoon shall apply for a construction permit. The owner or operator of a new or modified anaerobic lagoon for an animal feeding operation shall apply for a construction permit as provided in 567-65 (459, 459B).'

Thank you for your consideration."

Department Response

The Department agrees that the construction permit requirements for animal feeding operations, as cited in subrule 22.1(3), need clarification.

Recommended Action

The Department has included revisions in Item 8 of the Adopted and Filed rules to clarify that Chapter 65 sets forth requirements for submitting construction permit applications for anaerobic lagoons at animal feeding operations.

NESHAP and NSPS

Included in Adopted and Filed Rulemaking

Types of Source(s) (New and Amended NESHAP and NSPS)	**Compliance Dates (Existing Sources)**	**Fact Sheets**	**Federal Register and CFR Subparts**
Cement Production: Amended standards	February 12, 2014 September 9, 2015 July 25, 2016	Cement 2012-2013 Cement 2015	FR February 12, 2013 FR July 27, 2015 FR September 11, 2015 FR July 25, 2016 40 CFR 63 LLL 40 CFR 60 F
Pesticide Active Ingredient: Amended Standards	March 27, 2014 and March 27, 2017		FR March 27, 2014 40 CFR 63 MMM
Chromium Electroplating: Amended standards	March 19, 2013 and September 19, 2014	Chromium Electroplating	FR September 19, 2012 40 CFR 63 N
Wood Furniture: Amended standards	November 21, 2014	Wood Furniture	FR November 21, 2011 40 CFR 63 JJ
Nitric Acid Plants: New and amended standards	Upon start-up	Nitric Acid NSPS	FR August 14, 2012 40 CFR 60 Ga
Pulp & Paper: Amended standards*****	September 7, 2015		FR September 11, 2012 40 CFR 63 S
Natural Gas Transmission and Storage: Amended standards	October 15, 2015		FR August 16, 2012 40 CFR 63 HHH
Flexible Polyurethane Foam: Amended standards*	August 15, 2014 and November 13, 2014		FR August 15, 2014 40 CFR 63 III
Amino/Phenolic Resins and Generic MACT: Amended standards*****	October 8, 2014, and October 9, 2017		FR October 8, 2014 40 CFR 63 YY 40 CFR 63 OOO
Offsite Waste and Recovery Operations: Amended standards*****	March 18, 2015 – March 20, 2018 (staggered dates for different requirements)		FR March 18, 2015 40 CFR 63 DD
Mineral Wool Production: Amended Standards*****	July 29, 2015 and July 30, 2018 (staggered dates for different requirements)		FR July 29, 2015 40 CFR 63 DDD
Updates to Test Methods: Amended standards	Per effective dates of the federal regulations.	Fact Sheet: Stationary Source Audit Program	FR September 13, 2010, FR February 27, 2014 and FR April 2, 2014

**Indicates that no facilities in Iowa are currently affected by this standard. Existing facilities that change their production lines or new facilities could become subject to this standard in the future.*

Administrative Rules
JOBS IMPACT STATEMENT

1. BACKGROUND INFORMATION

Agency:	Environmental Protection Commission (Commission) / Department of Natural Resources (Department)
IAC Citation:	567 IAC Chapters 20, 21, 22, 23, 25, 26, 27, 28, 31, and 33.
Agency Contact:	Christine Paulson (515) 725-9510
Statutory Authority:	Iowa Code sections 455B.133, 455B.139 and 455B.145. United States Clean Air Act Sections 110(a)(2)(C) (42 USC §7410), 111 (42 USC §7411), 112 (42 USC §7412) and 501-507 (42 USC §7661a - §7661f)
Objective:	The purpose of the air quality rule changes is to: 1) Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility. The rules implement a portion of the Department's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2). 2) Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department and its partners to provide compliance assistance and outreach to affected facilities.
Summary:	The rule changes continue previous efforts in the Department's rules review plan to identify rules that can be rescinded or amended because they are outdated or obsolete. The changes improve rules for several air quality programs, including construction permits, Title V permits, Prevention of Significant Deterioration (PSD), air toxics standards, and testing and monitoring methods. The rule changes also include adoption of revisions to federal air toxics standards (also known as National Emissions Standards for Hazardous Air Pollutants or NESHAP) and new source performance standards (NSPS) that are not currently under reconsideration or litigation. These include changes affecting existing federal standards that are already adopted by reference, but that EPA has since amended. Adopting EPA's amendments allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders. *Please*

	see the attached table for the complete list of NESHAP and NSPS proposed for adoption.

2. JOB IMPACT ANALYSIS

___ *Fill in this box if impact meets these criteria:*
___ No Job Impact on private sector jobs and employment opportunities in the State.
___ Job Impact cannot be determined.

_x_ *Fill in this box if impact meets either of these criteria:*

x Positive Job Impact on private sector jobs and employment opportunities in the State.

___ Negative Job Impact on private sector jobs and employment opportunities in the State.

Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:

After analysis and review, the Department has determined that most of the rule changes will have no impact on private sector jobs, or will have a positive impact on private sector jobs.

The revisions include rescinding unnecessary rules, updating other rules, and streamlining the rules to provide regulatory certainty and, in many cases, regulatory flexibility. The changes include:

- Shortening and updating titles and descriptions of air quality rules and forms.
- Reducing the number of copies required for submittal of a construction permit application and an Acid Rain permit application.
- Correcting and clarifying the construction permit exemptions, Title V exemptions, and Title V insignificant activities.
- Providing regulatory relief to facilities submitting a Title V application by no longer requiring submittal of information already submitted with an emissions inventory.
- Eliminating unnecessary and redundant federal reference dates and instead referencing the appropriate state rule.

These changes implement a portion of the Department's 5-year rules review plan as required under Iowa Code section 17A.7(2). Affected businesses and the public benefit from clear and up-to-date air quality requirements.

Additionally, the rules include changes that match federal regulations and eliminate inconsistency between federal and state rules, including:

- Adopting the most current EPA methods for measuring air pollutant emissions (stack testing and continuous monitoring). EPA eliminated outdated procedures, added alternative testing methods, and restructured its audit program.
- Rescinding references to requirements of the Clean Air Interstate Rule (CAIR) that EPA has now eliminated.
- Rescinding references to requirements for nonattainment areas that EPA has removed

from federal regulations.

- Updating rules for the declaration of emergency air pollution episodes to reflect the current federal ambient air quality levels and terminology.
- Updating the state's Title V and PSD rules to reflect EPA's recent revisions to federal Title V and PSD regulations.

By adopting federal updates into state rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations.

For the adoption of new and amended NSPS and NESHAP standards, the Department has determined that jobs could be impacted. However, the amendments are only implementing federally mandated regulations. The amendments are identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law. None of the federal standards being adopted are under reconsideration or litigation.

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. Further, the amendments allow the Department rather than EPA to be the primary agency to implement the standards in Iowa, thereby allowing the Department and its partners to provide compliance assistance to affected facilities.

The Department estimated potential impacts from adopting the new and revised federal NSPS and NESHAP, as described below. *Please also see the attached table for the complete list of NESHAP and NSPS proposed for adoption.*

Chromium Electroplating (NESHAP – amended standard)
The Department estimates that eleven existing facilities are affected by these amendments. Facilities were required to comply with new work practice standards by March 19, 2013. Some facilities were also required to comply with new emissions control requirements by September 19, 2014. Upon adoption of the amended NESHAP, the Department will work with affected facilities to provide compliance assistance, as needed. Additionally, affected area sources that are small businesses are eligible for free assistance from the Iowa Air Emissions Assistance Program (IAEAP).

Wood Furniture Manufacturing (NESHAP – amended standard)
The Department estimates that nine existing facilities are subject to the NESHAP amendments. EPA's revisions establish a work practice limit to reduce formaldehyde emissions. Facilities were required to comply with the new requirements by November 21, 2014. Upon becoming the delegated authority for the updated standards, the Department will offer outreach to facilities that need help complying with the new requirements.

Nitric Acid Plants (NSPS – new and amended standards)
These amendments affect one existing fertilizer plant that underwent expansion and one new fertilizer plant currently under construction. The facilities must comply with the updated NSPS upon start-up of the affected equipment.

Portland Cement Manufacturing (NSPS and NESHAP – amended standards)
EPA published amendments on July 25, 2016, September 11, 2015, July 27, 2015, and February 12, 2013, in response to a federal court decision and requests for reconsideration that occurred after EPA issued earlier amendments in 2010. EPA extended compliance dates, offered a temporary compliance alternative and provided additional flexibilities from the 2010 rules. EPA estimates that the new amendments will result in significant cost savings when compared to the 2010 rules. Three existing facilities are affected by the amended standards. (One of the three facilities is not currently operating.)

Pesticide Active Ingredients (NESHAP – amended standard)
One facility is affected by the amendments. The NESHAP required compliance with some requirements by March 27, 2014, and facilities will have until March 27, 2017, to comply with other new requirements.

Natural Gas Transmission and Storage (NESHAP – amended standard)
One facility has notified the Department that the facility is subject to the new NESHAP requirements. The NESHAP compliance date was October 15, 2015.

The Commission is also adopting amended federal standards affecting the following industries:

- Pulp and paper production
- Flexible polyurethane foam production
- Amino/phenolic resins production
- Mineral wool production; and
- Offsite waste and recovery operations.

Although no facilities in Iowa are currently affected by these federal standards, existing facilities that change their production lines or new facilities could become subject to these standard in the future.

In addition, the Commission is rescinding adoption by reference of the NESHAP for petroleum refineries. Iowa has never had any facilities affected by this NESHAP, and is unlikely to have any affected facilities operating in Iowa in the future. If an affected facility should plan to locate to Iowa, the Department will evaluate whether to request adoption of the standards at that time.

The Commission is also removing outdated references to two NESHAP affecting brick and structural clay manufacturing and clay ceramics manufacturing.

Categories of jobs and employment opportunities that are affected by the proposed rule:
Cement plants, fertilizer plants, pesticide ingredient manufacturing, chromium electroplaters, wood furniture manufacturing, and natural gas transmission and storage facilities.

Number of jobs or potential job opportunities:
Cannot be determined at this time.

Regions of the state affected:
All regions of the state.

Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.") No additional costs to the employer.

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 expensive method exists for achieving the purpose of the rules.

Administrative Rule Fiscal Impact Statement

Date: June 15, 2016

Agency: Environmental Protection Commission (Commission) / Department of Natural Resources (Department)
IAC Citation: 567 IAC Chapters 20, 21, 22, 23, 25, 26, 27, 28, 31, and 33
Agency Contact: Christine Paulson

Summary of the Rule:
The air quality rule changes will:
1) Rescind unnecessary rules and update other rules to provide regulatory certainty and flexibility. The rules will implement a portion of the Department's 5-year rules review plan to accomplish the requirements of Iowa Code section 17A.7(2). The rule changes continue previous efforts in the Department's rules review plan to identify rules that can be rescinded or amended because they are outdated or obsolete. The changes improve rules for several air quality programs, including construction permits, Title V permits, Prevention of Significant Deterioration (PSD), air toxics standards, and testing and monitoring methods.

2) Offer uniform rules by making changes that match federal regulations and eliminating inconsistency between federal and state rules. The rule changes adopt federal air toxics standards and new source performance standards that are not currently under reconsideration or litigation. These include changes affecting existing federal standards that are already adopted by reference, but EPA has since amended. By adopting federal updates into state administrative rules, the Commission is ensuring that Iowa's air quality rules are no more stringent than federal regulations. Adopting EPA's amendments also allows state rules to be consistent with federal regulations, and provides certainty to affected businesses and other interested stakeholders. Additionally, the updates allow the Department, rather than the EPA, to be the primary agency to implement the air quality requirements in Iowa, thereby allowing the Department and its partners to provide compliance assistance and outreach to affected facilities.

Fill in this box if the impact meets these criteria:

_X_ 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 budget and resources to implement the rule.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	Year 1 (FY 2015)	Year 2 (FY 2016)
Revenue by Each Source:		
GENERAL FUND	0$	0$
FEDERAL FUNDS	0$	0$
Other (specify)	0$	0$
	0$	0$
TOTAL REVENUE		
Expenditures:		
GENERAL FUND	0$	0$
FEDERAL FUNDS	0$	0$
Other (specify)	0$	0$
	0$	0$
TOTAL EXPENDITURES		
NET IMPACT		

__X__ This rule is required by State law or Federal mandate.
Please identify the state or federal law:

The rule change will implement Iowa Code sections 455B.133, 455B.139 and 455B.145, as well as the United States Clean Air Act sections 110(a)(2)(C) (42 USC §7410), 111 (42 USC §7411), 112 (42 USC §7412) and 501-507 (42 USC §7661a - §7661f).

___ Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

__X__ Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:

The Department will utilize existing resources at this time.

Fiscal impact to persons affected by the rule:
The Department has determined that most of the rule changes will have either a negligible or positive fiscal impact on affected facilities.

These amendments rescind unnecessary rules, update other rules, and streamline the rules to provide regulatory certainty and, in many cases, regulatory flexibility. The rule changes include:

- Shortening and updating titles and descriptions of air quality rules and forms.
- Reducing the number of copies required for submittal of a construction permit application and an Acid Rain permit application.
- Correcting and clarifying the construction permit exemptions, Title V exemptions, and Title V insignificant activities.
- Providing regulatory relief to facilities submitting a Title V application by no longer requiring submittal of information already submitted with an emissions inventory.
- Eliminating unnecessary and redundant federal reference dates.

These changes implement a portion of the Department's 5-year rules review plan as required under Iowa Code section 17A.7(2).

Additionally, the revised rules make changes that match federal regulations and eliminate inconsistency between federal and state rules, including:

- Adopting the most current EPA methods for measuring air pollutant emissions.
- Rescinding references to requirements of the Clean Air Interstate Rule (CAIR) that EPA has now eliminated.
- Rescinding references to requirements for nonattainment areas that EPA has removed from federal regulations.
- Updating rules for the declaration of emergency air pollution episodes to reflect the current federal ambient air quality levels and terminology.
- Updating the state's Title V and PSD rules to reflect EPA's recent revisions.

For the adopting of new and amended federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), the Department determined that some affected facilities could experience negative fiscal impacts. However, the amendments are only implementing federally mandated regulations. The amendments are identical to the federal regulations and would not impose any regulations on Iowa businesses not already required by federal law. In some cases, the revised federal standards provide more flexibility and potential cost savings, offering a positive fiscal impact on affected facilities.

<u>Chromium Electroplating (NESHAP – amended standard)</u>
The Department estimates that eleven existing facilities are affected by these amendments. Facilities were required to comply with new work practice standards by March 19, 2013, and with new emissions control requirements by September 19, 2014.

<u>Wood Furniture Manufacturing (NESHAP – amended standard)</u>
The Department estimates that nine existing facilities are subject to the amendments. Facilities were required to comply with the new requirements by November 21, 2014.

Nitric Acid Plants (NSPS – new and amended standards)
These amendments affect one existing fertilizer plant that underwent expansion and one new fertilizer plant currently under construction. The NSPS requires compliance upon start-up of the affected equipment.

Portland Cement Manufacturing (NSPS and NESHAP – amended standards)
EPA published amendments on July 25, 2016, September 11, 2015, July 27, 2015, and February 12, 2013, to provide a temporary compliance alternative, extend compliance dates and offer additional flexibilities from earlier amendments issued in 2010. Three existing facilities are affected by the amended standards. (One of the three facilities is not currently operating.)

Pesticide Active Ingredients (NESHAP – amended standard)
One facility is affected by the amendments. The NESHAP required compliance with some requirements by March 27, 2014, with a deadline of March 27, 2017, for other requirements.

Natural Gas Transmission and Storage (NESHAP – amended standard)
One facility notified the Department that the facility is subject to the new NESHAP. The NESHAP compliance date was October 15, 2015.

The Commission is also adopting federal standards affecting the following industries: pulp and paper production, flexible polyurethane foam production, amino/phenolic resins production, mineral wool production, and offsite waste and recovery operations. Although no facilities in Iowa are currently affected by these federal standards, existing facilities that change their production lines or new facilities could become subject to these standard in the future.

In addition, the Commission is rescinding adoption by reference of the NESHAP for petroleum refineries. Iowa has never had any facilities affected by this NESHAP, and is unlikely to have any affected facilities operating in Iowa in the future. If an affected facility should plan to locate to Iowa, the Department will evaluate whether to request adoption of the standards at that time.

The Commission is also removing outdated references to two NESHAP affecting brick and structural clay manufacturing and clay ceramics manufacturing.

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. It is unlikely that other cities or counties would be affected by the rule changes. However, if a city or county government is 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.

Environmental Protection Commission
Iowa Department of Natural Resources

ITEM **7** **DECISION**

TOPIC **Contract with IDALS for the 2017 Iowa Learning Farms Project**

Recommendations:
Commission approval is requested for a one-year contract with the Iowa Department of Agriculture and Land Stewardship (IDALS) to administer the Iowa Learning Farms Project for the 2017 cropping season. The contract will begin on January 16, 2017 and terminate on February 15, 2018. The total amount of this contract shall not exceed $75,000.

Funding Source:
This contract will be funded through EPA Section 319 grant funds.

Background:
The contract will continue to support an ongoing water quality educational project, the Iowa Learning Farms Project, carried out by Iowa State University (see separate project summary for more detailed information).

Purpose:
The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide water quality educational programming for the project selected.

Contractor Selection Process:
IDALS was chosen for this project because of its ongoing overall program coordination of the Iowa Learning Farms Project.

Contract History:
This contract is one of a series of contracts, dating back to 2004, to provide DNR support to the Iowa Learning Farms Project activities.

Steve Hopkins
Nonpoint Source Program Coordinator, Watershed Improvement Section
Water Quality Bureau, Environmental Services Division
December 19, 2016

Attachment: Iowa Learning Farms 2017 Project Summary and Scope of Work

Iowa Learning Farms Project 2017 Summary and Scope of Work

Project Name: Iowa Learning Farms: Building a Culture of Conservation—Farmer to Farmer: Iowan to Iowan
Amount: $75,000
Time Frame: January 16, 2017 – February 15, 2018 (1 year)
Description: New Funding for an Existing Statewide Farm-Level Water Quality Educational Project for the 2017 Crop Year
Project Goal: To increase the understanding between individual farm-level decisions and the aggregate impact on the environment.

Project Summary:
This project will work towards (1) Building soil health on cropland to improve water quality and (2) Supporting implementation of the Iowa Nutrient Reduction Strategy and Iowa's Nonpoint Source Management Plan. Established in 2004, Iowa Learning Farms (ILF) is a proven key educator on timely issues related to soil health and water quality improvement, nutrient management, and general conservation information for farmers. ILF's varied outreach mechanisms afford excellent opportunities for facilitating dialogue and information exchange with farmers, landowners, and managers.

Project Objectives
The ILF project's overall **goal** is to be the collaborative voice of the major conservation stakeholders in Iowa to help advance the efforts of the Iowa Nutrient Reduction Strategy, educating farmers statewide on issues of soil health and water quality. The **strategies** include: (1) Increased understanding of conservation best management practices through on-farm demonstrations; (2) Increased communication and sharing of expertise via field days, workshops, webinars, online publications, conferences, articles and other print publications; (3) Increased training support for farmers; and (4) Continued evaluation of ILF field days, a critical component of feedback, ensuring the messages fit the means, the audience and our goals.

The established Iowa Learning Farms team will work to meet the following project **objectives**:

1) Demonstrate and evaluate best conservation practices (with emphasis on strip tillage, no tillage and cover crops) on 14 demonstration sites throughout Iowa;
2) Identify and address conservation management challenges and social barriers to adoption to help farmers achieve concurrent goals of a healthy ecosystem and maintaining top-end cash grain crop yields and profitability; and
3) Educate Iowa State University Extension and Outreach specialists, state and federal agency field staff, crop consultants and farmers about the soil and water quality benefits of conservation practices, successful management strategies and encourage these stakeholders to add these practices to their management systems and/or promote them among their farmer clients.

Project Methods
Our overall **method** is twofold: 1) Utilize results from 14 conservation demonstration sites statewide to inform farmer **field days**; and 2) Deliver a program to **educate farmers and stakeholders** on the soil health and water quality benefits of conservation practices and the use of successful management strategies. Objectives include:

Objective 1. Demonstrate and evaluate best conservation practices (with emphasis on strip tillage, no tillage and cover crops) on 14 demonstration sites across Iowa.
ILF will continue to work with 14 demonstration partners to develop and maintain on-farm demonstration projects that implement randomized, replicated field-length strips of cover crops and other conservation practices into their farming systems. Collection of targeted agronomic data specific to the demonstration practice(s) will be managed by ILF staff, with assistance from local Iowa State University Extension and Outreach (ISUEO) personnel. Data collection includes above ground cover crop biomass, crop stand and population counts, crop grain yield and soil nitrate measurements.

Objective 2. Identify and address conservation management challenges and social barriers to adoption to help farmers achieve concurrent goals of a healthy ecosystem and maintaining cash grain crop yields and profitability.

Field operation and crop input information will be collected from farmer-partners at each demonstration site. Farmer-partners will estimate and report on row crop establishment (seedling emergence) 3-4 weeks after planting and will also be directed to observe and record any differences in row crop growth and development in replicated treatment strips during the crop growing season. At harvest, project personnel will again consult with farmer-partners, ensuring that grain yield and moisture data are accurately collected from sites. Project personnel will perform an economic analysis of the costs of the conservation practice versus the economic benefits, and address the social barriers to adoption of conservation practices.

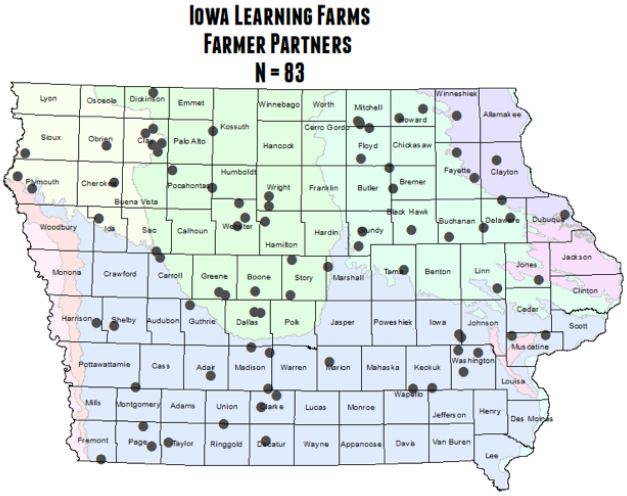
Objective 3. Educate ISUEO specialists, state and federal agency field staff, crop consultants and farmers about the soil and water quality benefits of conservation practices, successful management strategies and encourage these stakeholders to add these practices to their management systems and/or promote them among their farmer clients.

ILF will disseminate project information through the following means:

- **Conducting 15 field days/workshops** at demonstration sites and/or farmer-partner sites across Iowa to demonstrate conservation management techniques and provide training to ag professionals.
- Facilitating information exchange among ISUEO, state and federal agency field staff, crop consultants and crop consultant associations, farmers and other conservation professionals on the management of cover crops, strip tillage, no tillage and other conservation practices.
- Communicating project information and data collection through ISUEO Crop and Soils Clinics, Integrated Crop Management Conference, NRCS materials and meetings, Crop Advantage Series meetings, PFI Annual Conference, CDI Conference and other statewide conferences and workshops.
- Promoting conservation practices through press releases, social media, ILF blog and e-newsletter, *Wallaces Farmer* magazine, Iowa News Service and other partner outlets for broad public distribution.

Project Geographic Area/Location

Iowa Learning Farms currently has 83 active farmer-partners in 52 counties across the state, as shown



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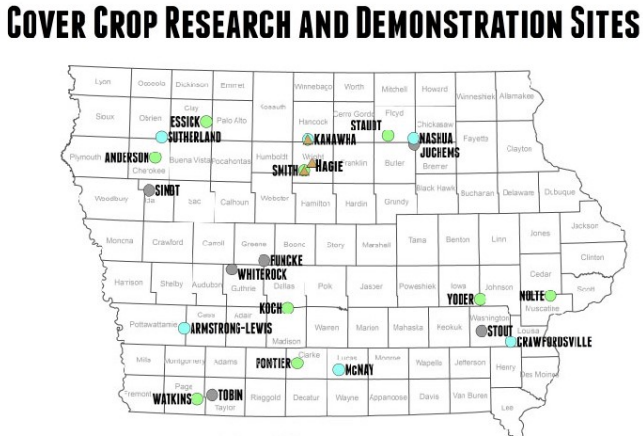

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Project Management
Iowa Learning Farms Project activities are carried out by the Iowa State University Extension staff members listed below. ILF Project activities are guided by an inter-agency steering committee, with agency and organizational representatives listed below.

Key Project Personnel	Roles and Responsibilities
Dr. Jacqueline Comito serves as Program Co-Manager for Iowa Learning Farms. As an anthropologist, she has extensive experience in evaluation and qualitative research methods.	As Program Director, Comito oversees all project staff and coordinates the efforts of program evaluation. She helps identify barriers to conservation practice adoption by farmers and facilitates the production of outreach and educational materials.
Dr. Matt Helmers is Professor of Agricultural and Biosystems Engineering. Helmers' research and extension focus is in the areas of water quality and agricultural water resources management. Helmers co-manages the Iowa Learning Farms.	As Program Faculty Manager, Helmers leads the evaluation of the impacts of conservation practices on water quality and soil health. Helmers' outreach will focus on education of producers and other stakeholders on the impacts of conservation practices on water quality and their connection to Iowa's nutrient reduction goals.
Ann Staudt is ILF's Assistant Program Manager and water quality specialist. She has a MS in environmental engineering.	As Assistant Manager, Staudt aids in the production of outreach and educational materials, is a lead educator and supervises the citizen outreach.
Elizabeth Juchems is ILF's Field and Events Coordinator and student intern coordinator. Juchems has her masters degree in agricultural economics.	As Field and Events Coordinator, Juchems coordinates all of the field demonstrations, Conservation Station events for ILF and Water Rocks!, and all logistics for field days. Juchems also serves as a key educator and coordinates the summer student internship program.
Nathan Stevenson is a Conservation Educator with ILF. Stevenson's background is in political science and graphic design.	As a Conservation Educator, Stevenson assists in the coordination of outreach activities and outreach materials, as well as graphic design of ILF's outreach materials.
Julie Whitson is ILF's Assistant Program Evaluator and Conservation Educator. She has a MA in sustainable agriculture and community and regional planning.	As Assistant Program Evaluator, Whitson facilitates all of the evaluation work for the program. She also is an educator at Conservation Station events.
Iowa State University Extension and Outreach advisors	**Jamie Benning** is an agronomist and Extension Watershed Specialist; she advises the ILF team on agronomic issues. Dr. **Mark Licht**, assistant professor in agronomy; advises on cover crops and other production issues. Other faculty advisors include Dr. Rick Cruse, agronomy; Dr. Mark Hanna, agricultural and biosystems engineerings.
ILF's Steering Committee is led by the Iowa Department of Agriculture and Land Stewardship (Division of Soil Conservation and Water Quality) and includes representatives of IDNR, NRCS, CDI, and Farm Bureau.	The Iowa Learning Farms Steering Committee has worked together since 2004 and holds bi-annual meetings to ensure good communication and progress.

Environmental Protection Commission
Iowa Department of Natural Resources

ITEM **8** **DECISION**

TOPIC **Contract with Iowa State University for 2017 Lake Monitoring**

Recommendations:
Commission approval is requested for a 1 year-service contract with Iowa State University of Ames, Iowa. The contract will begin on February 1, 2017 and terminate on January 31, 2018. The total amount of this contract shall not exceed $183,383.70.

Funding Source:
This contract will be funded through Iowa Code section 8.57A Environment First Fund (60%) and Iowa Code 456A.33B Lake Restoration Program (40%).

Background:
This contract encompasses the majority of lake water quality monitoring conducted as part of the state-wide water monitoring program and is the primary basis for assessing the state's lake water quality. The purpose of this program is to define the condition of Iowa's lakes, characterize the existing and emerging issues, measure changes or trends in water quality, and provide information to citizens and decision-makers. Specific ways the DNR intends to utilize the information gathered and analyzed in this Contract include: to fulfill Clean Water Act requirements of the department including: biennial reports on the status of lake water quality, impaired waters listing, and total maximum daily load reports; manage and evaluate this natural resource; and allocated lake restoration funds most appropriately.

Purpose:
The parties propose to enter into this Contract for the purpose of retaining the Contractor to provide the DNR with lake monitoring data. As part of this contract ISU will provide field and analytical support for monitoring on 131 of Iowa's significantly publicly owned lakes. The lakes are monitored three times during the field season for basic water chemistry, nutrients, plankton composition, algal toxins, and clarity.

Contractor Selection Process:
The contract with Iowa State University will be an intergovernmental agreement. DNR may enter into this contract according to the provisions of Iowa Code section 455B.103(3). Iowa State University was chosen for this project because of extensive previous lake monitoring experience with the DNR (Iowa State University has completed similar lake monitoring to activities described in the contract for the DNR in 2000-2007, and 2009-2016).

Roger Bruner
Supervisor, Water Quality Monitoring and Assessment Section
Water Quality Bureau, Environmental Services Division
January 18, 2017

Attachment(s): Contract Special Conditions

Section 5 STATEMENT OF WORK

5.1 Statement of Work. ISU shall be responsible to perform the following tasks as described by the Task Milestone Dates set out in the following table. Failure to complete any task or part thereof by the relevant task milestone date shall be cause for DNR to terminate this contract for cause.

Obligation	Task Milestone Date
Task 1: Project Oversight **Description:** The contractor shall provide staff qualified to conduct project activities (e.g. project oversight, field collection operations, laboratory analysis of chemical and biological samples, quality assurance, and reporting).	Ongoing throughout the term of this Contract.
Task 2: Monitoring **Description:** • The contractor shall provide monitoring for Iowa's ambient monitoring lakes listed in Table 1. • Sites: Monitoring samples shall be collected from one site on each lake, as outlined in Table 1. • Frequency: The contractor shall collect three samples per lake per calendar year, one in each of three sampling rounds, with a minimum of five weeks between each lake's sample collection, during the summer of 2017. No deviations from the sampling frequency plan shall occur without prior written consent of the DNR technical contact with the exception of lakes that are physically inaccessible due to factors such as draw down or flooding. In the case of lakes that are physically inaccessible, the contractor shall notify DNR that the lake was not sampled and reasoning therefor no later than the end of the sampling round. • Field Monitoring: Required parameters are listed in Table 3. Samples shall also be collected for processing in the laboratory as described in Task 3 and 4 for the remaining parameters listed in Table 2. Approach: Measurements listed above shall follow the DNR- approved QAPP. Collection of water and biological samples for processing at a later date shall follow the DNR-approved QAPP created by the contractor pursuant to Task 6.	2017 First round of monitoring shall begin no earlier than May 14, 2017 and be completed no later than June 24, 2017. Second round of monitoring shall begin no earlier than June 25, 2017 and be completed no later than August 12, 2017. Third round of monitoring shall begin no earlier than August 13, 2017 and be completed no later than September 23, 2017.
Task 3: Chemical and Limnological Analysis **Description:** To provide chemical and limnological analysis of the lakes, the contractor shall process water samples collected during each of the three sampling rounds described in Task 3. A full set of parameters listed in Table 2 shall be analyzed for each lake. Secchi disk photographs collected pursuant to Task 3 of this contract shall also be submitted with chemical and limnological data at the end of each sampling round. Analyses shall follow standard methods as agreed upon by the DNR and shall follow the DNR-approved QAPP created by the contractor pursuant to Task 6 of this contract.	2017 First round data update report shall be completed no later than July 24, 2017. Second round data update report shall be completed no later than September 11, 2017. Third round of monitoring shall be completed no later than October 23, 2017.
Task 4: Phytoplankton and Zooplankton Analysis **Description:** To provide biological analysis of the lakes, ISU shall process water samples collected during each of the three sampling rounds described in Task 2. A full set of biological parameters shall be collected and preserved for each lake (Table 1). Required Parameters: A subset of phytoplankton samples from each of the three rounds shall be analyzed to determine the presence and amount of phytoplankton biomass, composition, and the percent cyanobacteria of total phytoplankton biomass. Log-transformed chlorophyll a measurements from each lake in each sampling round will be used to determine which lake falls in which of the four quartiles. A subset 10	December 31, 2017

plankton samples will be randomly selected from each quartile of all of the lakes sampled in each round. Within a given sampling year, if a lake is selected twice for phytoplankton counting, it will not be counted a second time. Instead, a different lake in the same quartile that has not been counted will be selected for counting. If all of the lakes within a quartile of a given round have been counted, the remaining counts will be distributed to the nearest quartiles. This will maintain the distributed sampling scheme while not allowing for repeat counts. (Total lakes for phytoplankton counting= 10 lakes × 4 quartiles × 3 rounds = 120 samples) Each zooplankton sample shall be analyzed to determine the presence, biomass and composition. Approach: Collection and analysis shall follow standard methods as agreed upon by DNR and shall follow the DNR-approved QAPP created by the contractor pursuant to Task 6 of this contract.	
Task 5: Data Transfer **Description:** All chemical, physical, and biological data results from this contract shall be submitted to DNR in electronic form for submittal to the DNR EQUIS compatible database. The contractor shall generate and submit a summary table of data and appropriate metadata, as described in Table 3, annually. The data summary shall be converted by the contractor to an up-loadable Excel (.xlsx) file for the EQUIS database. Depth profile data (temperature, dissolved oxygen, pH, specific conductance, turbidity, and total dissolved solids) shall be submitted to DNR annually in Excel spreadsheets for each individual sample or for each of the lakes listed in Table 1. Phytoplankton and zooplankton biomass and composition data shall be submitted by ISU to DNR annually in Excel spreadsheets.	<u>2017</u> July 24, 2017. September 11, 2017. October 23, 2017. December 31, 2017
Task 6: Quality Assurance **Description:** As a condition precedent to performing Tasks 1, 2, 3, 4, and 5 required by this Contract, the Contractor shall obtain and maintain laboratory certification for the parameters described in Table 4, which is attached to this contract and by this reference made a part hereof, prior to May 1, 2017. Failure by the contractor to obtain the necessary laboratory certification by May 1, 2017, or maintain laboratory certification throughout the term of this contract shall be grounds for DNR to terminate this contract for cause. The contractor shall also complete and follow a DNR-approved Quality Assurance Project Plan (QAPP) prior to sample collection each calendar year prior to the first sampling event. The contractor shall utilize approved laboratory methods contained in Table 2, which is attached to this contract and by this reference made a part hereof or agreed upon with DNR in writing. All contractor requests for deviations from the QAPP shall be submitted to and approved in writing by the DNR technical contacts prior to changing any protocols.	Laboratory certification shall be obtained by no later than May 1, 2017, and shall be maintained thereafter throughout the term of this Contract. All other obligations shall be ongoing throughout the term of this Contract unless noted in Table 2.

7.4 Budget. The budget for this Contract shall be as follows:

2017 Budget

Task	Amount of compensation allotted to Task
Task 1: Project Oversight	$ 34,394.96
Task 2: Monitoring	$ 58,404.47
Task 3: Analysis	$ 77,519.25
Task 4: Phytoplankton and Zooplankton Analysis	$ 13,065.00
Task 5: Data Transfer	$ 0.00
Task 6: Quality Assurance	$ 0.00
Total	**$ 183,383.70**

7.5 Payment Schedule. This Contract is being entered into on a fixed-cost basis, with the following payments due to ISU based on the budget identified in Section 7.4:

2017 Budget

Task Milestone Date	Amount Due	Invoice due from ISU:
Task 1: Project Oversight	Round 1: $9,710.13 Round 2: $9,710.13 Round 3: $9,710.13 Final Payment: $5,264.58	August 7, 2017 September 25, 2017 November 6, 2017 January 31, 2018
Task 2: Monitoring	Round 1: $19468.16 Round 2: $19468.16 Round 3: $19468.15	August 7, 2017 September 25, 2017 November 6, 2017
Task 3: Analysis	Round 1: $25,839.75 Round 2: $25,839.75 Round 3: $25,839.75	August 7, 2017 September 25, 2017 November 6, 2017
Task 4: Phytoplankton and Zooplankton Analysis	$13,065.00	January 31, 2018
Task 5: Data Transfer	Round 1: $0.00 Round 2: $0.00 Round 3: $0.00 Final Payment: $0.00	August 7, 2017 September 25, 2017 November 6, 2017 January 31, 2018
Total	**Not to exceed $183,383.70**	

Table 1. List of Lakes (131 lakes)

LAKE NAME	COUNTY NAME	Zone	UTM (NAD83)_E	UTM (NAD83)_N	STORET ID #
Arbor Lake	POWESHIEK	15T	522208	4620023	22790004
Arrowhead Lake	SAC	15T	330913	4684821	22810001
Arrowhead Pond	POTTAWATTAMIE	15T	283366	4590394	22780002
Avenue of the Saints Pond	BREMER	15T	537932	4728217	22090001
Badger Creek Lake	MADISON	15T	423948	4591311	22610004
Badger Lake	WEBSTER	15T	402152	4715564	22940001

Beaver Lake	DALLAS	15T	398857	4598583	22250001
Beeds Lake	FRANKLIN	15T	480648	4735349	22350001
Belva Deer Lake	KEOKUK	15T	573309	4581050	22540001
Big Creek Lake	POLK	15T	439195	4627158	22770004
Big Spirit Lake	DICKINSON	15T	331474	4816182	22300014
Black Hawk Lake	SAC	15T	332737	4684676	22810002
Blue Lake	MONONA	14T	735109	4658584	22670002
Bob White Lake	WAYNE	15T	466195	4507529	22930001
Briggs Woods Lake	HAMILTON	15T	434340	4698112	22400004
Browns Lake	WOODBURY	14T	720509	4687502	22970001
Brushy Creek Lake	WEBSTER	15T	419452	4693385	22940002
Carter Lake	POTTAWATTAMIE	15T	256763	4574951	22780001
Casey Lake (aka Hickory Hills Lake)	TAMA	15T	556799	4679422	22860001
Center Lake	DICKINSON	15T	327040	4808866	22300010
Central Park Lake	JONES	15T	653994	4663939	22530001
Clear Lake	CERRO GORDO	15T	466268	4774806	22170001
Cold Springs Lake	CASS	15T	325216	4573283	22150001
Crawford Creek Impoundment	IDA	15T	285029	4683695	22470001
Crystal Lake	HANCOCK	15T	435655	4786691	22410001
DeSoto Bend	HARRISON	15T	249869	4602795	22430001
Diamond Lake	POWESHIEK	15T	537005	4603777	22790005
Dog Creek (Lake)	OBRIEN	15T	298673	4756706	22710002
Don Williams Lake	BOONE	15T	415668	4662752	22080004
East Lake (Osceola)	CLARKE	15T	437568	4542625	22200001
East Okoboji Lake	DICKINSON	15T	329240	4805563	22300008
Easter Lake	POLK	15T	453561	4599467	22770001
Eldred Sherwood Lake	HANCOCK	15T	453913	4754481	22410002
Five Island Lake	PALO ALTO	15T	365151	4778284	22740001
Fogle Lake S.W.A.	RINGGOLD	15T	386075	4519012	22800001
Frog Hollow (aka Volga Lake)	FAYETTE	15T	600406	4750016	22330001
Geode Lake	HENRY	15T	636086	4519060	22290001
George Wyth Lake	BLACK HAWK	15T	549227	4709350	22070001
Green Belt Lake	BLACK HAWK	15T	550258	4703153	22070002
Green Castle Lake	MARSHALL	15T	511599	4642026	22640001
Green Valley Lake	UNION	15T	383771	4550594	22880001
Greenfield Lake	ADAIR	15T	376097	4572809	22010001
Hannen Lake	BENTON	15T	573620	4635034	22060001
Hawthorne Lake (aka Barnes City Lake)	MAHASKA	15T	545225	4591772	22620001
Hickory Grove Lake	STORY	15T	469862	4648754	22850001
Hooper Area Pond	WARREN	15T	450572	4569736	22910001
Indian Lake	VAN BUREN	15T	605625	4498378	22890001
Ingham Lake	EMMET	15T	362141	4797381	22320001
Iowa Lake	IOWA	15T	568838	4609565	22480001
Kent Park Lake	JOHNSON	15T	605610	4619828	22520005
Lacey Keosauqua Park Lake	VAN BUREN	15T	587005	4507197	22890004
Lake Ahquabi	WARREN	15T	450128	4571411	22910002
Lake Anita	CASS	15T	351107	4587804	22150002
Lake Cornelia	WRIGHT	15T	443598	4737844	22990001
Lake Darling	WASHINGTON	15T	591791	4561704	22920004
Lake Hendricks	HOWARD	15T	536633	4802170	22450001
Lake Icaria	ADAMS	15T	352814	4545589	22020001
Lake Keomah	MAHASKA	15T	538737	4571624	22620002
Lake MacBride	JOHNSON	15T	618554	4627833	22520001

Lake Manawa	POTTAWATTAMIE	15T	260423	4565471	22780003
Lake Meyer	WINNESHIEK	15T	588353	4780811	22960004
Lake Miami	MONROE	15T	513115	4552306	22680001
Lake of the Hills	SCOTT	15T	693835	4599221	22820001
Lake of Three Fires	TAYLOR	15T	357277	4507928	22870001
Lake Pahoja	LYON	14T	704889	4806432	22600001
Lake Smith	KOSSUTH	15T	399091	4775238	22550001
Lake Sugema	VAN BUREN	15T	585532	4504193	22890005
Lake Wapello	DAVIS	15T	535876	4518819	22260001
Little River Watershed Lake	DECATUR	15T	434243	4511324	22270001
Little Sioux Park Lake	WOODBURY	15T	269535	4703168	22970002
Little Spirit Lake	DICKINSON	15T	328118	4819919	270630001
Little Wall Lake	HAMILTON	15T	447308	4679700	22400001
Littlefield Lake	AUDUBON	15T	351033	4602402	22050001
Lost Island Lake	PALO ALTO	15T	345461	4781798	22740002
Lower Gar Lake	DICKINSON	15T	328162	4802118	22300012
Lower Pine Lake	HARDIN	15T	493573	4690523	22420001
Manteno Park Pond	SHELBY	15T	295220	4636448	22830001
Mariposa Lake	JASPER	15T	503131	4625051	22500002
Meadow Lake	ADAIR	15T	379713	4582728	22010003
Meyer Lake	BLACK HAWK	15T	558422	4701286	22070003
Mill Creek (Lake)	OBRIEN	15T	282239	4762585	22710001
Minnewashta Lake	DICKINSON	15T	327892	4803075	22300011
Mitchell Lake	BLACK HAWK	15T	556374	4703029	22070004
Moorhead Park Pond	IDA	15T	295738	4692450	22470002
Mormon Trail Lake	ADAIR	15T	362993	4567027	22010004
Nelson Park Lake	CRAWFORD	15T	285400	4646003	22240001
Nine Eagles Lake	DECATUR	15T	434654	4494280	22270002
North Twin Lake	CALHOUN	15T	365291	4703900	22130001
Oldham Lake	MONONA	15T	268956	4654446	22670001
Orient Lake	ADAIR	15T	379580	4561592	22010002
Otter Creek Lake	TAMA	15T	539731	4654624	22860002
Pierce Creek Pond	PAGE	15T	301205	4522705	22730001
Pleasant Creek Lake	LINN	15T	598261	4664272	22570001
Poll Miller Park Lake	LEE	15T	632119	4508044	22560001
Prairie Rose Lake	SHELBY	15T	314460	4607886	22830002
Rathbun Reservoir	APPANOOSE	15T	509274	4519647	22040001
Red Haw Lake	LUCAS	15T	477125	4538894	22590002
Roberts Creek Lake	MARION	15T	495911	4585546	22630002
Rock Creek Lake	JASPER	15T	512058	4620878	22500001
Rodgers Park Lake	BENTON	15T	576305	4672531	22060002
Silver Lake	PALO ALTO	15T	346533	4765956	22740003
Silver Lake	DELAWARE	15T	637621	4698155	22280001
Silver Lake	DICKINSON	15T	310878	4812247	22300007
Slip Bluff Lake	DECATUR	15T	427903	4500674	22270003
South Prairie Lake	BLACK HAWK	15T	544357	4703015	22070005
Spring Lake	GREENE	15T	393292	4657761	22370001
Springbrook Lake	GUTHRIE	15T	378105	4625949	22390001
Storm Lake (incl Little Storm Lake)	BUENA VISTA	15T	319246	4721151	22110001
Summit Lake	UNION	15T	382604	4546330	22880005
Swan Lake	CARROLL	15T	347597	4655325	22140001
Thayer Lake	UNION	15T	410395	4541725	22880002
Three Mile Lake	UNION	15T	398046	4547477	22880003
Twelve Mile Creek Lake	UNION	15T	394545	4545652	22880004

Union Grove Lake	TAMA	15T	523137	4663698	22860003
Upper Gar Lake	DICKINSON	15T	328248	4804043	22300013
Upper Pine Lake	HARDIN	15T	494546	4691273	22420002
Viking Lake	MONTGOMERY	15T	329262	4538076	22690001
West Lake (Osceola)	CLARKE	15T	432337	4543511	22200002
West Okoboji Lake	DICKINSON	15T	325979	4804535	22300009
White Oak Conservation Area Lake	MAHASKA	15T	543851	4569256	22620003
Williamson Pond	LUCAS	15T	481905	4549487	22590001
Willow Lake	HARRISON	15T	268170	4627925	22430002
Wilson Park Lake	TAYLOR	15T	369980	4521871	22870002
Windmill Lake	TAYLOR	15T	345758	4510391	22870003
Yellow Smoke Park Lake	CRAWFORD	15T	307508	4654981	22240002
Big Hollow Lake	DES MOINES	15T	648405	4533998	22290002
Ottumwa Lagoon	WAPPELO	15T	548005	4539647	22900001
Nodaway Lake	ADAIR	15T	374603	4571962	22010005
Rudd Lake	FLOYD	15T	508794	4774780	22340001
Snyder Bend Lake	WOODBURY	15T	719695	4684482	22970003
Lost Grove Lake	SCOTT	15T	713417	4616278	14000134

Table 5. 2017 Budget for Tasks 2, 3, and 4

Parameter:	Unit Cost:	# Sampling Sites:	Frequency of Sampling:	Total Cost:
Task 2 Monitoring*	**$148.60**	**131**	**3**	**$58,404.47**
Task 3 Analysis				
Total Kjeldahl Nitrogen as N	$26.50	131	3	$10,414.50
Ammonia as N	$12.75	131	3	$5,010.75
Nitrate+Nitrite as N	$16.00	131	3	$6,288.00
Un-ionized Ammonia as N	Included (Calculated with field pH)	131	3	---
Total Phosphorus	$16.00	131	3	$6,288.00
Soluble Reactive Phosphorus	$15.00	131	3	$5,895.00
Total Fixed Suspended Solids	Included w/ TSS	131	3	---
Total Volatile Suspended Solids	Included w/ TSS	131	3	---
Total Suspended Solids	$20.00	131	3	$7,860.00
Total Alkalinity	$14.00	131	3	$5,502.00
Chlorophyll a	$16.00	131	3	$6,288.00
Phycocyanin	$25.00	131	3	$9,825.00
Total Microcystin	$36.00	131	3	$14,148.00
Task 3 Analysis SUB-TOTAL	**$197.25**		**TOTAL:**	**$77,519.25**
Task 4 Analysis				
Phytoplankton biomass and composition**	$27.00	120	1	$3,240.00
Zooplankton composition	$25.00	131	3	$9,825.00
Cyanobacteria biomass (calculated from Phytoplankton biomass)	Included	120	1	---
Task 4 Analysis SUB-TOTAL	**$52.00**		**TOTAL:**	**$13,065**

* Cost listed reflect cost for sampling an individual lake and collecting field parameters: Secchi depth, Secchi photo, YSI lake profile, temperature, pH, turbidity, conductivity, dissolved oxygen (mg/L and % saturation), and total dissolved solids.

** Phytoplankton analysis based on total lakes for phytoplankton counting= 10 lakes × 4 quartiles × 3 rounds = 120 samples

To: Honorable Governor Terry E. Branstad

From: The Environmental Protection Commission

Date: January 18, 2017

Subject: 2016 Annual Report and Recommendations

The Iowa Environmental Protection Commission respectfully submits its Annual Report and Recommendations to the Governor and General Assembly of Iowa pursuant to Iowa Code Section 455B.105(5). The report highlights what we consider the major activities and accomplishments of the Commission in 2016.

As specified in the statute, this report discusses the accomplishments and status of the programs administered by the Environmental Services Division of the Department of Natural Resources (DNR). The report also makes legislative recommendations for consideration by the Governor and General Assembly based on Commission observations regarding the state of the environment in the past year. The report also takes into account comments and concerns the Commission hears from Iowa citizens.

We thank you for your consideration of this report and its recommendations.

_____	_____
Mary Boote, Chair, Des Moines	Joe Riding, Altoona
_____	_____
Nancy Couser, Nevada	Bob Sinclair, Sigourney
_____	_____
Cindy Greiman, Secretary , Garner	Ralph Lents, Menlo
_____	_____
LaQuanda Hoskins, Bettendorf	Gene VerSteeg, Inwood
_____	
Chad Ingels, Vice-Chair , Randalia	

Iowa Environmental Protection Commission
Annual Report and Recommendations

Summary and Recommendations

The Environmental Protection Commission recommends funding beyond the base budget request and fee allotment, with the goal being to maintain the services required to fulfill the commitments of the work plan agreement between EPA Region 7 and the DNR. Financial resources are necessary to maintain responsible and reliable environmental programs to protect and enhance lives of all Iowa citizens. The public is loud and clear on the priority of clean water in our state, it is also clear that this goal requires ongoing support and collaborative effort. The DNR can only hold up its end of the effort if it is funded to do so.

The Commission supports and encourages working with industries and stakeholders to utilize process improvement and technologies to create program efficiencies and sustainability while maintaining or improving environmental quality and to offset the costs of doing business while revenues maintain or decline.

In addition, the Commission recommends legislative review to increase the legal limits on fines the department can levy upon polluters and repeat violators. These fines were established decades ago and need revision for current standards.

The Commission supports Iowa's Nutrient Reduction Strategy and encourages increased legislative support including the Iowa Department of Agriculture and Land Stewardship's (IDALS's) request for $10 million for the Water Quality Initiative cost-sharing programs along with the collaborative efforts of DNR and Iowa State University. As you know, DNR is responsible for the point-source side of regulation. Communities are being required to monitor and develop plans for nutrient reduction at a cost of $15-$40K just for the plan. Please support funding and efforts as these opportunities present themselves.

The Commission thanks the Governor and the General Assembly for the opportunity to submit this report and invites further inquiry and conversation about these issues.

Ongoing Environmental Accomplishments

In 2016 the Commission continued to have a significant role in supporting our state's efforts to improve water quality. Nearly every month we approve contracts for the State Revolving Fund, watershed improvement, or water quality monitoring working through partnerships with IDALS, the State Hygienic Laboratory, the Regent Universities, and the U.S. Geological Survey. On a quarterly basis we review funding for Iowa communities and individuals for point and nonpoint water quality improvement projects. The Commission awarded over $11M in funds in support of these types of projects in 2016. Progress continues to be made toward improved water quality through these efforts and the Iowa Nutrient Reduction Strategy, which supports the need for continued funding.

The Land Quality Bureau at the DNR is equipped to work with the public and business to provide financial and technical assistance resulting in cost-effective improvements and opportunities for increased productivity and positive environmental impacts. Through the "Change Our Ways, Change Our World" initiative, the DNR is partnering with local agencies to provide convenient, safe options for the management and disposal of household hazardous materials (HHMs). In addition, the Commission has supported numerous Solid Waste Program Contracts and Grants totaling over $650K in 2016 alone. This is a significant increase from recent past years. There continues to be a focus on maintaining and improving air quality. This year, the Commission approved over $4M of funds alone to support air quality initiatives.

The funds mentioned do not include any projects less than $25K, as they do not require Commission approval.

The Commission meets at various locations around the state with an open invitation to the public to attend all of the public meetings and they are encouraged to comment during the meeting or submit items in writing if unable to attend. In addition to meeting at the DNR Air Quality Facility and the State Capitol, the Commission has held meetings in 4 additional counties across the state and has received over 160 verbal and written comments in 2016 relating to environmental topics and over 1,300 verbal and written comments related to rule making decisions.

Environmental Accomplishment through Enforcement and Judicial Action

The DNR assessed administrative penalties totaling $388,473 (not including fish kill restitution) and 9 referrals to the Attorney General Office.

Environmental Accomplishment through Rules of Substance

Ch. 64 (GP7) – NPDES General Permit No. 7 – General Permit No.7 related to pesticide discharges,

Ch. 64 (GP5) – NPDES General Permit No. 5 –General Permit No. 5 related to discharges from mining and processing facilities.

Ch. 61, 64 – Water Quality Standards – Amendments to Wastewater Rules related to the Iowa Antidegradation Implementation Procedure.

Ch. 65 – Animal Feeding Operations – Provided clarity to the animal feeding operation rules to help in future assessments.